

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

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

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Charleston, West Virginia, Friday, February 23, 2018

The Senate met at 11:03 a.m.

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

Prayer was offered by Chuck Kinder, Lay Pastor, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Chandler Swope, a senator from the sixth district.

Pending the reading of the Journal of Thursday, February 22, 2018,

At the request of Senator Drennan, 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 concurrence by that body in the passage of

**Eng. Com. Sub. for Senate Bill 71**, Defining “veteran” as it pertains to veteran-owned business.

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

**Eng. Com. Sub. for House Bill 3061**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5E-8, relating to encouraging mastery-based education through the Innovation In Schools program; making findings and stating purpose; providing definitions; specifying duties of Department of Education with respect to program; requiring participation in incubator process; incorporating statutory provisions related to Innovation In Education schools; prohibiting penalties for student who transfers from mastery-based to nonmastery-based schools; and requiring institutions of higher education to recognize and accept high school diplomas on equal footing.

Referred to the Committee on Education.

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

**Eng. Com. Sub. for House Bill 4207**—A Bill to amend and reenact §39-4-20 of the Code of West Virginia, 1931, as amended, relating to receiving a commission to act as a notary public; authorizing an online electronic application process to apply to receive a commission to act as a notary public; removing the oath of office and requiring an applicant to swear or affirm under penalty of perjury that answers to questions in the application are true and if appointed, the applicant will perform faithfully all notarial acts in accordance with the law; and eliminating the \$1000 bond requirement.

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 4368**—A Bill to amend and reenact §21-5-3 of the Code of West Virginia, 1931, as amended, relating to voluntary assignments of wages by state employees who have been overpaid; clarifying exemption from wages; and requiring written acknowledgement and waiver as part of a voluntary authorization or order.

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. House Bill 4422**—A Bill to amend and reenact §35-5-4 of the Code of West Virginia, 1931, relating to permitting permanent endowment funds of cemeteries to invest their principal in government bonds, and corporate bonds that have been rated A or above.

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 4424**—A Bill to amend and reenact §6B-1-3 of the Code of West Virginia, 1931, as amended, all relating to providing that the Ethics Act applies to certain persons providing services without pay to elected officials.

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 4451**—A Bill to amend and reenact §15-9-4 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new article, designated §15-9C-1, §15-9C-2, §15-9C-3, §15-9C-4 and §15-9C-5, all relating to creating the West Virginia Sentencing Commission; establishing the commission as a standing subcommittee of the Governor's committee on crime, delinquency and correction; authorizing the commission

to seek and utilize funding and grants; setting forth legislative findings; setting forth the purpose of the commission; establishing composition and membership of commission; setting forth the powers and duties of the commission; setting forth objectives for the commission; directing commission provide annual assessment and recommendations to the Legislature; and authorizing the commission to make additional recommendations to the Legislature.

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 4511**—A Bill to amend and reenact §62-1C-1a of the Code of West Virginia, 1931, as amended, relating to the authorization to release a defendant or a person arrested upon his or her own recognizance; requires a court or magistrate to release a person charged with certain misdemeanor offenses on his or her own recognizance except for good cause shown.

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. House Bill 4617**—A Bill to amend and reenact §17C-5-2 of the Code of West Virginia, 1931, as amended, clarifying that driving under the influence of alcohol, controlled substances, or drugs must be for circumstances where the operator is upon a public highway, or is on a private road either before or after entering or exiting a public highway.

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 4618**—A Bill to amend and reenact §61-6-1, §61-6-1a, §61-6-3, §61-6-4, and §61-6-5 of the Code of West Virginia, 1931, as amended, relating to the authority of the Division of Protective Services to compel dispersal of a riot or unlawful assemblage; to the authority of the Division of Protective Services to control riots and unlawful assemblages; to include officers of the Division of Protective Services among those officers on whom the penalty for failure to exercise power at riots and unlawful assemblages may be imposed; allowing Division of Protective Services officers to summon persons to suppress unlawful assemblages; to hold harmless Division of Protective Services officers from liability for the death of persons in riots and unlawful assemblages; and to make technical corrections.

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. House Bill 4625**—A Bill to amend and reenact §11B-2-20 of the Code of West Virginia, 1931, as amended, relating to allocating a portion of any general revenue surplus accruing after a fiscal year to the Public Employees Insurance Agency Financial Stability Fund; providing limit

on balance of fund that suspends allocation; modifying portion allocated to revenue shortfall reserve fund; and terminating provisions.

Referred to the Committee on Finance.

The Senate proceeded to the fourth order of business.

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

Your Committee on Government Organization has had under consideration

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

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

**Com. Sub. for Senate Bill 261** (originating in the Committee on Government Organization)—A Bill to repeal §31-18D-1, §31-18D-2, §31-18D-3, §31-18D-4, §31-18D-5, §31-18D-6, §31-18D-7, §31-18D-8, §31-18D-9, §31-18D-10, §31-18D-11, §31-18D-12, §31-18D-13, §31-18D-14, and §31-18D-15 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-15-4c of said code; to amend and reenact §11-22-2 of said code; to amend and reenact §31-18-3, §31-18-6, and §31-18-22 of said code; and to amend said code by adding thereto two new sections, designated §31-18-20d and §31-18-29, all relating to the transfer of certain powers and programs of the West Virginia Affordable Housing Trust Fund to the West Virginia Housing Development Fund; eliminating the West Virginia Affordable Housing Trust Fund and the West Virginia Affordable Housing Trust Fund Board of Directors; creating the Affordable Housing Fund of the West Virginia Housing Development Fund and providing for uses therefor; providing for assessment of fees on all sales by licensed dealers of factory-built homes to be deposited in the Affordable Housing Fund of the West Virginia Housing Development Fund; providing for assessment of fees upon the privilege of transferring real estate for consideration to be deposited in the Affordable Housing Fund of the West Virginia Housing Development Fund; defining “Affordable Housing Fund”; authorizing the West Virginia Housing Development Fund to provide funding to increase the capacity of nonprofit community housing organizations; providing for uses of funds in the Affordable Housing Fund; providing for disposition of the Affordable Housing Fund in the event of termination or dissolution of West Virginia Housing Development Fund; and providing for wind-up of West Virginia Affordable Housing Trust Fund.

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

Respectfully submitted,

C. Edward Gaunch,  
*Chair.*

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

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

Your Committee on Government Organization has had under consideration

**Senate Bill 269**, Establishing 2018 Regulatory Reform Act.

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

**Com. Sub. for Senate Bill 269** (originating in the Committee on Government Organization)—  
A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-8-1, §5B-8-2, §5B-8-3, §5B-8-4, §5B-8-5, §5B-8-6, §5B-8-7, §5B-8-8, §5B-8-9, and §5B-8-10, all relating to establishing the 2018 Regulatory Reform Act; creating short title; providing purpose; defining terms; permitting persons to petition for projects to be classified as projects of critical economic concern by Development Office; setting timeline for Development Office to render written decision; identifying non-exclusive factors for Development Office to consider when rendering decision; providing for issuance of certificate of critical economic concern; providing for expiration of certificate; permitting extension of time for expiration; directing person to file the certificate with appropriate state agency with licensing or permitting authority at the time application is filed; permitting person to file certificate with any political subdivision with licensing or permitting authority at the time application is filed; requiring state agency give priority to applications accompanied by certificate of critical economic concern; providing for written reports; providing a schedule for those reports; providing for contents of written reports; providing for recipients of written reports; clarifying that certificates of critical economic concern are not waiver of any element, rule, regulation or statute upon which license or permit is issued or granted; clarifying that certificates of critical economic concern do not guarantee that license or permit will be issued by state agency; authorizing agencies to adopt expedited permit fee; requiring state agency establish schedule by which review of expedited permit shall be completed; requiring schedule and fee to be set in legislative rules; requiring refund of expedited fee if decision not made within timeframe for expedited review; directing state agencies to complete review of all permit applications in as expeditious a manner as possible; establishing reporting by executive director of Development Office to report to the Governor and the Joint Committee on Government and Finance regarding the effects of the article; and granting the Development Office procedural rule-making authority to implement the provisions of this article.

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

Respectfully submitted,

C. Edward Gaunch,  
*Chair.*

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 269) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration

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

And as amended same.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

Your Committee on Government Organization has had under consideration

**Senate Bill 419**, Establishing classification and base salaries of certain civilian employees of WV State Police Forensic Laboratory.

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

**Com. Sub. for Senate Bill 419** (originating in the Committee on Government Organization)—  
A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to establishing the classification and base salaries of certain civilian employees of the West Virginia State Police Forensic Laboratory; requiring legislative rules for purpose of ensuring consistency, predictability, and independent review of systems developed under this section; establishing annual salary schedule for evidence technicians, forensic technicians, forensic analysts, and forensic analyst supervisors; authorizing the superintendent to appoint a forensic laboratory director and set the director's salary; requiring manuals be provided; clarifying authority of superintendent or forensic laboratory director or administrator to increase base compensation based on merit within classification; requiring legislative rules to establish policy and procedure for determining eligibility for promotions among classifications; requiring legislative rules establish guidelines for awarding merit-based salary increases within classifications; and authorizing the inclusion of certain exempt civilian employees in supplemental pay option.

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

Respectfully submitted,

C. Edward Gaunch,  
*Chair.*

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 419) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on Finance.

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 443**, Terminating parental rights when certain conditions are met.

And has amended same.

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on February 21, 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 Bill 504**, Excluding seasonal amusement park workers from definition of “employee”.

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

**Com. Sub. for Senate Bill 504** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §21-5C-1 of the Code of West Virginia, 1931, as amended, relating to minimum wage and maximum hour standards for employees; excluding seasonal amusement park workers from maximum hour requirements; and defining a term.

With the recommendation that the committee substitute do pass.

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 506**, Deregulating persons who perform work on heating, ventilating, and cooling systems.

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

**Com. Sub. for Senate Bill 506** (originating in the Committee on the Workforce)—A Bill to amend §21-16-2, §21-16-3, and §21-16-5 of the Code of West Virginia, 1931, as amended, all

regulating persons who perform work on heating, ventilating, and cooling systems and fire dampers; providing definitions; creating new license for work on certain residential heating, ventilating, and cooling systems; renaming existing license; amending exemptions from license requirement; providing rule making authority regarding licensure requirements, development of examination, and scope of work of certain persons who perform work on heating, ventilating, and cooling systems; and providing emergency rule making authority.

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

Respectfully submitted,

Chandler Swope,  
*Chair.*

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 506) contained in the preceding report from the Committee on the Workforce was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on Government Organization.

Senator 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 567**, Including treason, murder, armed robbery, and organized crimes for which communications can be intercepted.

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

**Com. Sub. for Senate Bill 567** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §62-1D-8 of the Code of West Virginia, 1931, as amended, relating to including treason, murder, certain degrees of robbery, and organized crime to the list of crimes for which a prosecutor may apply for order authorizing interception of communications.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 568**, Requiring participants in Motor Vehicle Alcohol Test and Lock Program complete same within 12 months.

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



**Com. Sub. for Senate Bill 568** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §17C-5-2b of the Code of West Virginia, 1931, as amended, relating to deferral of further proceedings for certain first offenses upon condition of participation in Motor Vehicle Alcohol Test and Lock Program; requiring completion of the program within 12 months; requiring defendant who fails to complete program to appear before court; requiring court to terminate deferral and enter an adjudication of guilt; and allowing courts to extend the period for completion of the program for good cause shown.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

Your Committee on Finance has had under consideration

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

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

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

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

Respectfully submitted,

Craig Blair,  
*Chair.*

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

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

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

**Com. Sub. for Senate Bill 589** (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17A-10-3a of the Code of West Virginia, 1931, as amended, relating to the issuance of personalized license plates for antique motor vehicles.

And,

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

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

**Com. Sub. for Senate Bill 590** (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to providing a special license plate to support a cure for childhood cancer.

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

Respectfully submitted,

Gregory L. Boso,  
*Chair.*

At the request of Senator Ferns, unanimous consent being granted, the bills (Com. Sub. for S. B. 589 and 590) contained in the preceding report from the Committee on Transportation and Infrastructure were each taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee references, were then referred to the Committee on Finance.

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

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 Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

**Senate Bill 600**, Relating to powers and duties of PSC.

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

**Com. Sub. for Senate Bill 600** (originating in the Committee on Energy, Industry, and Mining)—A Bill amend and reenact §24-2-1j of the Code of West Virginia, 1931, as amended, relating to powers and duties of the Public Service Commission; establishing special rates and provisions for energy intensive industrial and manufacturing consumers of electric power; adding new definitions; and establishing the procedure required for approval of these rates for manufacturing consumers by the commission.

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

Respectfully submitted,

Randy E. Smith,  
*Chair.*

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 600) contained in the preceding report from the Committee on Energy, Industry, and Mining was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on Government Organization.

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

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

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

**Com. Sub. for Senate Bill 616** (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17C-17-11 of the Code of West Virginia, 1931, as amended, relating to permitting the Commissioner of Highways to issue a special permit increasing the maximum gross weight for certain wood-bearing vehicles equipped with six axles.

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

Respectfully submitted,

Gregory L. Boso,  
*Chair.*

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

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 10**, Disabled Veteran Exemption From Ad Valorem Property Tax Amendment.

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

**Com. Sub. for Senate Joint Resolution 10** (originating in the Committee on the Judiciary)—Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to exempting real property or personal property in the form of a mobile home owned and occupied as a residence by veterans who are receiving 100 percent service-connected permanent and total disability from paying ad valorem real property taxes; 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. 10) 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.

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 Concurrent Resolution 39** (originating in the Committee on the Judiciary)—Requesting the Joint Committee on the Judiciary study the feasibility and potential implementation of a process designed to create better coordination between law-enforcement agencies in finding missing persons and identifying found remains.

Whereas, Public information can be one of the most effective tools in locating a missing person; and

Whereas, Law-enforcement officers and other professionals specializing in the field of missing persons agree that the most critical moments in the search for a missing person are the first few hours immediately following the discovery that the individual is missing, asserting that if he or she is not found within 24 hours, it is unlikely that he or she will be found alive or without serious injury. The rapid dissemination of information, including a description of the missing person, details of how he or she became missing, and of any vehicle involved, to the citizens of the affected community and region is, therefore, critical; and

Whereas, Alerted to the situation, the citizenry become an extensive network of eyes and ears serving to assist law enforcement in quickly locating and safely recovering the missing person; and

Whereas, All forms of developing technologies are helpful in assisting law enforcement in rapidly responding to these alerts and are an additional tool for assuring the well-being and safety of our citizenry. Thus, the use of traffic video recording and monitoring devices for the purpose of surveillance of a suspect vehicle adds yet another set of eyes to assist law enforcement and aid in the safe recovery of the missing person; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on the Judiciary is requested to study the feasibility and potential implementation of a process designed to create better coordination between law-enforcement agencies in finding missing persons and identifying found remains; and, be it

*Further Resolved,* That the Joint Committee on the Judiciary enlist the assistance of county and local law-enforcement entities and the West Virginia State Police in conducting the study; and, be it

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

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

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

At the request of Senator Trump, unanimous consent being granted, the resolution (S. C. R. 39) contained in the foregoing report from the Committee on the Judiciary was then referred to the Committee on Rules.

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

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

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

At the request of Senator Gaunch, as chair of the Committee on Government Organization, unanimous consent was granted to dispense with the second committee reference of Committee Substitute for Senate Bill 506.

The Senate proceeded to the sixth order of business.

Senators Sypolt, Beach, Cline, and Boso offered the following resolution:

**Senate Concurrent Resolution 38**—Urging the United States Congress to reassess the federal definition of “industrial hemp”, allowing the product to contain up to one percent delta-9 tetrahydrocannabinol on a dry weight basis.

Whereas, In 2002, West Virginia adopted the Industrial Hemp Development Act to promote growth of industrial hemp farms and industry in the state; and

Whereas, Industrial hemp farmers and processors encourage Congress to reassess the definition of “industrial hemp” as referenced in 7 U.S.C. §5940 and increase the farm production values to one percent tetrahydrocannabinol to allow industrial hemp farmers to increase yield potential per acre and profitability for all industrial hemp grown in the state; and

Whereas, A change in the definition not only impacts the crop values for West Virginia farmers producing industrial hemp for nutraceutical extract but also impacts all other aspects of industry development; and

Whereas, Increasing yield potential per acre equates to increased profit potential for West Virginia’s farm families and industrial hemp processors; and

Whereas, A variety of products can be made from industrial hemp through its use of fiber, seed, seed oil, or floral extracts. Industrial hemp can be found in products such as paper, fabric, auto parts, animal bedding, body care products, and essential oils; and

Whereas, The Industrial Hemp Farming Act of 2015 amended the Controlled Substances Act of 1970 to redefine “industrial hemp” and remove it from the current definition of “marijuana”, thereby allowing hemp to be grown, processed, transported, and sold under state and federal laws; and

Whereas, West Virginia can prosper in the cultivation, processing, manufacturing, and sale of hemp for food, textiles, building materials, and dietary supplement uses; and

Whereas, The federal government defines industrial hemp as “the plant *cannabis sativa* L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis”; and

Whereas, Industrial hemp has 30 percent more protein per pound than beef, essential amino acids, and a source of omega 3s, making it a great replacement for fish oil, useful as a replacement for coconut oil, and useful for many health benefits; and

Whereas, The West Virginia Department of Agriculture has been very supportive of the hemp industry; and

Whereas, West Virginia agriculture will play a large role in the state's future, ranking eleventh in the United States in apple production, sixteenth in the United States turkey production, and eighteenth in the United States chicken meat production; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby urges the United States Congress to reassess the federal definition of "industrial hemp", allowing the product to contain up to one percent delta-9 tetrahydrocannabinol on a dry weight basis; and, be it

*Further Resolved,* That the West Virginia Senate urges the United States Congress to consider revising the current definition of industrial hemp found in 7 U.S.C §5940, increasing the tetrahydrocannabinol threshold of dry weight flower concentration from three tenths of one percent to one percent; and, it be

*Further Resolved,* That the West Virginia Senate is hereby urged to promote the increased production of industrial hemp to promote agricultural growth within the state; and, be it

*Further Resolved,* That the Clerk of the Senate is hereby directed to forward a copy of this resolution to each member of West Virginia's delegation to the United States Congress.

Which, under the rules, lies over one day.

Senators Smith and Cline offered the following resolution:

**Senate Resolution 51**—Urging the Congress of the United States to reinstate the separation of commercial and investment banking functions previously in effect under the Glass-Steagall Act and support efforts to return to national banking policies to repair our nation's infrastructure.

Whereas, The Federal Reserve has fed a speculative bubble on Wall Street, much like that of 2007. This speculative bubble is tied to more than \$250 trillion of derivatives officially on the books of the major Wall Street banks and has soaked up all available credit and resulted in a weak performance of the United States economy; and

Whereas, State budgets throughout the nation have reflected the constriction of revenue due to the collapse of production and high-paying jobs. A growing, productive economy will require a return to the policies that successfully guided the nation out of similar crises, including the creation of direct credit to industry, infrastructure investment, and science-driven innovations; and

Whereas, An effective money and banking system is essential to the functioning of the United States economy. Such a system must function in the public interest without any bias. Since 1933, the Federal Banking Act, also referred to as the Glass-Steagall Act, has protected the public interest through the regulation of commercial and investment banking, insurance companies, and securities. Important provisions of the Glass-Steagall Act were repealed in 1999, partially contributing to the greatest speculative bubble and worldwide recession since the Great Depression. The worldwide recession greatly affected our country's economy and citizens' lives. It left millions of homes in foreclosure and caused the loss of millions of jobs nationwide. The recession also put severe financial strains on states, counties, cities, and other municipalities, exacerbating unemployment and the loss of public services; and

Whereas, A prudent course of action would be to restore the provisions of the Glass-Steagall Act that immediately separate investment and commercial banking. As law for 66 years, the Glass-Steagall Act prevented banking crises like the one experienced in 2008; and

Whereas, A return to national banking and direct credit to industry and infrastructure was completed under President George Washington and Secretary of the Treasury Alexander Hamilton, President John Quincy Adams, President Abraham Lincoln, and President Franklin D. Roosevelt. The early infrastructure of the United States, from canals to rail systems, was built by national banks. National banking policies orchestrated by Henry Carey under President Abraham Lincoln created industrial expansion, including the construction of modern rail and steel programs; and

Whereas, The Reconstruction Finance Corporation, a federal credit program approved in 1932, was modeled on the War Finance Corporation and on Alexander Hamilton's prototype, the First National Bank; and

Whereas, The U. S. Senate and the U. S. House of Representatives have been making efforts to restore the protections of the Glass-Steagall Act. The U. S. Senate introduced S. 1709, the 21st Century Glass-Steagall Act, which would reduce risk for American taxpayers in the financial system and decrease the likelihood of future financial crises. The U. S. House of Representatives introduced H. R. 381, known as the Return to Prudent Banking Act of 2015, which would revive the separation between commercial banking and the securities business in the manner provided by the Glass-Steagall Act; and

Whereas, The Glass-Steagall Act has widespread national support from prominent economic and business leaders and national publications, including Thomas Hoenig of the Federal Deposit Insurance Corporation, former CEO of Citigroup Sanford Weill economist Luigi Zingales, the New York Times, the St. Louis Post-Dispatch, the Los Angeles Times, and many others. Resolutions demanding action to return to the Glass-Steagall Act protections have been introduced in at least 25 states since 2013; and

Whereas, A new national bank would be chartered with no less than \$1 trillion of capital, not taxpayer funds, to finance new projects and this approach would put millions of unemployed or underemployed people, especially young people, back to work; and

Whereas, Overwhelming pressure must be brought to bear on members of the U. S. Congress to take action to pass this important legislation now; therefore, be it

*Resolved by the Senate:*

That the Congress of the United States is hereby urged to reinstate the separation of commercial and investment banking functions previously in effect under the Glass-Steagall Act and support efforts to return to national banking policies to repair our nation's infrastructure; and, be it

*Further Resolved,* That the Clerk of the Senate is hereby directed to forward copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the West Virginia Congressional Delegation so that they may be apprised of the sense of the West Virginia Senate in this matter.

Which, under the rules, lies over one day.



The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 34**, Requesting DNR study deer hunting in WV.

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

**Senate Concurrent Resolution 35**, Constable Joseph H. Davidson Memorial Bridge.

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

**Senate Concurrent Resolution 36**, Requesting study of public schools' prevention and response to violent acts against students and personnel.

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

**Senate Concurrent Resolution 37**, Sheriff John E. White Memorial Road.

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

The Senate proceeded to the eighth order of business.

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

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, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Sypolt—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. 30) 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 112**, Clarifying that natural resources police officers' subsistence allowance is pensionable.

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, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Sypolt—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 112) passed with its title.

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

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

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, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Sypolt—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 307) 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 359**, Authorizing Supreme Court establish curricula for mental hygiene commissioners and certain magistrates.

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, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Sypolt—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. 359) 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, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Sypolt—1.

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. 359) 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 467**, Relating generally to Public Defender Services.

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 467 pass?”

Senator Weld requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as he is an assistant prosecutor and works in the court system with public defenders.

The Chair replied that any impact on Senator Ferns would be as a member of a class of persons and that he would be required to vote.

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, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Sypolt—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. 467) 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, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Sypolt—1.

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. 467) 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 491,** Establishing fee for expungement of certain criminal convictions.

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, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Smith and Sypolt—2.

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. 491) 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 493,** Relating to guaranty associations.

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, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Smith and Sypolt—2.

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. 493) 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 501,** Relating to accrued benefit of retirees in Deputy Sheriff Retirement System.

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, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Smith and Sypolt—2.

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. 501) 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 535**, Dedicating increased court fees in criminal cases to fund training programs for law-enforcement officers.

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

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

The nays were: None.

Absent: Smith and Sypolt—2.

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. 535) 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, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Smith and Sypolt—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. 535) 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 549**, Creating felony offense of intimidation or harassment of certain persons that causes injury or loss to person or 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, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Smith and Sypolt—2.

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. 549) 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 576**, Relating to Patient Injury Compensation 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, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Smith and Sypolt—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 576) passed with its title.

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

The Senate proceeded to the ninth order of business.

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

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 313**, Waiving occupational fees and licensing requirements for certain low-income individuals, military families, and young workers.

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 420**, Transferring Safety and Treatment Program from DHHR to DMV.

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

On motions of Senators Trump and Rucker, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page six, section three, after line one hundred thirty, by inserting a new subsection, designated subsection (k), to read as follows:

(k) (1) The Division of Motor Vehicles shall provide fair, impartial, and expeditious grievance and appellate procedures for participants of the safety and treatment program to challenge an adverse decision or decisions by the division or other entity with whom the division has contracted to operate the program. The purpose of these procedures would be to allow a person to challenge decisions which negatively affect, or unnecessarily delay, the participant's outcome in the program.

(2) After all administrative remedies provided by this section or any rules promulgated under this section have been exhausted, participants who have been determined unsuccessful in the program, rendering them ineligible for license reinstatement, or whose outcomes in the program have been unnecessarily delayed, are entitled to judicial review of the adverse decision or decisions, pursuant to § 29A-5-4 of this code.

(3) The commissioner of the Division of Motor Vehicles shall promulgate rules pursuant to the provisions of §29A-3-1 et seq. of this code, related to the grievance and appellate procedures referenced in this section.;

And,

On page six, section three, line one hundred thirty-one, by relettering the remaining subsection.

The bill (Com. Sub. for S. B. 420), as amended, was then ordered to engrossment and third reading.

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

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

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

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

On motion of Senator Gaunch, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page thirteen, section six, lines thirty-six and thirty-seven, by striking out the words “the application to the other state”;

And,

On page thirteen, section six, line forty-six, by striking out all of subdivision (3) and inserting in lieu thereof a new subdivision, designated subdivision (3), to read as follows:

(3) The application to the other state was signed by the applicant under penalty of perjury.

The bill (Com. Sub. for S. B. 490), as amended, was then ordered to engrossment and third reading.

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

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 500**, Authorizing City of White Sulphur Springs to expend principal and interest from special interest-bearing fund.

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

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

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

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

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

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 528**, Providing additional circuit judge for nineteenth judicial circuit.

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

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

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 reported by the Clerk.

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

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

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



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

On page one, section three, line eight, after the word "she" by inserting the words "approved of, ratified,".

The bill (Com. Sub. for S. B. 555), as amended, was then ordered to engrossment and third reading.

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

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 562**, Allowing courts discretion to impose period of supervised release of defendant.

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

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

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 573**, Relating generally to school calendars.

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 574**, Relating to crime of misrepresentation of military honors.

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

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

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

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

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

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

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

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

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

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

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

And,

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Clements and Sypolt.

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senators Clements and Sypolt were ordered printed in the Appendix to the Journal.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 12:10 p.m., the Senate recessed until 5 p.m. today.

The Senate reconvened at 5:14 p.m. today and, without objection, returned to the third order of business.

### Executive Communications

The Clerk then presented a communication from His Excellency, the Governor, advising that on February 23, 2018, he had approved **Enr. Committee Substitute for House Bill 2546**.

The Senate again proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 23rd day of February, 2018, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

**(Com. Sub. for S. B. 165)**, Authorizing DHHR promulgate legislative rules.

**(Com. Sub. for H. B. 2831)**, Relating to the reconstitution of the Driver's Licensing Advisory Board.

And,

**(Com. Sub. for H. B. 4242)**, Clarifying the jurisdictional amount for removal of a civil action from magistrate court to circuit court.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
Roger Hanshaw,  
*Chair, House Committee.*

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

Your Committee on Government Organization has had under consideration

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

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

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

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

And

**Senate Bill 612**, Relating to sale of municipal property.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

C. Edward Gaunch,  
*Chair.*

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

Your Committee on Government Organization has had under consideration

**Com. Sub. for Senate Bill 402** (originating in the Committee on Transportation and Infrastructure), Creating exemption from certain contract and common carrier laws for motor vehicles.

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

**Com. Sub. for Com. Sub. for Senate Bill 402** (originating in the Committee on Government Organization)—A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating to creating exemptions from contract and common carrier laws for certain motor vehicles.

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

Respectfully submitted,

C. Edward Gaunch,  
*Chair.*

Senator Maynard, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

**Senate Bill 421**, Relating to crossbow hunting.

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

**Com. Sub. for Senate Bill 421** (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-2-42a, §20-2-42q, §20-2-42s, and §20-2-42v of the Code of West Virginia, 1931, as amended, all relating to crossbow hunting; clarifying use of crossbows with Class A hunting and trapping license during big game seasons requires additional license, stamps or permits (with exception of buck firearms seasons); permitting crossbow hunting with Class RB and Class RRB licenses; permitting crossbow hunting with Class UU licenses; and permitting crossbow hunting with Class BG stamp.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

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

Your Committee on Government Organization has had under consideration

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

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

**Com. Sub. for Senate Bill 445** (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-17a; by adding thereto a new section, designated §17-4-17e; by amending and reenacting §17-4-17b; and by adding thereto a new section, designated §24-2-20, all relating to public utilities; creating new legislative findings; defining a new term; establishing a method by which the Commissioner of the Division of Highways may acquire certain rights-of-way and easements for the purpose of increasing public access to utilities; establishing a procedure for the Division of Highways to lease acquisitions to utilities for fair market value; establishing a cost-sharing procedure for determining how relocation costs are to be paid by the utility.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

C. Edward Gaunch,  
*Chair.*

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

Your Committee on Government Organization has had under consideration

**Senate Bill 448**, Relating generally to professional associations.

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

**Com. Sub. for Senate Bill 448** (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-9B-1, §47-9B-2, §47-9B-3, §47-9B-4, §47-9B-5, §47-9B-6, and §47-9B-7, all relating to the establishment of professional associations; providing definitions; requiring professional associations both domestic and foreign to be registered with the secretary of state; providing application criteria for registration with the secretary of state; requiring people who provide services for a professional association to be licensed in the subject profession; providing for relinquishment or purchase of ownership interests in a professional association when owners cease to be licensed in the subject profession; providing for the transfer of ownership interests; setting forth liability; and providing for joint practice by certain professionals.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

C. Edward Gaunch,  
*Chair.*

Senator Maynard, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

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

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

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

At the request of Senator Ferns, as a member of the Committee on the Judiciary, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Natural Resources.

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

Your Committee on Government Organization has had under consideration

**Com. Sub. for Senate Bill 472** (originating in the Committee on Health and Human Resources), Providing funds to DHHR for local boards of health employee pay raises.

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

**Com. Sub. for Com. Sub. for Senate Bill 472** (originating in the Committee on Government Organization)—A Bill to amend and reenact §16-2-14 of the Code of West Virginia, 1931, as amended, relating to employees of local boards of health; making legislative findings; requiring

the Legislature to provide funds to Department of Health and Human Resources to provide local boards of health funds for pay raises for employees when the Legislature provides funds for across-the-board pay raises for state employees; limiting Department of Health and Human Resources from using provided funds for any other purpose; requiring annual funding to continue pay raises, and prohibiting Department of Health and Human Resources from placing additional restrictions or obligations on provided funds.

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

Respectfully submitted,

C. Edward Gaunch,  
*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 485**, Terminating Workers Compensation Debt Reduction Fund assessment on self-insured employers.

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.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Craig Blair,  
*Chair.*

Senator Maynard, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

**Senate Bill 508**, Establishing State Trail Authority.

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

**Com. Sub. for Senate Bill 508** (originating in the Committee on Natural Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2J-1, §5B-2J-2, §5B-2J-3, §5B-2J-4, and §5B-2J-5, all relating to establishing a State Trail Authority within the Development Office; establishing composition of authority; providing for Governor to appoint certain members; providing terms of members; allowing for reimbursement for certain expenses of members not employed by the state; authorizing the authority to appoint a statewide trail coordinator and to hire district trail coordinators; specifying the powers of the State Trail Authority; specifying powers and duties of statewide trail coordinator and district trail coordinators; and providing a sunset provision.

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

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

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

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 514**, Enacting Recognition of Emergency Medical Services Personnel Licensure Interstate Compact.

And has amended same.

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on February 21, 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 Bill 534**, Increasing penalty for tobacco-related offenses on public school property.

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

**Com. Sub. for Senate Bill 534** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §16-9A-2 and §16-9A-4 of the Code of West Virginia, 1931, as amended, relating generally to tobacco usage and e-cigarette restrictions; defining terms; prohibiting e-cigarettes on certain public school property by persons under the age of 18 at certain times; and increasing the penalty for certain tobacco-related and e-cigarette offenses on public school property.

With the recommendation that the committee substitute do pass.



Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

Your Committee on Government Organization has had under consideration

**Senate Bill 548**, Authorizing county commissions to pay election officials.

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

**Com. Sub. for Senate Bill 548** (originating in the Committee on Government Organization)—  
A Bill to amend and reenact §3-1-44 of the Code of West Virginia, 1931, as amended, relating to authorizing county commissions to have discretion over compensation for certain election officials; eliminating statutory caps on compensation for certain election officials; authorizing compensation for election officials be fixed by county commission; requiring all election officials within a classification to be paid the same amount within each county; authorizing Secretary of State to set maximum compensation rates in certain elections where costs are determined to be obligations of the state; and declaring compensation above maximum compensation set by Secretary of State in certain elections to be county obligation.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

C. Edward Gaunch,  
*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 557**, Relating to Senior Farmers' Market Nutrition Program.

And has amended same.

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, as amended.

Respectfully submitted,

Craig Blair,  
*Chair.*

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

Your Committee on Government Organization has had under consideration

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

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

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

Respectfully submitted,

C. Edward Gaunch,  
*Chair.*

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Bill 563**, Allowing persons operate small-engine mopeds without driver's license or while license is suspended or revoked.

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

**Com. Sub. for Senate Bill 563** (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17B-2-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-4-3 of said code; to amend and reenact §17C-1-5a of said code; and to amend and reenact §17C-15-44 of said code, all relating to allowing people to operate small-engine mopeds without a driver's license or while a driver's license to operate other motor vehicles is suspended or revoked; changing definition of moped; and expressly providing that helmets are required for operators of mopeds.

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

Respectfully submitted,

Gregory L. Boso,  
*Chair.*

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 563) contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration

**Senate Bill 565**, Clarifying authority of State Fire Commission.

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

**Com. Sub. for Senate Bill 565** (originating in the Committee on Government Organization)—  
A Bill to amend and reenact §29-3-5b of the Code of West Virginia, 1931, as amended, relating to clarifying the authority of the State Fire Commission; modifying requirement that State Fire Commission propose certain building energy codes; and making stylistic and technical changes.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

C. Edward Gaunch,  
*Chair.*

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

Your Committee on Government Organization has had under consideration

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

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

**Com. Sub. for Senate Bill 582** (originating in the Committee on Government Organization)—  
A Bill to amend and reenact §3-1-28 of the Code of West Virginia, 1931, as amended, relating to eligibility to be appointed or serve as an election official; and permitting candidates for district, county or state political party executive committee to serve as election officials.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

C. Edward Gaunch,  
*Chair.*

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

Your Committee on Government Organization has had under consideration

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

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

Respectfully submitted,

C. Edward Gaunch,  
*Chair.*

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

Your Committee on Government Organization has had under consideration

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

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

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

Respectfully submitted,

C. Edward Gaunch,  
*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 601**, Relating to personal income tax.

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

**Com. Sub. for Senate Bill 601** (originating in the Committee on Finance)—A Bill to amend and reenact §11-21-20 of the Code of West Virginia, 1931, as amended, relating to personal income tax; alleviating double taxation on foreign income at the state level; sunsetting the credit for income tax paid on foreign income in 2068.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,  
*Chair.*

Senator Maynard, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

**Senate Bill 629** (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-2-46e of the Code of West Virginia, 1931, as amended; all relating to Class Q special hunting permit for disabled persons; clarifying and expanding class of persons who may obtain such permits.

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

Respectfully submitted,

Mark R. Maynard,  
*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 Concurrent Resolution 40** (originating in the Committee on the Judiciary)—Requesting the Joint Committee on the Judiciary study the legality and potential effects of a bill that would prohibit retailers from selling or leasing products that make content accessible on the Internet, unless the product contains an active and operating digital blocking capability that renders obscene material inaccessible.

Whereas, The damage done by these obscene materials to the public, especially to children, is recognized as a serious issue; and

Whereas, The legality of such a measure is a legitimate concern as it relates to the right of free speech; and

Whereas, Alternative measures not yet considered by the Legislature have yet to be explored in sufficient depth; and

Whereas, Such a bill could possibly have significant unforeseen and unintended effects that need to be more thoroughly examined; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on the Judiciary is requested to study the legality and potential effects of a bill that would prohibit retailers from selling or leasing products that make content accessible on the Internet, unless the product contains an active and operating digital blocking capability that renders obscene material inaccessible; and, be it

*Further Resolved*, That the Joint Committee on the Judiciary enlist the assistance of the West Virginia Attorney General in conducting the study; and, be it

*Further Resolved*, That the Joint Committee on the Judiciary report to the regular session of the Legislature, 2019, on its findings, proposed alternative means, conclusions, and other recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

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

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

On motion of Senator Weld, the resolution (S. C. R. 40) contained in the foregoing report from the Committee on the Judiciary was then referred to the Committee on Rules.

At the request of Senator Baldwin, and by unanimous consent, Senator Baldwin addressed the Senate regarding the current public school employee work stoppage.

Thereafter, at the request of Senator Mann, and by unanimous consent, the remarks by Senator Baldwin were ordered printed in the Appendix to the Journal.

Pending announcement of meetings of a standing committee of the Senate,

On motion of Senator Ferns, at 5:33 p.m., the Senate adjourned until Monday, February 26, 2018, at 11 a.m.

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## SENATE CALENDAR

Monday, February 26, 2018  
11:00 AM

### UNFINISHED BUSINESS

- S. C. R. 38 - Urging Congress reassess federal definition of "industrial hemp"
- S. R. 51 - Urging Congress reinstate separation of commercial and investment banking functions

### THIRD READING

- Eng. Com. Sub. for S. B. 275 - Relating to tax on purchases of intoxicating liquors
- Eng. Com. Sub. for S. B. 313 - Waiving occupational fees and licensing requirements for certain low-income individuals, military families, and young workers
- Eng. Com. Sub. for S. B. 420 - Transferring Safety and Treatment Program from DHHR to DMV
- Eng. Com. Sub. for S. B. 456 - Physical Therapy Licensure Compact Act
- Eng. Com. Sub. for S. B. 490 - Relating to Revised Uniform Athlete Agents Act of 2015
- Eng. Com. Sub. for S. B. 499 - Requiring one year of certain approved postgraduate clinical training for persons with foreign medical degrees
- Eng. Com. Sub. for S. B. 500 - Authorizing City of White Sulphur Springs to expend principal and interest from special interest-bearing fund
- Eng. Com. Sub. for S. B. 521 - Requiring chief executive of municipal law-enforcement agency be certified law-enforcement officer (original similar to HB4526)
- Eng. Com. Sub. for S. B. 528 - Providing additional circuit judge for nineteenth judicial circuit
- Eng. S. B. 539 - Increasing limit for settling claims against DOH
- Eng. Com. Sub. for S. B. 555 - Providing immunity from civil liability for qualified directors of certain governmental and nonprofit entities
- Eng. Com. Sub. for S. B. 561 - Increasing minimum contract price requiring execution of bond with respect to building or repairing school property
- Eng. Com. Sub. for S. B. 562 - Allowing courts discretion to impose period of supervised release of defendant
- Eng. S. B. 566 - Relating to disability pensions of municipal employees
- Eng. Com. Sub. for S. B. 573 - Relating generally to school calendars

Eng. Com. Sub. for S. B. 574 - Relating to crime of misrepresentation of military honors (original similar to SB608)

Eng. S. B. 627 - Permitting local governments to access certain economic development project-related tax records

## **SECOND READING**

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

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

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

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

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

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

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

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

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

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

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

S. B. 557 - Relating to Senior Farmers' Market Nutrition Program - (Com. amend. pending)

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

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

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

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

Com. Sub. for S. B. 600 - Relating to powers and duties of PSC



- Com. Sub. for S. B. 603 - Relating to proceedings for involuntary custody for examination
- Com. Sub. for S. B. 625 - Creating WV Volunteer Fire and Rescue Act of 2018 (original similar to HB 2094, HB 2361, HB 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)
- S. B. 628 - Relating generally to WV Jobs Investment Trust Board
- Eng. Com. Sub. for H. B. 4024 - Relating generally to direct cremation or direct burial expenses for indigent persons - (Com. amend. pending)
- Eng. Com. Sub. for H. B. 4142 - Providing certain employees of the Division of Corrections, Division of Juvenile Services, and West Virginia Regional Jail and Correctional Facility Authority a salary adjustment
- Eng. Com. Sub. for H. B. 4169 - Requiring certain establishments and facilities to post human trafficking assistance notices - (Com. amend. and title amend. pending)
- Eng. H. B. 4385 - Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services

#### **FIRST READING**

- Com. Sub. for S. B. 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)
- 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 Com. Sub. for S. B. 402 - Creating exemption from certain contract and common carrier laws for motor vehicles
- Com. Sub. for S. B. 421 - Relating to crossbow hunting (original similar to HB 2696)
- 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
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
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 month
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
S. B. 592 -	Adding examination of advanced care technician for firefighter paramedic
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
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)

**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2018**

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**Monday, February 26, 2018**

2 p.m.

Banking & Insurance

(Room 451M)