

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE  
REGULAR SESSION, 2018  
THIRTY-SIXTH DAY

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Charleston, West Virginia, Wednesday, February 14, 2018

The Senate met at 11:15 a.m.

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

Prayer was offered by the Reverend Jim Butcher, Madison Baptist Church, Madison, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Robert D. Beach, a senator from the thirteenth district.

Randall Reid-Smith, Commissioner of the Division of Culture and History, proceeded in the singing of "Amazing Grace".

Silas and Hazel Riley of Hillsboro, West Virginia, then proceeded in the playing of "Waynesboro" and "Pretty Little Dog".

Pending the reading of the Journal of Tuesday, February 13, 2018,

At the request of Senator Cline, 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 Clerk presented the following communication from a state agency as required by the provisions of law:

Environmental Protection, Department of (Special Reclamation Fund Advisory Council) (§22-1-17)

The Senate then proceeded to the third order of business.

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

**Eng. Senate Bill 62**, Adjusting requirements for hiring school attendance directors.

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

The following House of Delegates amendment to the bill was reported by the Clerk:

On page one, section three, line fifteen, by striking out the words “with five or more years of experience”.

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

Engrossed Senate Bill 62, as amended by the House of Delegates, was then put upon its passage.

Pending discussion,

The question being “Shall Engrossed Senate Bill 62 pass?”

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 62) passed with its title.

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

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

**Eng. Com. Sub. for House Bill 4009**—A Bill to repeal §5-3-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §5-3A-1, §5-3A-2, §5-3A-3, §5-3A-4, §5-3A-5, and §5-3A-6, all relating to creating the state Settlement and Recovered Funds Accountability Act; providing a short title; setting forth legislative findings; directing that recovered funds and assets to be deposited into the State Treasury in the General Revenue Fund of the state, and exceptions; directing that certain recovered funds and assets be held in trust to be deposited into a special revenue account in the State Treasury; prohibiting agreements to settlement or agreement terms that are contrary to the depositing of funds in the State Treasury; requiring transfer of funds from the Consumer Protection Recovery Fund into the General Revenue Fund; authorizing the deposit and expenditure of attorney fees, expenses and costs awarded to the Attorney General from the fund; prohibiting agreements to settlement or agreement terms that are contrary to the provisions of law; requiring reporting by the Attorney General as to the receipts and expenditures of funds and disposition of matters; and repealing provisions governing the disposition of certain fees of the Attorney General taxed as costs in legal proceedings.

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 4407**—A Bill to amend and reenact §18A-3-1f of the Code of West Virginia, 1931, as amended, relating to eligibility for alternative program teacher certificate; removing eligibility requirement to have academic major or occupational area the same as or similar to subject matter being hired to teach; and adding English Sign Language option to eligibility provisions for alternative program in American Sign Language.

Referred to the Committee on Education.

The Senate 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 14th day of February, 2018, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

**(Com. Sub. for H. B. 4020)**, Making technical corrections in the code when referencing chapter 49.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*

Roger Hanshaw,  
*Chair, House Committee.*

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 47**, Requiring Defense Department advocacy groups be notified in abuse or neglect of military person's child.

With an amendment from the Committee on Military pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Military to which the bill was first referred.

Respectfully submitted,

Tom Takubo,  
*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 61**, Prohibiting smoking in motor vehicle when minor 16 years old or less is present.

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,

Tom Takubo,  
*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 87**, Allowing purchase of Class XS resident senior hunting, fishing and trapping licenses at age 65.

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

**Com. Sub. for Senate Bill 87** (originating in the Committee on Government Organization)—  
A Bill to amend and reenact §20-2-42x of the Code of West Virginia, 1931, as amended, relating to allowing a person to purchase a Class XS resident senior hunting, fishing and trapping license at the beginning of the year he or she becomes 65, if otherwise eligible.

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 293**, Adding grievance and appellate procedures and judicial review for participants in DHHR safety and treatment program.

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

**Com. Sub. for Senate Bill 293** (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §17C-5A-3 of the Code of West Virginia, 1931, as amended, relating to the addition of grievance and appellate procedures and judicial review for individuals participating, or who have participated, in the Department of Health and Human Resources' safety and treatment program; and authorizing the Secretary of the Department of Health and Human Resources to promulgate rules to add such procedures and judicial review for participants of the safety and treatment program.

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,

Tom Takubo,  
*Chair.*

The bill (Com. Sub. for S. B. 293), under the original double committee reference, was then referred to the Committee on the Judiciary.

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 402**, 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 Senate Bill 402** (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating to creating an exemption from certain contract and common carrier laws for motor vehicles used exclusively for the transportation of railroad personnel.

And,

**Senate Bill 439**, Exempting motor vehicles engaged in nonemergency transportation of Medicaid members from PSC requirements.

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

**Com. Sub. for Senate Bill 439** (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating to exempting vehicles engaged in nonemergency transportation of Medicaid members by centers for independent living from certain statutory requirements.

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

Respectfully submitted,

Gregory L. Boso,  
*Chair.*

The bills (Com. Sub. for S. B. 402 and 439), under the original double committee references, were then referred to the Committee on Government Organization.

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

Your Committee on Finance has had under consideration

**Com. Sub. for Senate Bill 415**, Permitting wagering on certain professional or collegiate sports events authorized as WV Lottery Sports Wagering activities.

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

Respectfully submitted,

Craig Blair,  
*Chair.*

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

Your Committee on Government Organization has had under consideration

**Senate Bill 418**, Relating to WV Monument and Memorial Protection Act of 2018.

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

**Com. Sub. for Senate Bill 418** (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 §29-1-8c, relating to the West Virginia Monument and Memorial Protection Act of 2018; prohibiting the removal, renaming, alteration, or relocation, of any statue, monument, memorial, plaque, nameplate, school, street, bridge, or building recognized by the West Virginia State Historic Preservation Office and which is located on public property and has been erected for, or named, or dedicated in honor of certain historical, military, labor, civil rights, and Native American events, figures, and organizations; prohibiting any person from preventing the governmental entity having responsibility for maintaining the items, structures, or areas from taking proper measures to protect, preserve, care for, repair, or restore the items, structures, or areas recognized by the West Virginia State Historic Preservation Office; and authorizing the Legislature to grant waivers under certain circumstances.

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.*

The bill (Com. Sub. for S. B. 418), under the original double committee reference, was then referred to the Committee on Finance.

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 424**, Allowing developmentally disabled person purchase base hunting license.

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

**Com. Sub. for Senate Bill 424** (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-2-30a of the Code of West Virginia, 1931, as amended, relating to providing a lawful method for a developmentally disabled person to obtain a base hunting license free of charge; providing issuance of modified certificate of training for developmentally disabled persons; providing requirements for issuance of modified certificate of training to for developmentally disabled persons; providing definition of “developmentally disabled”; providing issuance of base hunting license to developmentally disabled persons who have modified certificate issued by the division of natural resources; providing requirements for application for modified certificate of training; requiring that no developmentally disabled person holding a base license issued under a modified certificate of training may hunt or trap unless accompanied and directly supervised by an adult at least 18 years of age who may lawfully hunt in this state; providing all licenses and stamps issued by the division of natural resources held by such adult shall apply to the developmentally disabled person while accompanied and directly supervised by such adult; requiring that person obtaining a license under a modified certificate of training must attend an on-site hunter training course and successfully completes all nonwritten aspects of the course to receive a certificate; and providing criminal penalties for violations.

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,

Mark R. Maynard,  
*Chair.*

The bill (Com. Sub. for S. B. 424), under the original double committee reference, was then referred to the Committee on the Judiciary.

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 444**, Repealing antiquated code sections regarding safety glass and lighting in motor vehicles.

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

Respectfully submitted,

Gregory L. Boso,  
*Chair.*

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

Your Committee on Education has had under consideration

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

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

**Com. Sub. for Senate Bill 465** (originating in the Committee on Education)—A Bill to amend and reenact §49-2-803 of the Code of West Virginia, 1931, as amended, relating generally to mandated reporting of child abuse and neglect; clarifying that sexual abuse and sexual assault constitute abuse of a child for reporting purposes; reducing the time period in which a mandated reporter is required to report suspected abuse or neglect; requiring mandated reporters to directly report known or suspected abuse or neglect; eliminating certain broad reporting requirements applicable to any person over the age of 18; eliminating certain exceptions to the reporting time limit; eliminating particularized reporting requirements for education employees; and eliminating provisions pertaining to conduct involving students or students and school personnel.

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

Respectfully submitted,

Robert Karnes,  
*Vice Chair.*

The bill (Com. Sub. for S. B. 465), 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 467**, Relating generally to Public Defender Services.

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

**Com. Sub. for Senate Bill 467** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §29-21-6 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §29-21-9a; and to amend and reenact §29-21-13a of said code, all relating generally to Public Defender Services; transferring initial authority to review, approve, modify, or refuse panel attorney vouchers from circuit courts to Public Defender Services; providing for resubmission or reconsideration of vouchers previously modified or refused; establishing procedures for handling of modified or refused vouchers; maintaining final authority over payment of vouchers with circuit courts; authorizing the Executive Director of Public Defender Services, with approval of the Indigent Defense Commission, to contract for noncriminal legal services; providing for payment of contracts; authorizing agency to reduce or reject vouchers or requests for payment; requiring panel attorneys to maintain time-keeping records to enable the attorney to determine time expended on a daily basis; authorizing Governor by executive order to

borrow funds from the Revenue Shortfall Reserve Fund to pay appointed counsel and establish repayment requirements; requiring Secretary of Administration's clarification that borrowing is necessary; expiring authorization to borrow on January 1, 2020; setting record-keeping standards; requiring prompt processing and payment of vouchers; revising the rates of compensation for various types of cases; and authorizing the executive director to promulgate emergency rules.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

The bill (Com. Sub. for S. B. 467), under the original double committee reference, was then referred to the Committee on Finance.

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 510**, Designating hospitals for stroke treatment.

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

**Com. Sub. for Senate Bill 510** (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §16-5B-18 of the Code of West Virginia, 1931, as amended, relating to designation of hospitals for stroke treatment; adding a designation as a thrombectomy-capable stroke center; modifying the makeup of the advisory committee; requiring approval of legislative rules by the advisory committee prior to filing; providing for a database; and prohibiting certain inspections of hospitals conducted by the Department of Health and Human Resources.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Tom Takubo,  
*Chair.*

The Senate proceeded to the sixth order of business.

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

**By Senators Palumbo, Takubo, Stollings, Woelfel, Cline, and Jeffries:**

**Senate Bill 534**—A Bill to amend and reenact §16-9A-4 of the Code of West Virginia, 1931, as amended, relating to increasing the penalty for certain tobacco-related offenses on public school property; and correcting a typographical error.

Referred to the Committee on the Judiciary.

**By Senators Trump, Unger, Stollings, Woelfel, Plymale, and Cline:**

**Senate Bill 535**—A Bill to amend and reenact §30-29-4 of the Code of West Virginia, 1931, as amended, relating to increasing a fee, included in court costs of criminal cases, dedicated to funding training, professional development, and certification programs for law-enforcement officers.

Referred to the Committee on the Judiciary.

**By Senators Jeffries, Unger, Takubo, and Beach:**

**Senate Bill 536**—A Bill to amend and reenact §20-2B-7 of the Code of West Virginia, 1931, as amended, relating to authorizing lifetime hunting, fishing, and trapping licenses for foster or adoptive children who have not reached the second year of their placement to be the same cost as resident children who have not reached their second birthday.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

**By Senators Plymale, Unger, Stollings, Woelfel, and Jeffries:**

**Senate Bill 537**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18C-7-8, relating to creation of the Business PROMISE+ Scholarship; establishing the scholarship under the management of the Higher Education Policy Commission; creating a special revenue account; explaining funding for the scholarship; authorizing the issuance of tax credits for certain businesses; authorizing legislative rules by the Higher Education Policy Commission and the Tax Commissioner; setting student eligibility; noting business benefits and requirements; creating a process for awarding a specific amount of funds; detailing student requirements upon receipt of the scholarship; and requiring the creation of a deferral and waiver program for certain requirements.

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

**By Senators Baldwin, Arvon, Beach, Cline, Drennan, Facemire, Jeffries, Mann, Ojeda, Plymale, Prezioso, Romano, Stollings, Woelfel, Unger, and Takubo:**

**Senate Bill 538**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-10b, relating to providing a credit against personal income tax for classroom teachers for nonreimbursed costs of supplies; and setting a maximum credit of \$500.

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

**By Senators Trump, Stollings, and Woelfel:**

**Senate Bill 539**—A Bill to amend and reenact §14-2-17a of the Code of West Virginia, 1931, as amended, relating to increasing the limit for settling claims against the Division of Highways under the shortened procedure for road condition claims.

Referred to the Committee on the Judiciary.

**By Senators Trump and Stollings:**

**Senate Bill 540**—A Bill to amend and reenact §50-1-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §51-1-10a of said code; to amend and reenact §51-2-13 of said code; and to amend and reenact §51-2A-6 of said code, all relating to increasing salaries of magistrates, supreme court justices, circuit court judges, and family court judges pursuant to the 2017 recommendations of the Judicial Compensation Commission.

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

**By Senators Prezioso, Baldwin, Beach, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Romano, Stollings, Unger, Woelfel, and Cline:**

**Senate Bill 541**—A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to increasing salaries for members of the West Virginia State Police over a three-year period; increasing the annual interval salary increase; and setting effective dates.

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

**By Senators Baldwin, Mann, Stollings, and Jeffries:**

**Senate Bill 542**—A Bill to amend and reenact §5B-2-15 of the Code of West Virginia, 1931, as amended, relating to requiring the creation of a four-year middle high school pilot program as a part of the Upper Kanawha Valley Resiliency and Revitalization Program; setting forth legislative findings; allowing State Superintendent of Schools to override decision of certain high school and county board of education in certain instances; requiring research of other similar programs for the purpose of seeking advice and incorporating best aspects of other programs; requiring indicators from which the success of the program can be measured; and requiring reports to the Legislative Oversight Commission on Education Accountability.

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

**By Senators Trump and Cline:**

**Senate Bill 543**—A Bill to amend and reenact §27-3-1 of the Code of West Virginia, 1931, as amended, relating generally to confidentiality of medical records for patients' physical, mental, or emotional conditions; eliminating disclosure exception for treatment or internal review purposes; eliminating 30-day requirement; eliminating requirement that provider make good faith effort to obtain consent from the patient or legal representative; eliminating requirement that the minimum information necessary is released for a specifically stated purpose; eliminating requirement that prompt notice of the disclosure, the recipient of the information, and the purpose of the disclosure is given to the patient or legal representative; providing an exception for guardianship proceedings and for family members of a person subject to guardianship members; providing for disclosure of records through a written release and authorization; and adopting provisions of federal law which pertain to disclosure of protected health information.

Referred to the Committee on the Judiciary.

**By Senators Mann, Boso, Cline, and Jeffries:**

**Senate Bill 544**—A Bill to amend and reenact §5-10D-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §20-17-1, §20-17-2, §20-17-3, §20-17-4, §20-17-4a, §20-17-5, §20-17-6, §20-17-6a, §20-17-6b, §20-17-6c, §20-17-6d, §20-17-6e, §20-17-7, §20-17-8, §20-17-9, §20-17-10, §20-17-11, §20-17-11a, §20-17-11b, §20-17-12, §20-17-13, §20-17-14, §20-17-15, §20-17-16, §20-17-17, §20-17-18, §20-17-19, §20-17-20, §20-17-21, §20-17-22, and §20-17-23, all relating to establishing the West Virginia Division of Natural Resources Police Officers' Retirement System.

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

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

**Senate Concurrent Resolution 20**—Requesting the Department of Health and Human Resources and the Bureau for Medical Services review and update Medicaid reimbursement rates for ground and air ambulance services.

Whereas, Ambulance squads are dedicated to providing the utmost health care to the citizens of West Virginia; and

Whereas, Ambulance squads are often the first to respond to scenes of accidents and medical emergencies to provide life-saving care and transport in times of need; and

Whereas, Ambulance agencies are critical to the state's response to the declared national emergency related to opioid and other drug overdoses often administering life-saving care; and

Whereas, The state's rural population and mountain topography make it difficult and increasingly costly to maintain rapid emergency response; and

Whereas, Most ambulance agencies in West Virginia receive minimal funding from state, county, and local governments to support their services; and

Whereas, Ambulance squads are dependent on reimbursement by payers such as Medicaid, Medicare, and commercial health insurance to maintain emergency medical coverage in West Virginia; and

Whereas, Medicaid medical reimbursements for ground ambulance services have not been increased in over 17 years; and

Whereas, In that 17-year period ambulance agencies have experienced significant increases in all costs of service delivery including fuel, liability insurance, workers' compensation, required medical supplies and equipment, employee compensation, and other expenses since the last Medicaid ambulance rate increase; and

Whereas, Over 70 ambulance agencies have closed in the last 10 years, many citing rising costs and low Medicaid reimbursement rates as reasons for their closure; and

Whereas, Additional ambulance agencies currently face closure without additional funding; slowing response times and access to critical emergency medical care in rural, medically underserved communities; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Department of Health and Human Resources and the Bureau for Medical Services review and update Medicaid reimbursement rates for ground and air ambulance services; and, be it

*Further Resolved,* That the Department of Health and Human Resources and the Bureau for Medical Services report to the Senate Government Organization Committee the findings of their rate review for providers of ground and air ambulance services by June 1, 2018; and, be it

*Further Resolved,* That the Department of Health and Human Resources and the Bureau for Medical Services establish a process to thereafter review on an annual basis the rates paid for

ambulance services to ensure rates are adequate to maintain vital emergency medical services for the citizens and taxpayers of West Virginia; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the Department of Health and Human Resources and the Commissioner of the Bureau for Medical Services.

Which, under the rules, lies over one day.

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

**Senate Concurrent Resolution 21**—Requesting the Division of Highways name bridge number 23-16/49-0.02 (23A234), locally known as Ellis Lumber Bridge, carrying County Route 16/49 over Buffalo Creek in Logan County, the “U. S. Army PFC Charles Thurman ‘Buddy’ Ellis Memorial Bridge”.

Whereas, Charles Thurman “Buddy” Ellis was born November 14, 1924, in Sunbeam, WV, son of the late Floyd and Catherine Ellis; and

Whereas, He attended Logan County schools until the eighth grade; and

Whereas, He joined the United States Army on June 10, 1943, where he served on the beaches of Normandy during WWII; and loved to tell stories about the war and how it was in Normandy that he learned to drive; and he returned home on February 16, 1946; and

Whereas, When he returned home he began driving a truck for Ideal Cleaners. It was there that he met his wife, Juanita, whom he married on February 15, 1947. After some time, he began selling merchandise, along with delivering dry-cleaning on his delivery truck. He and Juanita founded Ellis Clothing in the 1950s, which sold clothing, housewares, and general merchandise. In 1972, the decision was made to focus on hardware and building supplies. They bought property in Crown and erected a new store. Ellis Supply prospered and continues to serve our area today, with locations in Crown and Oceana; and

Whereas, He and his wife joined a church on November 20, 1949, and helped build the current Man Church of the Nazarene. Buddy believed that you should be in church any time the door is open and that supporting the church should be a priority. Throughout his 68 years of church membership, Buddy served in many offices and capacities including: Lifelong trustee on the church board where he served for over 60 years; sang with the choir; salted the parking lot; kept the candy basket stocked with peppermints; Sunday school teacher; Sunday school superintendent; church treasurer; and church bus driver. Leading people to Jesus was his passion in life. He transported countless people to church over the years and never had a conversation that didn’t include his testimony or a church invitation; and

Whereas, Charles Thurman “Buddy” Ellis, 92, of Man, joined his beloved wife, Juanita, in heaven on Thursday, April 20, 2017; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army, PFC Thurman “Buddy” Ellis 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 23-16/49-0.02 (23A234), locally known as Ellis Lumber Bridge, carrying County Route 16/49 over Buffalo Creek in Logan County, the “U. S. Army PFC Thurman ‘Buddy’ Ellis 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 PFC Charles Thurman ‘Buddy’ Ellis 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 Stollings, Beach, and Plymale offered the following resolution:

**Senate Concurrent Resolution 22**—Requesting the Division of Highways name a portion of Old Route 10, known as Three-Mile Curve, from the bridge to the railroad tracks, in Logan, Logan County, the “U. S. Army Colonel Larkin Bilton Vance Memorial Highway”.

Whereas, Larkin Bilton Vance was born in 1928 and was educated in a one-room school in Logan County until the eighth grade. He attended Man High School until 1943 and enlisted in the United States Navy at the age of 15. He reported to the Great Lakes Training Center and, after his training, was assigned to a ship leaving for the Pacific. At the end of WWII, he held the position of head quartermaster on the ship stationed in Okinawa. He continued his military pursuits and served in the Korean War, Vietnam, and the Cuban and Belgian Congo crises. He graduated from Army Officer Candidate School at Fort Benning, Georgia, in 1952 and retired after 30 years of service as a Colonel in the U. S. Army. He then served with NATO for an additional 10 years. During this time, he had the opportunity to meet with many distinguished world leaders. He was inducted into the Hall of Fame at Fort Benning and awarded the Civilian Award, a coveted national award for outstanding citizenship; and

Whereas, Naming this road is an appropriate recognition of Colonel Larkin Bilton Vance’s contributions to his country and to the state and community of his birth; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a portion of Old Route 10, known as Three-Mile Curve, from the bridge to the railroad tracks, in Logan, Logan County, the “U. S. Army Colonel Larkin Bilton Vance Memorial Highway”; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the road as the “U. S. Army Colonel Larkin Bilton Vance Memorial Highway”; 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 Stollings, Takubo, Unger, Beach, Plymale, Cline, Drennan, and Prezioso offered the following resolution:

**Senate Resolution 40**—Designating February 14, 2018, as Tiny Hearts Day at the Legislature.

Whereas, The mission of the West Virginia Chapter of the American Academy of Pediatrics is to attain the optimal health and wellbeing of all infants, children, adolescents, and young adults by uniting and educating pediatricians and facilitating an effective partnership between pediatricians and other child experts and advocates; and

Whereas, Pediatricians play a critical role in improving the health of our citizens; and

Whereas, The prevention of major threats to children's health and the control and management of chronic diseases, obesity, injury, communicable diseases, and other problems cannot be managed solely in the pediatric office; and

Whereas, The 2018 legislative priorities of the West Virginia Chapter of the American Academy of Pediatrics are: Providing access to health care; advancing child health by maintaining strong immunization laws; firearm injury prevention; obesity prevention and treatment; addressing the opioid epidemic and Neonatal Abstinence Syndrome; and raising the legal age to purchase tobacco to 21 and to promote tobacco cessation; and

Whereas, The West Virginia Chapter of the American Academy of Pediatrics will continue to put kids' health first and be a voice for vulnerable children and families in West Virginia; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates February 14, 2018, as Tiny Hearts Day at the Legislature; and, be it

*Further Resolved,* That the Senate extends its sincere gratitude and appreciation to the West Virginia Chapter of the American Academy of Pediatrics for the important work they do and for the positive impact they have on the health of West Virginia children and families; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Chapter of the American Academy of Pediatrics.

At the request of Senator Stollings, 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 Stollings regarding the adoption of Senate Resolution 40 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:49 a.m., the Senate recessed to present Senate Resolution 40.

The Senate reconvened at 11:53 a.m. today and resumed business under the sixth order.

Senators Carmichael (Mr. President), Unger, Stollings, Maynard, Beach, Boso, Plymale, Cline, Drennan, and Prezioso offered the following resolution:

**Senate Resolution 41**—Designating February 14, 2018, as Arts Day at the Legislature.

Whereas, The arts in West Virginia are diverse in scope. From art classes in schools to symphonic performances in theaters, large and small, the arts play an important role in education, community life, and personal development; and

Whereas, The importance of arts to West Virginians can be seen in small rural towns and metropolitan areas where artists and artisans are welcome as entrepreneurial businesses and arts activities range from fairs and festivals to theater presentations; and

Whereas, West Virginia, with its broad ethnic base, is home to traditional arts that range from music and dance to artisan crafts and fine art. The Mountain State art community is contemporary as well with local galleries, art studios, and other programs that encourage, promote, and showcase the exciting work of today's artists; and

Whereas, A cornerstone of the state's arts program is the grants program administered by the West Virginia Division of Culture and History Arts Section. Supported by funding from the National Endowment for the Arts and the West Virginia Legislature, the Division of Culture and History Arts Section awarded more than \$2.165 million in grants in fiscal year 2017 that helped fund programming, activities, and support for arts organizations of all sizes. The grants go to individual artists, arts organizations, schools, and communities; and

Whereas, Recognizing the importance of arts in education, STEAM Power WV focuses exclusively on arts in education. Educators in the fields of science, technology, engineering, and math and in the arts are encouraged to develop projects that combine the arts with one or more of the STEM disciplines. The projects provide students with opportunities for innovation, problem-solving, creativity, and contextual thinking – all aptitudes that are critical to 21st century college and career readiness; and

Whereas, The innovative statewide VH1 Save The Music Foundation program continues to place musical instruments in qualified public middle schools thanks to the matching partnership between VH1 Save The Music Foundation and generous West Virginia individuals and organizations that provided matching funds; and

Whereas, The arts in West Virginia contribute to the vitality of communities and encourage creativity in West Virginians of all ages; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates February 14, 2018, as Arts Day at the Legislature; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Culture and History.

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

On motion of Senator Ferns, at 11:56 a.m., the Senate recessed to present Senate Resolution 41.

The Senate reconvened at 11:59 a.m. today and resumed business under the sixth order.

Senators Gaunch, Carmichael (Mr. President), Unger, Stollings, Woelfel, Maynard, Boso, Plymale, Cline, and Drennan offered the following resolution:

**Senate Resolution 42**—Recognizing the contribution of car dealers to the economy of West Virginia.

Whereas, The automobile business is over 100 years old and many dealerships in West Virginia have been in the business of providing vehicles for most of that time. Several dealerships are now being operated and managed by fourth-generation dealers and the majority of dealerships are family owned and operated; and

Whereas, West Virginia dealers are strong partners in the economy providing almost 13,000 jobs directly and indirectly. Hiring and training local residents enables many the opportunity to stay in West Virginia to enjoy the beauty of their home state; and

Whereas, Local dealers serve on many community and professional boards keeping in mind that we want a strong community and corporate presence. As local dealers, they stand ready to assist in times of need for communities. Providing staging centers during recent floods for donation, as well as being major donors, ensuring that supplies were delivered to areas in need; and

Whereas, Being involved in all levels of the educational communities to afford career opportunities for future employees, education, both traditional and otherwise, enables our industry to attract and keep next generations. Through the West Virginia Automobile and Truck Dealers Association and the National Automobile Dealers Association, all level of training and certification prepare all levels for career development and progression; and

Whereas, Providing safe and affordable transportation is a major goal for franchise dealers. With little or no public transportation, our citizens must depend on personal transportation to meet their needs; and

Whereas, Inventory taxes paid on vehicles and real estate are a main stay for local taxes for education and local needs. Vehicle taxes provide 18.1 percent of the total retail sales; and

Whereas, As of 2016 in West Virginia, there were 135 new dealerships, providing 12,955 total jobs resulting in \$4.8 billion in annual sales and \$305 million in payroll for hard-working West Virginians; therefore, be it

*Resolved by the Senate:*

That the Senate hereby recognizes the contribution of car dealers to the economy of West Virginia; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the President of the West Virginia Automobile and Truck Dealers Association, Ruth Lemmon.

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

On motion of Senator Ferns, at 12:05 p.m., the Senate recessed to present Senate Resolution 42.

The Senate reconvened at 12:10 p.m. today and, at the request of Senator Ferns, and by unanimous consent, returned to the fourth order of business.

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 545** (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17B-2-3a of the Code of West Virginia, 1931, as amended, relating to driving privileges and requirements for persons under the age of 18; prohibiting use of wireless communication device while operating motor vehicle and specifying exception; and making violation of level three license terms and conditions subject to penalty provision.

And reports the same back with the recommendation that it do pass; but with the further recommendation that it first be referred to the Committee on the Judiciary.

Respectfully submitted,

Gregory L. Boso,  
*Chair.*

On motion of Senator Boso, the bill (S. B. 545) contained in the foregoing report from the Committee on Transportation and Infrastructure was then referred to the Committee on the Judiciary.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 36**, Relating generally to DNA testing.

On third 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 Senate Bill 288**, Regulating cremation, embalming and directing of funeral service.

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 288 pass?”

Senator Mann 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 a funeral director.

The Chair replied that any impact on Senator Mann 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, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 288) passed with its title.

Senator Ferns moved that the bill take effect from passage.

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 288) 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 321**, Relating to powers and duties of Public Land Corporation.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 321) 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 397**, Creating crime of impersonating blind or disabled person.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 397) 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 407**, Licensing and approval of child care programs.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 407) passed.

The following amendment to the title of the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

**Eng. Senate Bill 407**—A Bill to amend and reenact §49-1-203 and §49-1-206 of the Code of West Virginia, 1931, as amended, all relating to modifying definitions related to licensing and approval of child care programs; modifying definitions related to child advocacy, care, residential, and treatment programs eliminating ability for family child care homes, informal family child care homes or relative family child care homes to self-certify compliance with legislative rules; eliminating statutory caps on the number of children under 24 months of age in family child care facilities and family child care homes; and making technical corrections.

*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 408**, Licensing of nursing homes and assisted living residences.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 408) passed.

The following amendment to the title of the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

**Eng. Com. Sub. for Senate Bill 408**—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; requiring real-time online publication of certain information related to nursing homes and assisted residences by secretary of Department of Health and Human Resources in lieu of annual report; identifying information to be published online; defining terms; updating definitions; clarifying rule requirements; identifying additional legislative rules to be proposed by secretary of Department of Health and Human Resources; allowing physical and electronic delivery methods for certain reports; repealing outdated sections of code; eliminating duplicative provisions of code; clarifying enforcement action and due process procedures; setting forth actions to be taken if license is suspended, denied, limited or revoked; requiring reporting by assisted living residence administrator to secretary of Board of Pharmacy; barring certain individuals from application to operate another assisted living facility; setting maximum period of suspension on license suspension for assisted living facility; and making technical corrections.

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

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

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 411) 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 469**, Converting Addiction Treatment Pilot Program to permanent program.

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 469 pass?”

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 469) 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 473**, Requiring insurance coverage for the prescription drug Varenicline.

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

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

The nays were: Azinger—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 473) 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 House Bill 2546**, Allowing replacement costs of employer provided property to be deducted from an employee’s final paycheck if the property is not returned.

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

Pending extending discussion and a point of inquiry to the President, with resultant response thereto,

The question being “Shall Engrossed Committee Substitute for House Bill 2546 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Karnes, Mann, Maroney, Maynard, Plymale, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—26.

The nays were: Baldwin, Beach, Jeffries, Ojeda, Palumbo, Prezioso, Romano, and Stollings—8.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2546) passed with its title.

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

**Eng. Com. Sub. for House Bill 2831**, Relating to the reconstitution of the Driver’s Licensing Advisory Board.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2831) passed.

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

**Eng. Com. Sub. for House Bill 2831**—A Bill to amend and reenact §17B-2-7a of the Code of West Virginia, 1931, as amended, relating to the Driver’s Licensing Advisory Board; requiring one member of the advisory board to be a board certified neurologist licensed to practice medicine in this state; reducing number of physicians or surgeons serving on advisory board from four to three; permitting current appointees to advisory board to continue to serve until successors have been appointed; authorizing Commissioner of Motor Vehicles to request opinion of advisory board; requiring the board to respond to requests of the commissioner for opinions; providing reimbursement for advisory board members for actual and necessary expenses; requiring reimbursement to be consistent with guidelines of Travel Management Office; and eliminating sunset provision for advisory board.

*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 Com. Sub. for Senate Bill 273**, Reducing use of certain prescription drugs.

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 Com. Sub. for Senate Bill 341**, Relating generally to WV Appellate Reorganization Act of 2018.

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

**Com. Sub. for Com. Sub. for Senate Bill 347**, Relating to operation of motorboats.

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

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

On page two, section twelve, line seven, after "70" by inserting the words "or more";

And,

On page three, section twelve, line thirty-four, by striking out "§20-12-(a)" and inserting in lieu thereof "§20-7-12(a)".

The bill (Com. Sub. for Com. Sub. for S. B. 347), as amended, was then ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 348**, Allowing for disposal of service weapons of special DNR police officers.

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

**Com. Sub. for Com. Sub. for Senate Bill 355**, Dissolving IS&C Division under Office of Technology.

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 370**, Exempting nonpaid volunteers at ski areas from workers' compensation benefits.

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 458**, Prohibiting political subdivisions from enacting regulations or legal requirements relating to employer-employee relationship.

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

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

On page four, section four, after line twelve, by inserting a new subsection, designated subsection (e), to read as follows:

(e) Nothing in this article shall be construed to interfere, limit, or restrict the ability of a political subdivision to contract with any third party for goods or services.

Following discussion,

The question being on the adoption of Senator Romano=s amendment to the bill, the same was put and did not prevail.

On motion of Senator Romano, the following amendments to the bill (Com. Sub. for S. B. 458) were next reported by the Clerk and considered simultaneously:

On page three, section three, line two, after the word “requirement” by inserting the words “unless it is placed on the ballot before the voters of the political subdivision in a regularly scheduled election and more votes are cast in favor of it than are cast in opposition,”;

And,

On page four, section four, line seven, after the word “article” by inserting a comma and the words “unless it is placed on the ballot before the voters of the political subdivision in a regularly scheduled election and more votes are cast in favor of it than are cast in opposition”.

Following discussion,

The question being on the adoption of Senator Romano=s amendments to the bill, the same was put and did not prevail.

The bill (Com. Sub. for S. B. 458) was then ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 461**, Extending time to file petition for motor fuel excise tax refund.

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

**Senate Bill 524**, Relating to disposition of complaint proceedings.

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

**Senate Bill 525**, Relating to certification for emergency medical training - mining.

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

**Com. Sub. for Com. Sub. for Senate Joint Resolution 3**, Judicial Budget Oversight Amendment.

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

On motion of Senator Romano, the following amendment to the resolution was reported by the Clerk:

On page three, section fifty-one, line nine, after the words "*Provided, That*" by inserting the following: no item relating to the judiciary may be decreased by more than three percent compared to the previous fiscal year's appropriation for that item without a separate vote on the bill's third reading that requires two thirds of the members elected to each house, taken by yeas and nays, on the specific question of the reduction in the items relating to the judiciary prior to the final vote on passage of the bill: *Provided, however*, That the separate vote on decreasing an item relating to the judiciary is not required if the percentage decrease is equivalent to or less than the decrease for the entire state budget as compared to the previous fiscal year: *Provided further*, That.

Following discussion,

Senator Romano requested unanimous consent to amend his foregoing amendment.

Which consent was not granted, Senator Blair objecting.

The question now being on the adoption of Senator Romano's amendment to the resolution, the same was put and did not prevail.

The resolution (Com. Sub. for Com. Sub. for S. J. R. 3) was then ordered to engrossment and third reading.

**Eng. Com. Sub. for House Bill 4162**, Granting authority to the State Conservation Committee to contract for flood response.

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

The Senate proceeded to the tenth order of business.

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

**Senate Bill 339**, Relating to WV Retirement Health Benefit Trust Fund within PEIA.

**Com. Sub. for Senate Bill 358**, Imposing fee for processing criminal bonds.

**Senate Bill 398**, Relating to requirements for making consumer loans.

**Com. Sub. for Senate Bill 495**, Designating specific insurance coverages exempt from rate filing requirements.

**Senate Bill 498**, Creating two-year pilot program allowing all-terrain or recreational vehicles in Cabwaylingo State Forest.

**Eng. Com. Sub. for House Bill 3004**, Relating to filling vacancies in offices of state officials, United States Senators, Justices, judges, and magistrates.

And,

**Eng. Com. Sub. for House Bill 4242**, Clarifying the jurisdictional amount for removal of a civil action from magistrate court to circuit court.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Plymale and Ojeda.

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

At the request of Senator Romano, unanimous consent being granted, the remarks by Senator Ojeda were ordered printed in the Appendix to the Journal.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 1:54 p.m., the Senate adjourned until tomorrow, Thursday, February 15, 2018, at 11 a.m.

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## SENATE CALENDAR

Thursday, February 15, 2018  
11:00 AM

### UNFINISHED BUSINESS

- S. C. R. 20 - Requesting Bureau for Medical Services review and update Medicaid rates for ground and air ambulance services
- S. C. R. 21 - US Army PFC Charles Thurman "Buddy" Ellis Memorial Bridge
- S. C. R. 22 - US Army Colonel Larkin Bilton Vance Memorial Highway

### THIRD READING

- Eng. Com. Sub. for S. B. 36 - Relating generally to DNA testing
- Eng. Com. Sub. for Com. Sub. for S. B. 341 - Relating generally to WV Appellate Reorganization Act of 2018 (original similar to HB4004)
- Eng. Com. Sub. for Com. Sub. for S. B. 347 - Relating to operation of motorboats (original similar to HB4274)
- Eng. Com. Sub. for S. B. 348 - Allowing for disposal of service weapons of special DNR police officers
- Eng. Com. Sub. for Com. Sub. for S. B. 355 - Dissolving IS&C Division under Office of Technology (original similar to HB4339)
- Eng. Com. Sub. for S. B. 370 - Exempting nonpaid volunteers at ski areas from workers' compensation benefits
- Eng. Com. Sub. for S. B. 458 - Prohibiting political subdivisions from enacting regulations or legal requirements relating to employer-employee relationship
- Eng. Com. Sub. for S. B. 461 - Extending time to file petition for motor fuel excise tax refund
- Eng. S. B. 524 - Relating to disposition of complaint proceedings
- Eng. S. B. 525 - Relating to certification for emergency medical training - mining
- Eng. Com. Sub. for Com. Sub. for S. J. R. 3 - Judicial Budget Oversight Amendment (original similar to HJR101, HJR104, HJR109)
- Eng. Com. Sub. for H. B. 4162 - Granting authority to the State Conservation Committee to contract for flood response

## SECOND READING

- Com. Sub. for Com. Sub. for S. B. 273 - Reducing use of certain prescription drugs (original similar to HB4263)
- S. B. 339 - Relating to WV Retirement Health Benefit Trust Fund within PEIA (original similar to HB4272)
- Com. Sub. for S. B. 358 - Imposing fee for processing criminal bonds
- S. B. 398 - Relating to requirements for making consumer loans
- Com. Sub. for S. B. 495 - Designating specific insurance coverages exempt from rate filing requirements
- S. B. 498 - Creating two-year pilot program allowing all-terrain or recreational vehicles in Cabwaylingo State Forest
- Eng. Com. Sub. for H. B. 3004 - Relating to filling vacancies in offices of state officials, United States Senators, Justices, judges, and magistrates - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 4242 - Clarifying the jurisdictional amount for removal of a civil action from magistrate court to circuit court

## FIRST READING

- S. B. 47 - Requiring Defense Department advocacy groups be notified in abuse or neglect of military person's child - (Com. amend. pending)
- Com. Sub. for S. B. 87 - Allowing purchase of Class XS resident senior hunting, fishing and trapping licenses at age 65
- Com. Sub. for S. B. 415 - Permitting wagering on certain professional or collegiate sports events authorized as WV Lottery Sports Wagering activities (original similar to HB4396)
- S. B. 444 - Repealing antiquated code sections regarding safety glass and lighting in motor vehicles
- Com. Sub. for S. B. 510 - Designating hospitals for stroke treatment

**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2018**

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**Thursday, February 15, 2018**

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

