

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE
REGULAR SESSION, 2018
TWENTY-NINTH DAY

Charleston, West Virginia, Wednesday, February 7, 2018

The Senate met at 11:11 a.m.

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

Prayer was offered by Dr. William McCoy, First Presbyterian Church, Charleston, West Virginia, who then proceeded in the singing of "Take Me Home, Country Roads".

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Robert H. Plymale, a senator from the fifth district.

Pending the reading of the Journal of Tuesday, February 6, 2018,

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

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2693—A Bill to amend and reenact §20-2-3 of the Code of West Virginia, 1931, as amended, relating to state ownership of wildlife.

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 4199—A Bill to repeal §30-7D-1, §30-7D-2, §30-7D-3, §30-7D-4, §30-7D-5, §30-7D-6, §30-7D-7, §30-7D-8, §30-7D-9, §30-7D-10, §30-7D-11, §30-7D-12, and §30-7D-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §16-5AA-1, §16-5AA-2, §16-5AA-3, §16-5AA-4, §16-5AA-5, §16-5AA-6, §16-5AA-7, §16-5AA-8, §16-5AA-9, and §16-5AA-10, all relating to permitting a nursing home to use trained individuals to administer medication under the direction of a

registered professional nurse, defining terms, authorizing an AMAP to administer medication in nursing home, providing certain exemptions from chapter thirty licensing requirements, establishing requirements for training curricula and competency evaluation procedures, establishing procedures by which an AMAP must administer medication, requiring nursing homes using an AMAP to establish an administrative monitoring system, permitting a registered professional nurse to withdraw authorization for an AMAP to administer medications in certain circumstances, allowing certain fees to be collected, providing limits on administration of medication by an AMAP, providing that use of an AMAO in nursing homes is permissive, and repealing a pilot program designed to monitor the practice of unlicensed personnel administering medication in a nursing home setting.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect January 1, 2019, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 4230—A Bill to amend and reenact §33-4-15a of the Code of West Virginia, 1931, as amended, relating to credit for reinsurance; purpose; establishing requirements for domestic insurers to be allowed a credit; requirements for reinsurers; establishing where assets that provide security to fund United States obligations are to be maintained by a non-United States insurer or reinsurer; providing for the filing and valuation of claims, and the distribution of assets of an insolvent non-United States insurer or reinsurer; providing for an asset or reduction from liability for reinsurance ceded by a domestic insurer when certain requirements are not met; defining a qualified United States financial institution; providing authority to the Insurance Commissioner to promulgate legislative and emergency rules; effective date.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

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

Your Committee on Finance has had under consideration

Senate Bill 441, Relating to health care provider taxes.

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

Respectfully submitted,

Craig Blair,
Chair.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 272 (originating in the Committee on Health and Human Resources), Relating generally to drug control.

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

Com. Sub. for Com. Sub. for Senate Bill 272 (originating in the Committee on Finance)—A Bill to amend and reenact §16-5T-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-5T-6; to amend and reenact §16-46-4; and to amend said code by adding thereto a new section, designated §16-46-7, all relating generally to drug control; requiring hospital emergency rooms and departments, as well as certain other law-enforcement and medical care providers, to report suspected or confirmed drug overdoses and other drug-related instances to the Office of Drug Control Policy; allowing the Office of Drug Control Policy to establish a pilot program for community response to persons who have experienced a recent overdose; requiring local and state governmental agencies to require first responders, regardless of frequency of drug overdoses in their communities, to carry Naloxone and be trained in its use subject to funding and availability; and providing for a statewide standing order for Naloxone by the state health officer.

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

Respectfully submitted,

Craig Blair,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 290, Relating to DEP standards of water quality and effluent limitations.

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

Com. Sub. for Senate Bill 290 (originating in the Committee on the Judiciary)—A Bill to amend and reenact § 22-11-6 of the Code of West Virginia, 1931, as amended, all relating to standards of water quality and effluent limitations; providing that the secretary may issue water pollution control permits that contain water quality-based effluent limits that are adjusted to reflect credit for pollutants in the permittee's intake water; providing that the secretary may not set benchmarks for substances in, or conditions of, discharges of storm water that are more restrictive than the acute aquatic life water quality criterion, the federal benchmark, the chronic aquatic life water quality criterion, or the ambient aquatic life advisory concentration; providing that the secretary shall establish effluent limits for storm water that are developed in accordance with mixing zones that are appropriate for relevant conditions, upon request by a permit applicant; and providing that the secretary shall promptly develop guidance for determining how benchmarks in permits demonstrate the adequacy of storm water best management practices.

With the recommendation that the committee substitute do pass.

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 360, Clarifying royalty owed in oil and gas lease.

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

Com. Sub. for Senate Bill 360 (originating in the Committee on Energy, Industry, and Mining)—A Bill to amend and reenact §22-6-8 of the Code of West Virginia, 1931, as amended, relating to oil and gas permits not to be on flat well royalty leases; legislative findings and declarations; and permit requirements.

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,

Randy E. Smith,
Chair.

The bill (Com. Sub. for S. B. 360), under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 368, Protecting consumers against business using automatic purchase renewals without consent.

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

Com. Sub. for Senate Bill 368 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6N-1, §46A-6N-2, §46A-6N-3, §46A-6N-4, §46A-6N-5, and §46A-6N-6, all relating to automatic purchase renewal offers and continuous service offers; stating the legislative intent; defining terms; setting notice and disclosure requirements for automatic purchase renewal offers and continuous service offers; providing that a business may not charge the consumer for an automatic renewal or continuous services without first obtaining the consumer's affirmative consent; providing acknowledgement requirements; providing that the business shall disclose how to cancel the automatic renewal or continuous service before the consumer pays if the offer includes a free gift or trial; providing that a business shall provide certain mechanism for cancellation of the automatic renewal or continuous offer in the acknowledgement; providing means for terminating the automatic renewal or continuous service offer online; providing notice requirements in the case of material changes in the terms of the automatic renewal or continuous service; In the case of an automatic renewal or continuous service offer that charges once a year or less frequently, providing that the business shall provide to the consumer a reminder of the recurring charge and information on how the consumer may cancel at least 30 days prior to the

charge in the case of automatic renewal or continuous service offers of certain frequency; providing a period of application; providing that goods, wares, merchandise, or products shall be deemed an unconditional gift to the consumer when the business sends any goods, wares, merchandise, or products to a consumer without first obtaining the consumer's affirmative consent under a continuous service agreement or automatic renewal of a purchase; providing a civil cause of action; providing statutory penalties; providing that no action may be brought until written notice is provided by the consumer, or his or her representative, to the business; providing written notice requirements; providing mailing requirements; providing the business an opportunity to cure the alleged violation; providing for expiration of the cure offer and cure period; providing a period for the business to remit payment, if any, as specified in the accepted cure offer; providing that a claim may be brought for failure of the business to timely effect the accepted cure offer; providing that the written notice is a jurisdictional prerequisite to bringing a cause of action; providing the court discretion to award to plaintiff costs of the action, including reasonable attorneys' fees; providing that plaintiff is not entitled to costs and attorneys' fees under certain circumstances; providing a statute of limitations; providing that the statute of limitations shall be tolled; and stating exemptions.

And,

Senate Bill 433, Rewriting code sections regarding pyramid promotional schemes.

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

Com. Sub. for Senate Bill 433 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §47-15-1 and §47-15-2 of the Code of West Virginia, 1931, as amended, all relating to pyramid promotional schemes; defining terms; prohibiting pyramid promotional schemes; allowing certain plan or operations which do not cause inventory loading and implement a bona fide inventory repurchase program; specifying requirements for recruiting literature, sales manuals, and contracts; providing that a bona fide inventory repurchase program is not required to apply to certain inventory; and requiring certain disclosures.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

The Senate again proceeded to the fourth order of business.

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

Your Committee on Government Organization has had under consideration

Senate Bill 392, Reconfiguring Emergency Medical Services Advisory Council.

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

Com. Sub. for Senate Bill 392 (originating in the Committee on Government Organization)—A Bill to amend and reenact §16-4C-5 of the Code of West Virginia, 1931, as amended, relating to the Emergency Medical Services Advisory Council; and reconfiguring the membership of the council.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

C. Edward Gaunch,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 407, Licensing and approval of child care programs.

And,

Senate Bill 411, Removing Commissioner of Bureau for Public Health from State Board of Sanitarians.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on Government Organization.

Respectfully submitted,

Tom Takubo,
Chair.

The bills, under the original double committee references, were then referred to the Committee on Government Organization.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 408, Licensing of nursing homes and assisted living residences.

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

Com. Sub. for Senate Bill 408 (originating in the Committee on Health and Human Resources)—A Bill to repeal §16-5D-16 and §16-5D-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-5C-3 of said code; and to amend and reenact §16-5D-2, §16-5D-3, §16-5D-4, §16-5D-5, §16-5D-6, §16-5D-7, §16-5D-8, §16-5D-9, §16-5D-10, §16-5D-11, §16-5D-12, §16-5D-13, and §16-5D-15 of said code, all relating to the licensure of nursing homes and assisted living residences; repealing duplicative sections of code; defining terms; requiring real-time online public information in lieu of annual report; clarifying rule requirements;

allowing physical and electronic delivery methods for reports; and clarifying enforcement action and due process procedures.

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,

Tom Takubo,
Chair.

The bill (Com. Sub. for S. B. 408), under the original double committee reference, was then referred to 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 412, Relating to authority of county litter control officers.

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,

C. Edward Gaunch,
Chair.

The bill, 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 427, Modifying form of notice for certain tax delinquencies.

Senate Bill 464, Changing statutory payment date for incremental salary increases due state employees.

And,

Senate Bill 468, Changing date and recipients for submission of Auditor's annual report.

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

Senate Bill 440, Establishing Library Facilities Improvement Fund.

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

Com. Sub. for Senate Bill 440 (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 §10-1-24, relating to establishing a Library Facilities Improvement Fund; setting forth general structure of fund and distribution of funds; and providing for rulemaking.

With the recommendation that the committee substitute 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 Concurrent Resolution 1, US Army SGT Denver E. Short Memorial Road.

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

Respectfully submitted,

Gregory L. Boso,
Chair.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles, and referred to the appropriate committees:

By Senator Boley:

Senate Bill 496—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-20-27, relating to the care and management of feral cats.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 497—A Bill to amend and reenact §47-1-21 of the Code of West Virginia, 1931, as amended, relating to the registration of business; removing a requirement that the Division of Labor charge an annual device registration fee; and removing a provision related to the fees that are collected pursuant to this section.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Maynard, Stollings, and Plymale:

Senate Bill 498—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-3-3a, relating to Cabwaylingo State Forest; creating a pilot project permitting all-terrain or recreational vehicles on designated roads and trails in Cabwaylingo State Forest; permitting the director to designate roads, trails, and campgrounds; permitting the director to establish special season and permit; applying the ATV, UTV, and Motorcycle Responsibility Act to the project; and requiring Legislative Auditor to review project and file report.

Referred to the Committee on Natural Resources; and then to the Committee on Government Organization.

By Senators Maroney, Clements, Prezioso, Stollings, Takubo, Plymale, Cline, and Jeffries:

Senate Bill 499—A Bill to amend and reenact §30-3-10 of the Code of West Virginia, 1931, as amended, relating to clarifying that a person who has received a degree of Doctor of Medicine or its equivalent from a school of medicine located outside the United States must have successfully completed one year of Accreditation Council for Graduate Medical Education approved postgraduate clinical training before the person can be licensed to practice medicine in West Virginia.

Referred to the Committee on Health and Human Resources; and then to the Committee on Government Organization.

By Senators Baldwin, Mann, Gaunch, Jeffries, Woelfel, and Plymale:

Senate Bill 500—A Bill to amend and reenact section one, chapter 180, Acts of the Legislature, regular session, 1985, authorizing the City of White Sulphur Springs, Greenbrier County, West Virginia, to expend both principal and interest from a special interest-bearing fund.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Drennan, Cline, Jeffries, Karnes, Maroney, Maynard, Rucker, Smith, Swope, Weld, Woelfel, Boso, and Plymale:

Senate Bill 501—A Bill to amend and reenact §7-14D-2 of the Code of West Virginia, 1931, as amended, relating to the accrued benefit of retirees in the Deputy Sheriff Retirement System.

Referred to the Committee on Pensions; and then to the Committee on Finance.

By Senators Drennan, Cline, Maynard, and Rucker:

Senate Bill 502—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-21A-1, §30-21A-2, §30-21A-3, §30-21A-4, §30-21A-5, §30-21A-6, §30-21A-7, §30-21A-8, §30-21A-9, §30-21A-10, §30-21A-11, and §30-21A-12, all relating to creating the Patient Safety Evidence-Based Prescribing Act; providing for the preparation for prescriptive authority and authorization; providing for certification renewal; providing for the compliance with state and federal statutes; requiring notification to the Board of Pharmacy; establishing prescribing standards; providing for collaboration with primary care providers;

providing for the amending and potential conflict with other code provision; defining terms; providing a short title; and requiring rulemaking.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senators Blair and Unger:

Senate Bill 503—A Bill to amend and reenact §7-5-22 of the Code of West Virginia, 1931, as amended; and to amend and reenact §22-16-4 of said code, all relating to shifting funding from the Landfill Closure Assistance Fund to local solid waste authorities.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Maynard and Plymale:

Senate Bill 504—A Bill to amend and reenact §21-5C-1 of the Code of West Virginia, 1931, as amended, relating to adding an exception for seasonal amusement park workers from the definition of “employee”.

Referred to the Committee on the Workforce; and then to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 505—A Bill to amend and reenact §5F-1-5 of the Code of West Virginia, 1931, as amended, relating to requiring that contact information of an official or employee of the state, who uses a mobile phone either furnished by the employer or service is paid by the employer for the official’s or employee’s personal phone use in state business, be listed on an agency’s online directory and agency’s website.

Referred to the Committee on Government Organization.

By Senators Swope, Smith, Boso, and Cline:

Senate Bill 506—A Bill to repeal §21-16-1, §21-16-2, §21-16-3, §21-16-4, §21-16-5, §21-16-6, §21-16-7, §21-16-8, §21-16-9, and §21-16-10 of the Code of West Virginia, 1931, as amended; to repeal §29-3D-1, §29-3D-2, §29-3D-3, §29-3D-4, §29-3D-5, §29-3D-6, §29-3D-7 and §29-3D-8 of said code; and to amend and reenact §29-3-12b of said code, relating to deregulating persons who perform work on heating, ventilating, and cooling systems and fire dampers.

Referred to the Committee on the Workforce; and then to the Committee on Government Organization.

By Senators Ferns, Boso, Swope, and Plymale:

Senate Bill 507—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2L-1, §18-2L-2, §18-2L-3, §18-2L-4, §18-2L-5, §18-2L-6, §18-2L-7, §18-2L-8, §18-2L-9, §18-2L-10, §18-2L-11, and §18-2L-12; and to amend said code by adding thereto a new article, designated §18C-9-1, §18C-9-2, §18C-9-3, §18C-9-4, and §18C-9-5, all relating generally to the establishment of the Katherine Johnson Academy as magnet school programs at colleges and universities in West Virginia; defining terms; creating a board of trustees to govern the Katherine Johnson Academy; providing for membership of the board of trustees, the selection of a chair, terms of the trustees, duties and responsibilities, setting of meetings, and establishing trustees to serve without compensation; authorizing the board of trustees to perform certain duties; providing for the appointment of a president; providing for collaboration agreements

for the establishment of magnet school programs; providing for restrictions on the amount that may be charged for tuition, fees, room, board, and books; authorizing the establishment of residential programs and commuter programs at colleges and universities; establishing the Academy of Mathematics and Science and the Academy for the Performing Arts; requiring the board of trustees to select certain host institutions pursuant to a competitive bidding process; establishing certain minimum eligibility requirements for students; authorizing a host institution to determine admission and enrollment; requiring students accepted and admitted into a magnet school program to receive the PROMISE scholarship; providing for students to receive a scholarship from the Katherine Johnson Scholarship Fund; providing that no county board or college or university will be required to participate in this program; requiring the Katherine Johnson Academy, the State Board of Education, and the Higher Education Policy Commission to promulgate a joint rule for the administration of the Katherine Johnson Academy; establishing the Katherine Johnson Scholarship Fund; providing for state and county support for the Katherine Johnson Scholarship Fund based upon per pupil allocations; defining terms; and providing for rulemaking.

Referred to the Committee on Education; and then to the Committee on Finance.

Senators Stollings, Smith, Boso, Drennan, Beach, and Plymale offered the following resolution:

Senate Concurrent Resolution 12—Requesting the Division of Highways to name bridge number 22-10-28.14 (22A038), locally known as West Hamlin Bridge carrying WV 10 over the Guyandotte River in Lincoln County, the “U. S. Army SP4 Darrell Gregory Triplett Memorial Bridge”.

Whereas, Darrell Gregory Triplett was born in West Hamlin and was an honor graduate of Guyan Valley High School in 1965. He was a veteran of the Vietnam War, with only a month left in the army, he was coming home on a weekend pass to celebrate his twenty-first birthday when he was killed in a plane crash at Yeager Airport in 1968; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army SP4 Darrell Gregory Triplett and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 22-10-28.14 (22A038), locally known as West Hamlin Bridge carrying WV 10 over the Guyandotte River in Lincoln County, the “U. S. Army SP4 Darrell Gregory Triplett Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army SP4 Darrell Gregory Triplett Memorial Bridge”; and, be it

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

Which, under the rules, lies over one day.

Senators Weld, Stollings, Boso, Unger, Drennan, Swope, Beach, Prezioso, Plymale, and Cline offered the following resolution:

Senate Resolution 30—Designating February 7, 2018, as Veterans Visibility Day at the Legislature.

Whereas, From the Revolutionary War, which gave America its identity as a free and democratic nation, to this moment, America's men and women have always risen to the call of duty in order to defend and preserve our freedom and help maintain freedom throughout the world; and

Whereas, Per capita, more citizens from West Virginia have served in our nation's armed forces than from any other state and we are proud of our citizens who, despite danger, have done what they must for peace and freedom; and

Whereas, Through wars, conflicts, and the threat of terror, thousands of West Virginians have paid the ultimate price for freedom with their lives and thousands more have been wounded in battle; and

Whereas, The Senate is proud to honor those currently serving in harm's way in Iraq, Afghanistan, and in other countries all over the world to protect democracy from the threat of terror; and

Whereas, It is always important that we honor the many brave West Virginians who have faced the enemy, been wounded, and given their lives not only for our freedom, but for freedom around the world; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 7, 2018, as Veterans Visibility Day at the Legislature; and, be it

Further Resolved, That the Senate expresses its sincere gratitude to all West Virginian veterans and those men and women currently serving in the armed forces to protect our freedom; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Department of Veterans Assistance.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Weld regarding the adoption of Senate Resolution 30 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:32 a.m., the Senate recessed to present Senate Resolution 30.

The Senate reconvened at 11:37 a.m. today and resumed business under the sixth order.

Senators Takubo, Stollings, Boso, Unger, Swope, Beach, Prezioso, Plymale, Cline, and Jeffries offered the following resolution:

Senate Resolution 31—Designating February 7, 2018, as Go Red For Women Day.

Whereas, Cardiovascular diseases are the number one killer of women in the United States; and

Whereas, Cardiovascular diseases kills one woman every 80 seconds in the United States; and

Whereas, About 80 percent of cardiovascular diseases may be prevented; and

Whereas, Some risk factors, such as blood pressure, smoking, cholesterol, and lack of regular physical activity, can be controlled; and

Whereas, The American Heart Association's Go Red For Women movement motivates women to learn their family history and to meet with a health care provider to determine their risk for cardiovascular diseases and stroke; and

Whereas, Go Red For Women encourages women to take control of their heart health by knowing five numbers that can be lifechanging: Total cholesterol; HDL (good) cholesterol; blood pressure; blood sugar; and body mass index; and

Whereas, By increasing awareness, speaking out about heart disease, and empowering women to reduce their risk for cardiovascular diseases, thousands of lives can be saved each year; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 7, 2018, as Go Red For Women Day; and, be it

Further Resolved, That the Senate urges all citizens to show their support for women and the fight against heart disease by commemorating this day by wearing the color red; and

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Go Red For Women Day.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Takubo regarding the adoption of Senate Resolution 31 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:40 a.m., the Senate recessed to present Senate Resolution 31.

The Senate reconvened at 11:43 a.m. today and proceeded to the eighth order of business.

Eng. Com. Sub. for Com. Sub. for Senate Bill 141, Expanding county assessment and collection of head tax on breeding cows.

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 Committee Substitute for Senate Bill 141 pass?”

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

The nays were: None.

Absent: Ojeda and Prezioso—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 Com. Sub. for S. B. 141) 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 230, Authorizing Department of Commerce promulgate legislative rules.

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, Palumbo, Plymale, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Ojeda and Prezioso—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. 230) 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, Palumbo, Plymale, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Ojeda and Prezioso—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. 230) 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 361, Relating to treatment supervision under Drug Offender Accountability and Treatment Act.

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

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

The nays were: None.

Absent: Ojeda and Prezioso—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. 361) 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, Palumbo, Plymale, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Ojeda and Prezioso—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. 361) takes effect from passage.

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

Eng. Senate Bill 371, Relating to proceedings for voluntary custody for examination.

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

Pending discussion,

The question being “Shall Engrossed Senate Bill 371 pass?”

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

The nays were: None.

Absent: Ojeda and Prezioso—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 371) 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, Palumbo, Plymale, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Ojeda and Prezioso—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 371) takes effect from passage.

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

The Senate proceeded to the tenth order of business.

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

Senate Bill 78, Continuing personal income tax adjustment for certain retirees.

Com. Sub. for Senate Bill 271, Creating centralized Shared Services Section of Department of Administration.

Com. Sub. for Senate Bill 283, Relating generally to procurement by state agencies.

Com. Sub. for Senate Bill 335, Protecting employees' wages or salaries from being withheld or diverted for political activities.

Senate Bill 346, Permitting full-time nonresident students purchase lifetime resident hunting, trapping and fishing licenses.

Senate Bill 379, Supplemental appropriation from State Excess Lottery Revenue Fund to DHHR.

Senate Bill 382, Supplemental appropriation of Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund.

Com. Sub. for Senate Bill 395, Providing for judicial review of appealed decisions of Air Quality Review Board, Environmental Quality Board and Surface Mine Board.

Com. Sub. for Senate Bill 404, Relating to sex offender registry information.

Com. Sub. for Senate Joint Resolution 12, No Constitutional right to abortion Amendment.

Eng. Com. Sub. for House Bill 4135, Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act.

And,

Eng. House Bill 4146, Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Plymale, unanimous consent being granted, it was ordered that the Journal show had Senator Plymale been present in the chamber on yesterday, Tuesday, February 6, 2018, he would have voted "yea" on the passage of Engrossed Committee Substitute for Senate Bill 102, Engrossed Committee Substitute for Senate Bill 181, Engrossed Committee Substitute for Senate Bill 244, Engrossed Senate Bill 393, Engrossed Senate Bill 425, Engrossed Senate Bill 462, Engrossed Senate Bill 463, and Engrossed Committee Substitute for House Bill 4013.

Senator Gaunch called attention to yesterday being the birthday of Richie Novak, Senate Technical Support, and on behalf of the Senate extended felicitations and good wishes to Richie Novak.

At the request of Senator Ferns, and by unanimous consent, leaves of absence for the day were granted Senators Ojeda and Prezioso.

Pending announcement of meetings of standing committees of the Senate, including a minority party caucus,

On motion of Senator Ferns, at 11:58 a.m., the Senate adjourned until tomorrow, Thursday, February 8, 2018, at 11 a.m.

SENATE CALENDAR

Thursday, February 08, 2018
11:00 AM

UNFINISHED BUSINESS

- S. C. R. 1 - US Army SGT Denver E. Short Memorial Road
S. C. R. 12 - US Army SP4 Darrell Gregory Triplett Memorial Bridge

SECOND READING

- S. B. 78 - Continuing personal income tax adjustment for certain retirees
Com. Sub. for S. B. 271 - Creating centralized Shared Services Section of Department of Administration (original similar to HB4188)
Com. Sub. for S. B. 283 - Relating generally to procurement by state agencies (original similar to HB4261)
Com. Sub. for S. B. 335 - Protecting employees' wages or salaries from being withheld or diverted for political activities
S. B. 346 - Permitting full-time nonresident students purchase lifetime resident hunting, trapping and fishing licenses
S. B. 379 - Supplemental appropriation from State Excess Lottery Revenue Fund to DHHR (original similar to HB4377)
S. B. 382 - Supplemental appropriation of Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund (original similar to HB4378)
Com. Sub. for S. B. 395 - Providing for judicial review of appealed decisions of Air Quality Review Board, Environmental Quality Board and Surface Mine Board
Com. Sub. for S. B. 404 - Relating to sex offender registry information
Com. Sub. for S. J. R. 12 - No Constitutional right to abortion Amendment
Eng. Com. Sub. for H. B. 4135 - Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act
Eng. H. B. 4146 - Updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act

FIRST READING

- Com. Sub. for Com. Sub. for S. B. 272 - Relating generally to drug control (original similar to HB4227)
Com. Sub. for S. B. 290 - Relating to DEP standards of water quality and effluent limitations (original similar to HB4426)

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

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2018

Thursday, February 8, 2018

9:30 a.m.	Finance	(Room 451M)
1 p.m.	Health & Human Resources	(Room 451M)
2 p.m.	Education	(Room 451M)
2 p.m.	Government Organization	(Room 208W)

Friday, February 9, 2018

9:30 a.m.	Government Organization	(Room 208W)
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