

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE  
REGULAR SESSION, 2018  
FIFTY-FIRST DAY

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Charleston, West Virginia, Thursday, March 1, 2018

The Senate met at 11:45 a.m.

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

Prayer was offered by the Reverend Rick Swearingin, Madison United Methodist Church, Madison, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Ryan J. Ferns, a senator from the first district.

Pending the reading of the Journal of Wednesday, February 28, 2018,

At the request of Senator Takubo, 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.

(Senator Ferns in the Chair.)

At the request of Senator Carmichael (Mr. President), unanimous consent being granted, Senator Carmichael (Mr. President) addressed the Senate regarding public school employee concerns.

At the request of Senator Prezioso, and by unanimous consent, Senator Prezioso addressed the Senate regarding public school employee concerns.

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

At the request of Senator Unger, unanimous consent being granted, Senator Unger addressed the Senate regarding public school employee concerns.

At the request of Senator Takubo, and by unanimous consent, Senator Takubo addressed the Senate regarding public school employee concerns.

At the request of Senator Ojeda, unanimous consent being granted, Senator Ojeda addressed the Senate regarding public school employee concerns.

At the request of Senator Maroney, and by unanimous consent, Senator Maroney addressed the Senate regarding public school employee concerns.

The Senate 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 2008**—A Bill to amend and reenact §17A-6-2a of the Code of West Virginia, 1931, as amended, relating generally to the Dealer Recovery Fund; specifying that the Dealer Recovery Fund Control Board has discretionary jurisdiction to hear claims; and providing the types of claims for damages that may be awarded from the Dealer Recovery Fund.

Referred to the Committee on Finance.

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

**Eng. Com. Sub. for House Bill 4036**—A Bill to amend and reenact §51-2A-6 of the Code of West Virginia, 1931, relating generally to salaries of family court employees; and increasing the maximum salaries of family case coordinators and secretary-clerks.

Referred to the Committee on Finance.

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

**Eng. Com. Sub. for House Bill 4145**—A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended as contained in Enrolled Committee Substitute for Senate Bill 267, Regular Session, 2018; and to amend and reenact §18A-4-2 and §18A-4-8a of said code as contained in Enrolled Committee Substitute for Senate Bill 267, Regular Session, 2018, all relating to increasing compensation for certain public employees; increasing the annual salaries of members of the West Virginia State Police; increasing the minimum salaries payable to public school teachers and professional personnel during the contract year; and increasing the minimum monthly pay for public school service personnel.

Referred to the Committee on Finance.

Senator Prezioso moved that Engrossed Committee Substitute for House Bill 4145 be taken up for immediate consideration and read a first time.

The question being on the adoption of Senator Prezioso's aforesaid motion, and on this question, Senator Prezioso demanded the yeas and nays.

Senator Ferns moved that Senator Prezioso's motion be tabled.

Following points of inquiry to the President, with resultant response thereto,

The question now being on the adoption of Senator Ferns' motion to table Senator Prezioso's aforestated motion, and on this question, Senator Prezioso demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Maroney, Maynard, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—20.

The nays were: Arvon, Baldwin, Beach, Facemire, Jeffries, Mann, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—14.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Ferns' aforestated motion had prevailed and Senator Prezioso's motion was thereafter tabled.

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

**Eng. House Bill 4153**—A Bill to repeal §11-26-1, §11-26-2, §11-26-3, §11-26-4, §11-26-5, §11-26-6, §11-26-7, §11-26-8, §11-26-9, §11-26-10, §11-26-11, §11-26-12, §11-26-13, §11-26-14, §11-26-15, §11-26-16, §11-26-17, §11-26-18, §11-26-19 and §11-26-20 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-27-3 of said code; and to amend said code by adding thereto a new section, designated §11-27-10a, all relating to imposing a health-care related provider tax on certain health care organizations; repealing outdated tax: adding definitions; establishing tax rates; requiring federal approval of tax; and setting effective date.

Referred to the Committee on Health and Human Resources.

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

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 4217**—A Bill to amend and reenact §61-12-10 of the Code West Virginia, 1931, as amended, relating to permitting a designated representative of a hospital or an attending physician to obtain a patient's autopsy report.

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 and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4336**—A Bill to amend and reenact §60A-2-204, §60A-2-206, §60A-2-210 and §60A-2-212 of the Code of West Virginia, 1931, as amended, all relating to updating the schedule of controlled substances.

Referred to the Committee on the Judiciary.

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

**Eng. Com. Sub. for House Bill 4338**—A Bill to repeal §25-1-1, §25-1-1a, §25-1-3, §25-1-3a, §25-1-3b, §25-1-3c, §25-1-4, §25-1-5, §25-1-5a, §25-1-6, §25-1-7, §25-1-8, §25-1-11, §25-1-11a, §25-1-11b, §25-1-11c, §25-1-11d, §25-1-11e, §25-1-11f, §25-1-13, §25-1-14, §25-1-15, §25-1-16, §25-1-16a, §25-1-17, §25-1-18, §25-1-19, §25-1-20, §25-1-21, §25-1-22, of the Code of West Virginia, 1931, as amended; to repeal §28-5-7, §28-5-8a, §28-5-23, §28-5-24 and §28-5-27, of said code; to repeal §31-20-1, §31-20-1a, §31-20-2, §31-20-3, §31-20-4, §31-20-5, §31-20-5a, §31-20-5b, §31-20-5c, §31-20-5d, §31-20-5e, §31-20-5f, §31-20-5g, §31-20-5h, §31-20-8, §31-20-8a, §31-20-9, §31-20-9a, §31-20-10, §31-20-10a, §31-20-10b, §31-20-11, §31-20-12, §31-20-13, §31-20-14, §31-20-15, §31-20-20, §31-20-22, §31-20-23, §31-20-24, §31-20-27, §31-20-27a, §31-20-28, §31-20-29, §31-20-30, §31-20-30a, §31-20-31, and §31-20-32 of said code; to repeal §62-12-14, §62-12-14a, §62-12-15 and §62-12-25 of said code; to repeal §62-13-3, §62-13-4, §62-13-5 and §62-13-6a of said code; to amend and reenact §6-7-2a of said code; to amend said code by adding thereto a new chapter, designated §15A-1-1, §15A-1-2, §15A-1-3, §15A-1-4, §15A-1-5, §15A-2-1, §15A-2-2, §15A-2-3, §15A-2-4, §15A-2-5, §15A-2-6, §15A-2-7, §15A-2-8, §15A-2-9, §15A-2-10, §15A-2-11, §15A-2-12, §15A-2-13, §15A-2-14, §15A-2-15, §15A-2-16, §15A-2-17, §15A-2-18, §15A-2-19, §15A-2-20, §15A-2-21, §15A-2-22, §15A-2-23, §15A-2-24, §15A-2-25, §15A-2-26, §15A-2-27, §15A-2-28, §15A-2-29, §15A-2-30, §15A-2-31, §15A-2-32, §15A-2-33, §15A-2-34, §15A-2-35, §15A-2-36, §15A-3-1, §15A-3-2, §15A-3-3, §15A-3-4, §15A-3-5, §15A-3-6, §15A-3-7, §15A-4-1, §15A-4-2, §15A-4-3, §15A-4-4, §15A-4-5, §15A-5-1, §15A-5-2, §15A-5-3, §15A-5-4, §15A-5-5, §15A-5-6, §15A-5-7, §15A-6-1, §15A-6-2 and §15A-6-3; and to amend and reenact §19-12A-5 of said code, all relating generally to supervision of persons committed to the custody of the division of corrections, division of juvenile services and the regional jail and correctional facility authority; consolidating supervision authority of the division of corrections, division of juvenile services and the regional jail and correctional facility authority; creating the Division of Administrative Services and the Division Corrections and Rehabilitation in the Department of Military Affairs and Public Safety; transferring certain authority to the Division of Corrections and Rehabilitation; abolishing certain divisions and authorities; setting forth legislative intent; setting forth the institutions to be controlled by the Commissioner of Corrections and Rehabilitation; establishing law enforcement powers; establishing employment criteria; establishing rules for offenders and inmates; establishing certain funds and programs; creating the Bureau of Prisons and Jails and setting forth its duties and responsibilities; establishing the Bureau of Juvenile Services and setting forth its duties and responsibilities; establishing the Bureau of Community Corrections and setting forth its duties and responsibilities; creating the Regional Jail and Corrections Authority Board and setting forth its duties and responsibilities; setting forth compensation; providing criminal penalties; defining terms; and requiring rule-making.

Referred to the Committee on Government Organization.

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

**Eng. Com. Sub. for House Bill 4345**—A Bill to amend and reenact §16A-4-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §16A-6-13 of said code; and to amend and reenact §16A-16-1 of said code, all relating to medical cannabis; adding requirements for practitioners to issue a certification; adding a requirement that practitioners provide an attestation; increasing the number of permits that the bureau may issue for growers, processors and dispensaries of medical cannabis; permitting a grower to be a processor and a processor to be a grower; allowing growers and processors to be dispensaries; permitting dispensaries to be growers and processors and authorizing the bureau to implement a process for pre-registration.

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 4357**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §31H-1-1, §31H-1-2, §31H-2-1, §31H-2-2, §31H-2-3, and §31H-2-4, all relating to the establishment of the West Virginia Small Wireless Facilities Deployment Act; making legislative findings; defining terms; providing for access to public rights-of-way for the collocation of small wireless facilities; providing and limiting state and local government authority to prohibit, regulate or charge for collocation; authorizing and limiting activities and equipment of providers; excluding micro wireless facilities from regulation; authorizing and limiting permits for activities; providing for the collection of fees and setting the amount of fees; authorizing and limiting access to collocation sites, structures and equipment; authorizing and limiting agreements between authority and provider; and providing for certain local zoning, indemnification, insurance, bonding and other forms of surety requirements.

Referred to the Committee on Government Organization.

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

**Eng. Com. Sub. for House Bill 4392**—A Bill to amend and reenact §9-5-11 of the Code of West Virginia, 1931, as amended, relating to Medicaid subrogation liens of the Department of Health and Human Resources; extending the definition of a liable “third-party” to include certain insurers; establishing notice requirements for claims and civil actions; providing authority for the secretary to negotiate and incentivize Medicaid members to prosecute lawsuits against liable third parties; requiring department authorization before finalizing settlement in certain circumstances; establishing the notice, procedure and consent requirements for settlement allocation; establishing procedure in the event the department rejects the proposed allocation; establishing the burden of proof regarding allocation dispute proceedings in court; requiring the trial court to consider the department’s interests in maximizing recovery for purposes of the operation of the Medicaid program in an allocation dispute; where a final subrogation lien is less than \$1,500 those matters are exempt from the provisions of this section; modifying the penalty for failure of recipient’s legal representative to notify the department to include interest, and setting effective date.

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 and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4431**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-14A-1, §20-14A-2, §20-14A-3, §20-14A-4, §20-14A-5, §20-14A-6, §20-14A-7, §20-14A-8, §20-14A-9, §20-14A-10, §20-14A-11, and §20-14A-12, all relating to establishing the Mountaineer Trail Network Recreation Authority; providing a statement of legislative purpose and findings; providing definitions; establishing the Mountaineer Trail Network Recreation Authority; providing for a method of appointment to the board of the authority; prescribing the terms of appointment; describing the powers and duties of the board for the authority; providing for financial oversight; describing the powers and duties of the authority; establishing prohibited acts and creating a criminal penalty; limiting the liability of

landowners; setting forth purchasing and bidding procedures and creating a criminal penalty; providing for conflicts of interest and creating a criminal penalty; providing civil remedies; and providing for severability.

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 4447**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31G-5-1, §31G-5-2, §31G-5-3, §31G-5-4, §31G-5-5, §31G-5-6, §31G-5-7, §31G-5-8, §31G-5-9, §31G-5-10 and §31G-5-11, all relating to providing a uniform and efficient system of broadband conduit installation coinciding with the construction, maintenance or improvement of highways, and rights-of-way under the oversight of the Division of Highways; defining terms; providing procedures for broadband conduit installation in rights of way; providing for requirements for permits to install broadband conduit there; providing for agreements to install broadband conduit there and terms to be included; compensation due the Division of Highways for use of spare conduit or related facilities of the Division of Highways as part of any longitudinal access granted to a right-of-way pursuant to this section; defining the valuation of such compensation, including in-kind compensation; establishing limitations on longitudinal access consistent with highway safety and certain existing highway policies; delineating requirements for provider initiated construction; providing guidelines for joint use of trenches or trench sharing where multiple providers share a single trench and agreements governing the same; delineating provisions governing the Division of Highways offering a provider use of, and access to, its spare conduit; providing guidelines for the relocation and upgrade of existing telecommunications facilities within rights-of-way for state highways; providing guidelines for the installation of broadband conduit in covered highway construction projects; providing that the Division of Highways install broadband conduit on certain highway construction projects as recommended by the Broadband Enhancement Council; requiring coordination between the Broadband Enhancement Council and various state and local government entities for the installation, maintenance and improvement of the conduit; requiring development of a strategy and adoption of policies for deployment of broadband conduit to serve buildings and property of state, county, municipal and local units of government owned lands and buildings; and providing joint rule-making authority to the Broadband Enhancement Council and the Commissioner of the Division of Highways to further the ends of this statute.

Referred to the Committee on Government Organization.

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

**Eng. Com. Sub. for House Bill 4455**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designation §61-8-19d, all relating to animal abuse generally; prohibiting activities connected with sexual abuse of an animal; establishing criminal penalties; providing for forfeiture of animals, payment of associated costs, providing for restrictions on owning animals upon conviction; and requiring psychiatric evaluation and payment of costs in certain circumstances.

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 4490**—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; permit requirements.

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 4524**—A Bill to amend and reenact §30-5-12b of the Code of West Virginia, 1931, as amended, relating to establishing guidelines for the substitution of certain biological pharmaceuticals by pharmacists; defining terms; providing for guidelines relating to substitution of interchangeable biological products; establishing communication requirements between the pharmacists and prescriber relating to substitution of interchangeable biological products; and requiring maintenance of records relating to biological products dispensed for at least two years.

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 and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4529**—A Bill to amend and reenact §8-13-25 of the Code of West Virginia, 1931, as amended, relating to oath by municipal official certifying list of delinquent business and occupation taxes; and providing that official is not subject to penalties for disclosure.

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 4558**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-16, relating to establishing the Entrepreneurship and Innovation Investment Fund in the West Virginia Development Office; and setting forth general structure of fund and distribution of funds.

Referred to the Committee on Finance.

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

**Eng. Com. Sub. for House Bill 4571**—A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended, relating to the final day of filing announcements of candidates for a political office; and providing that the deadline on that final day is 11:59 p.m.; requiring that the office of the Secretary of State be open until that time; and requiring the offices of the County Clerks of each county be open from 9. m. until 12 p. m. on that date.

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 4603**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-7K-1, §55-7K-2, and §55-7K-3, relating to providing immunity from civil liability to facilities and employees providing crisis stabilization and/or drug and alcohol detoxification services, substance use disorder services, and/or drug overdose services on a short-term basis; providing that the provisions of this article are applicable prospectively to all causes of action filed on or after July 1, 2018; and providing that the provisions of this article are to operate in addition to, and not in derogation of, any of the provisions contained in the Medical Professional Liability Act.

Referred to the Committee on the Judiciary.

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

**Eng. House Bill 4626**—A Bill to amend and reenact §11-13BB-3, §11-13BB-4 and §11-13BB-14 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia innovative mine safety technology tax credit act; requiring that proximity detection systems, cameras and underground safety shelters and the refurbishing thereof be on the list of approved innovative mine safety technology; providing exception to intent of the Legislature as to description of what should be on the list; extending the tax credit authorized for qualified investment in eligible safety property under the act; and correcting cross-references.

Referred to the Committee on Finance.

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

**Eng. House Bill 4627**—A Bill to amend and reenact §8-21-8 of the code of West Virginia, 1931, as amended, relating to providing a limitation on the eminent domain authority of a municipal park board by requiring the approval of the governing body of that municipality in instances where it is sought to be exercised.

Referred to the Committee on the Judiciary.

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

**Eng. House Bill 4628**—A Bill to amend and reenact §23-2C-3 of the Code of West Virginia, 1931, as amended, relating to authorizing the redirection of amounts collected from certain surcharges and assessments on workers' compensation insurance policies for periods prior to January 1, 2019; terminating the surcharges and assessments after December 31, 2018; and terminating the provisions of the section beginning on and after January 1, 2019, and exceptions thereto.

Referred to the Committee on Finance.

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

**Eng. House Bill 4629**—A Bill to repeal §31G-1-10, of the Code of West Virginia, 1931, as amended; to amend and reenact §31G-2-1 of said Code; and to repeal §31G-4-1, §31G-4-2, and §31G-4-3 of said Code; all relating to broadband enhancement and expansion policies generally; repealing language relating to pilot project for cooperative associations by political subdivisions; providing that a political subdivision of this state may be a qualified person for the purposes of forming a cooperative association; and repealing the article setting forth provisions relating to make ready pole access.

Referred to the Committee on Government Organization.

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

**House Concurrent Resolution 8**—Requesting West Virginia’s congressional delegation to ask the United States Department of Energy and the United States Department of Commerce to make available funding for a feasibility study to analyze a coal-to-chemicals project for West Virginia and the Appalachian region.

Referred to the Committee on Energy, Industry, and Mining.

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

**House Concurrent Resolution 24**—Recognize March 2, 2018, as National Speech and Debate Education Day.

Referred to the Committee on Government Organization.

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

**House Concurrent Resolution 77**—Requesting the Division of Highways to name a portion of West Virginia Route 85, Pond Fork Road, near Wharton, Boone County, West Virginia, beginning at the intersection of Secondary Rt. 11/1, James Creek Rd., and West Virginia Route 85, and traveling approximately 2.1 miles, between Bald Knob and Wharton, the “Deputy Sheriff Jesse R. Browning Memorial Road”.

Referred to the Committee on Transportation and Infrastructure.

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 1st day of March, 2018, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

**(H. B. 4380)**, Making a supplementary appropriation to the Department of Agriculture.

**(H. B. 4381)**, Making a supplementary appropriation to the Department of Education.

**(H. B. 4384)**, Making a supplementary appropriation to the Department of Transportation.

**(H. B. 4386)**, Making a supplementary appropriation to the Department of Health and Human Resources, Division of Health – Community Mental Health Services.

Respectfully submitted,

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

Roger Hanshaw,  
*Chair, House Committee.*

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

Your Committee on Government Organization has had under consideration

**Eng. Com. Sub. for House Bill 2889**, Allowing military veterans with certain military ratings to qualify for examinations required of probationary police officer.

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

Respectfully submitted,

C. Edward Gaunch,  
*Chair.*

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

Your Committee on Government Organization has had under consideration

**Eng. Com. Sub. for House Bill 2995**, Permitting certain animal euthanasia technicians who have been certified by other states be certified animal euthanasia technicians in West Virginia.

And has amended same.

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

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

**Eng. Com. Sub. for House Bill 4238**, Authorizing counties and municipalities to establish a joint airport hazard comprehensive plan.

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

Respectfully submitted,

C. Edward Gaunch,  
*Chair.*

(Senator Trump in the Chair.)

The Senate proceeded to the sixth order of business.

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

**Senate Concurrent Resolution 42**—Requesting the Division of Highways name bridge number 20-60-27.85 (20A154), locally known as the Dupont Overpass Bridge, carrying U. S. Route 60 over County Route 60/15 in Kanawha County, the “U. S. Navy Veteran Samuel H. Slack, Jr., Memorial Bridge”.

Whereas, Samuel H. Slack, Jr., was a veteran of World War II, the Korean War, and the Vietnam War, and was a deeply patriotic American until his death at age 91; and

Whereas, Samuel H. Slack, Jr., always spoke proudly of his time in the United States Navy, and was particularly proud of serving aboard the USS Long Beach when the U. S. Navy launched its first fleet of nuclear vessels. He spoke with amazement about how the ship could travel around the world without the need to stop and refuel; and

Whereas, Samuel H. Slack, Jr., was honored by the Taiwanese Government in 1998 for his service during the Korean War; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Navy Veteran Samuel H. Slack, Jr., for his service to our state and nation; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 20-60-27.85 (20A154), locally known as the Dupont Overpass Bridge, carrying U. S. Route 60 over County Route 60/15 in Kanawha County, the “U. S. Navy Veteran Samuel H. Slack, Jr., 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. Navy Veteran Samuel H. Slack, Jr., 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 Romano, Facemire, Stollings, Beach, and Plymale offered the following resolution:

**Senate Concurrent Resolution 43**—Requesting the Division of Highways name bridge number 17-19/33-0.01 (17A093), locally known as Spelter Bridge, carrying County Route 19/33 over West Fork River in Harrison County, the “U. S. Army T-4 CE Caesar Bango Memorial Bridge”.

Whereas, Caesar Bango was born in Anmoore, West Virginia, on November 16, 1924, to Jose and Maria Bango. He was one of six siblings, three boys and three girls. His family moved to Spelter, West Virginia, when he was four. He attended school there and graduated from Victory High School in 1943. The next day he was drafted into the United States Army; and

Whereas, Caesar Bango completed boot camp at Fort Leonard Wood in Missouri. He was then the only soldier out of 300 selected to work on the Manhattan Project in Los Alamos, New Mexico, where the first atomic bomb was being built. Years later, he recalled his experience, “They wouldn’t tell me where I was going or what I was going to be doing. All my letters were censored and I couldn’t use the phone for 30 months. It was worse than war because they kept the atomic bombs there and your never knew what was going to happen.” He also recounted the smoke that rolled all over the countryside the day the first atomic bomb was detonated in the New Mexico desert. He had a perspective of World War II that few in our country had the opportunity to share; and

Whereas, Caesar Bango returned to Spelter after the war ended, married Goldie Fern Sprout and had a son, Jefferson Jose “JJ” Bango. Caesar worked at the Zinc Plant for 30 years, was employed by the Division of Highways for 17 years, and engaged in civic efforts and activities for his community and country. He supported election efforts and was politically active for decades in Harrison County, and did not miss an election after his military discharge in 1946. He left the service with the rank of T-4 CE. He served as a community leader on the board of directors for the Enlarged Hepzibah Public Service District Board for 10 years; was a member of the Shinnston American Legion and the Loyal Order of Moose; and he was a friend of labor; and

Whereas, Caesar Bango faithfully served the unincorporated town of Spelter, West Virginia, as honorary mayor, advocating for improvements for the betterment of its citizens, including the remediation of its lands and homes caused by industrial pollution and the construction of recreational facilities for all the children of Harrison County, West Virginia; and

Whereas, Caesar Bango lived to the age of 90 and died on May 1, 2015, having been preceded in death by his wife in 2002 and his son in 1975; and

Whereas, It is fitting that an enduring memorial be established to commemorate T-4 CE Caesar Bango 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 17-19/33-0.01 (17A093), locally known as Spelter Bridge, carrying County Route 19/33 over West Fork River in Harrison County, the “U. S. Army T-4 CE Caesar Bango 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 T-4 CE Caesar Bango 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 Swope, Boso, Maynard, Stollings, Cline, and Plymale offered the following resolution:

**Senate Concurrent Resolution 44**—Requesting the Division of Highways name a portion of U. S. Route 19 in Princeton, beginning at Monroe Street and ending at Clay Street, in Mercer County, the “Bluefield Police LT Aaron L. Crook Memorial Road”.

Whereas, LT Aaron L. Crook was born on August 31, 1984, to Shelda Jean Bennett and the late Jackie Lee Crook. He grew up in Nimitz, attended Jumping Branch School from kindergarten to fifth grade, then Pipestem Christian Academy from which he graduated; and

Whereas, LT Aaron L. Crook joined the U. S. Marine Corps Reserves in 2006 where he was a heavy equipment operator and was honorably discharged in 2014; and

Whereas, LT Aaron L. Crook received his criminal justice degree from Bluefield State College and joined the Bluefield Police Department on February 25, 2008, where he rose to the rank of Lieutenant; and

Whereas, LT Aaron L. Crook married Whitney Brookman in March 2009. They had their first child August 2014 and a second child in June 2016; and

Whereas, Lieutenant Crook loved his family and country. He also loved the outdoors, especially fishing, and never passed up an opportunity to go fishing with his buddies; and

Whereas, LT Aaron L. Crook died on May 30, 2017, from injuries received while serving and protecting the good people of Bluefield and Mercer County; and

Whereas, LT Aaron L. Crook is survived by his: wife, Whitney Ann Brookman Crook; children, Brycen Lee Crook and Paislee Ann Crook; mother, Shelda Jean Bennett Crook; grandmother, Loretta Jean Titta; three brothers, Jason Alexander Crook, Jackie Lee Crook II, and Brian Thomas Crook; and two half-siblings, Deborah Bennett and Terry Baich; and

Whereas, It is appropriate to name this road to honor LT Aaron L. Crook’s service to his community and to his country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a portion of U. S. Route 19 in Princeton, beginning at Monroe Street and ending at Clay Street, in Mercer County, the “Bluefield Police LT Aaron L. Crook Memorial Road”; and, be it

*Further Resolved,* That the Division of Highways is requested to have made and be placed signs identifying the road as the “Bluefield Police LT Aaron L. Crook Memorial Road”; and, be it

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

Which, under the rules, lies over one day.

At the request of Senator Blair, and by unanimous consent, Senator Blair offered the following resolution from the floor:

**Senate Concurrent Resolution 45**—Suspending Joint Rule No. 5, relating to consideration of Com. Sub. for Senate Joint Resolution 8, County Economic Development Amendment.

*Resolved by the Legislature of West Virginia, two thirds of the members present and voting in each house agreeing thereto:*

That the provisions of Rule No. 5 of the Joint Rules of the Senate and House of Delegates are hereby suspended for the express purpose of consideration of Com. Sub. for Senate Joint Resolution 8.

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

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

The question being on the adoption of the resolution.

At the request of Senator Plymale, and by unanimous consent, at 12:59 p.m., the Senate recessed for five minutes.

The Senate reconvened at 1:19 p.m. today and resumed consideration of

**Senate Concurrent Resolution 45**, Suspending provisions of Joint Rule 5 as to Com Sub for SJR 8.

The question being on the adoption of the resolution.

At the request of Senator Ferns, unanimous consent being granted, the resolution (S. C. R. 45) was referred to the Committee on Rules.

Senators Palumbo, Stollings, Cline, Boso, Prezioso, Beach, and Plymale offered the following resolution:

**Senate Resolution 57**—Designating March 1, 2018, as Innovation and Entrepreneurship Day at the Capitol.

Whereas, Research and innovation continue to be bedrocks of this nation's economic strength and vitality; and

Whereas, Facilitating innovation-based economic development and the growth of entrepreneurial companies are critical to our state's future and prosperity; and

Whereas, Entrepreneurs and small businesses create the vast majority of the new jobs in the United States; and

Whereas, Research and development activities being done in both federally funded, university, and private laboratories in our state are important for new discoveries, scientific and engineering solutions, and potential commercialization opportunities; and

Whereas, Innovations in manufacturing, such as 3D printing, are opening new opportunities for West Virginia's small manufacturing firms to develop new products and processes to improve their bottom lines; and

Whereas, Access to risk capital remains a critical need for West Virginia entrepreneurs and innovators that is being addressed by existing and new public and private programs, such as the West Virginia Jobs Investment Trust, the INNOVA Commercialization Group, and other vital lending programs; and

Whereas, More than 130 organizations, agencies, and companies are working together to help advance the state's innovation and entrepreneurship potential and capacity; and

Whereas, West Virginia has developed an integrated ecosystem of organizations, agencies, and financial firms working collaboratively to spur innovation enterprises and job creation; and

Whereas, Many of these innovation drivers are here at the Capitol today as part of the Innovation and Entrepreneurship Day hosted by TechConnect West Virginia and the TransTech Energy Business Development Program; therefore, be it

*Resolved by the Senate:*

That the Senate hereby recognizes March 1, 2018, as Innovation and Entrepreneurship Day at the Capitol; and, be it

*Further Resolved*, That the Senate acknowledges the long-term economic opportunities that an innovation-based economy and entrepreneurial culture can provide our state's citizens; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of TechConnect West Virginia.

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

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

**Senate Resolution 58**—Recognizing the guiding principles and collaborative partnership of West Virginia Forward's initiatives to advance West Virginia's economic future.

Whereas, West Virginia University, Marshall University, and the Department of Commerce have partnered together for the West Virginia Forward collaboration to develop a blueprint to identify West Virginia's unique assets and pair them with economic trends that will provide solutions and areas of emphasis to leverage growth and development opportunities to strengthen and diversify all regions of the state; and

Whereas, With a focus on short-term and long-term objectives, and a refined vision, West Virginia Forward is guided by principles that build on existing assets, grow and diversify new sectors, discover disruptive trends to find market-changing innovations, consider the region's greatest regional impact, and find quick wins that produce change and growth; and

Whereas, West Virginia Forward's collaborative efforts will focus on data-driven, nonpartisan, innovative solutions and opportunities; and

Whereas, The West Virginia Forward summary of findings identifies areas to advance West Virginia's workforce, business climate, educational opportunities, community development, energy sector, cybersecurity, entrepreneurship, and infrastructure; and

Whereas, The West Virginia Forward initiative is an appropriate and vital effort to advance our state into prosperity, and energize partnerships while blazing a new path toward improving the state's economic future; and

Whereas, The West Virginia Forward initiative is an outstanding example of collaboration between university partners, the Department of Commerce, and state leaders to continue developing strategies to improve West Virginia; therefore, be it

*Resolved by the Senate:*

That the Senate recognizes the guiding principles and collaborative partnership of West Virginia Forward's initiatives to advance West Virginia's economic future; and, be it

*Further Resolved,* That the Senate acknowledges and appreciates the work of West Virginia Forward and the guidance, assistance, and information that it will provide to the Legislature as it works to advance the State of West Virginia to achieve its fullest potential; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to representatives from West Virginia University, Marshall University, and the West Virginia Department of Commerce.

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.

At the request of Senator Ferns, and by unanimous consent, the Senate returned to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

**Senate Concurrent Resolution 46** (originating in the Committee on the Judiciary)—Requesting the Joint Committee on the Judiciary study the potential creation of a legal system in West Virginia in which compensation is provided to victims of abusive lawsuits; and in which a party in a civil action is entitled to recover attorney's fees and costs after a court dismisses a claim as lacking any basis in law or fact; and in which a plaintiff can recover attorney's fees and costs if the defendant raises a defense without any basis in law or fact; and to explore the policies of other states on the matter with a focus on their implementation and effectiveness for purposes of potential replication.

Whereas, Such a system could be an effective means by which to reduce the number of frivolous lawsuits in the state; and

Whereas, Other abusive, unnecessary, and potentially harmful lawsuits could be deterred by such a legal system; and

Whereas, Reductions in the volume of these lawsuits would help to alleviate some congestion in the West Virginia court system, allowing for justice to be more efficiently dispensed; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on the Judiciary is requested to study the potential creation of a legal system in West Virginia in which compensation is provided to victims of abusive lawsuits; and a system in which a party in a civil action is entitled to recover attorney's fees and costs after a court dismisses a claim as lacking any basis in law or fact; and in which a plaintiff can recover attorney's fees and costs if the defendant raises a defense without any basis in law or fact; and to explore the policies of other states on the matter with a focus on their implementation and effectiveness for purposes of potential replication; and, be it

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

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

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

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

On motion of Senator Trump, the resolution (S. C. R. 46) contained in the foregoing report from the Committee on the Judiciary was then referred to the Committee on Rules.

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

Your Committee on the Judiciary has had under consideration

**Senate Concurrent Resolution 47** (originating in the Committee on the Judiciary)—  
Requesting the Joint Committee on the Judiciary study and draft a potential bill designed to limit the use of criminal records as a basis to disqualify a person from receiving a license or other authorization to practice an occupation.

Whereas, The terminology currently used by several licensing entities to disqualify individuals from qualification is often vague; and

Whereas, Granting individuals with criminal records increased access to occupational licensing will allow them to build successful careers in West Virginia; and

Whereas, Citizens are sometimes prohibited from entering a professional career due to a nonviolent criminal offense in their past that is unrelated to their prospective line of work; and

Whereas, Disqualification from licensing due to a past criminal offense is sometimes for life, a punishment that often does not fit the severity of the crime; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on the Judiciary is requested to study and draft a potential bill designed to limit the use of criminal records as a basis to disqualify a person from receiving a license or other authorization to practice an occupation; and, be it

*Further Resolved*, That these limits would apply to state agencies, offices, boards, commissions, and to political subdivisions that grant licenses, certifications, registrations, occupational permits, and other forms of legal authorization. Licensing authorities would need to be specific about the types of convictions that would disqualify a person from receiving or keeping a license to practice, and state agencies would need to update their rules to follow the requirements of the act. The bill should also prevent political subdivisions from creating license requirements for an occupation if the political subdivision does not already have requirements for that occupation; and, be it

*Further Resolved*, That the Joint Committee on the Judiciary enlist the assistance of state licensing boards in conducting the study; and, be it

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

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

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

On motion of Senator Trump, the resolution (S. C. R. 47) contained in the foregoing report from the Committee on the Judiciary was then referred to the Committee on Rules.

The Senate proceeded to the seventh order of business.

**Senate Resolution 53**, Recognizing Glenville State College for its efforts in making education more affordable.

On unfinished business, coming up in regular order, was reported by the Clerk.

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

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

On motion of Senator Ferns, at 1:30 p.m., the Senate recessed to present Senate Resolution 53.

The Senate reconvened at 1:34 p.m. today and proceeded to the ninth order of business.

**Com. Sub. for Senate Joint Resolution 8, County Economic Development Amendment.**

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

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

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

The Senate again proceeded to the ninth order of business.

**Eng. Com. Sub. for House Bill 2483, Requiring the Division of Juvenile Services to transfer to a correctional facility or regional jail any juvenile in its custody that has been transferred to adult jurisdiction of the circuit court and who reaches his or her eighteenth birthday.**

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

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

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

#### **ARTICLE 4. COURT ACTIONS.**

##### **§49-4-720. Prohibition on committing juveniles to adult facilities. ~~copy provided to juvenile~~**

(a) ~~No~~ A juvenile, including one who has been transferred to criminal jurisdiction of the court, ~~shall~~ may not be detained or confined in any institution in which he or she has contact with or comes within sight or sound of any adult persons incarcerated because ~~they have~~ he or she has have been convicted of a crime or are awaiting trial on criminal charges or with the security staff (including management) or direct-care staff of a jail or locked facility for adults.

(b) ~~No~~ A child who has been convicted or is awaiting trial of an offense under the adult jurisdiction of the circuit court ~~shall~~ may not be held in custody in a an adult correctional facility of this state while under the age of 18 years. The Division of Juvenile Services shall ~~be responsible for notifying~~ notify the sentencing court and copy the county prosecuting attorney of the sentencing court within ~~forty-five~~ 180 days, or as soon as practicable, days of the child's eighteenth birthday that the child will be turning 18 years of age. The court shall, upon receipt of the notice, set the matter for a hearing. Within ten days of the child's eighteenth birthday, the court shall transfer the offender to Before the child reaches 18 years of age, the court shall hold a

hearing and enter an order transferring the offender to an adult correctional facility, a facility for youthful offenders, if applicable; or to any other disposition the court deems considers appropriate, which does not violate the provisions of subsection (a) of this section: for adult offenders. Notwithstanding any other provision of this code to the contrary, prior to the transfer the child shall be returned to the sentencing court for the purpose of reconsideration and modification of the imposed sentence, which shall be based upon a review of all records and relevant information relating to the child's rehabilitation since his or her conviction under the adult jurisdiction of the court. *Provided, however,* That the court may not remand a person who reached the age of 18 years to a juvenile facility or place the person with other juveniles.

(c) The provisions of §61-11A-1 et seq. of this code, are applicable to proceedings under this section.

#### **§49-4-722. Conviction for offense while in custody.**

(a) Notwithstanding any other provision of law to the contrary, any person who is 18 years of age or older who is convicted as an adult of an offense that he or she committed while in the custody of the Division of Juvenile Services and who is therefor sentenced to a regional jail or state correctional facility for the offense may not be returned to the custody of the division upon the completion of his or her adult sentence. ~~until a hearing is held before the court which committed the person to the custody of the Division of Juvenile Services at which hearing the division may present any objections it may have to return the person to its custody. If the division does object and the court overrules the division's objections, it shall make specific written findings as to its rationale for overruling the objections.~~

(b) ~~No person who is eighteen years of age or older who is convicted as an adult of a felony crime of violence against the person while in the custody of the Division of Juvenile Services be returned to the custody of the Division of Juvenile Services upon completion of his or her adult sentence. Prior to completion of the adult sentence specified in §49-4-722(a) of this code, the circuit court having jurisdiction over the underlying juvenile matter shall conduct a hearing to determine whether the person who has turned 18 years of age shall remain in the regional jail during pendency of the underlying juvenile matter or if another disposition or pretrial placement is appropriate and available: *Provided,* That the court may not remand a child who reached the age of 18 years to a juvenile facility or placement during the pendency of the underlying juvenile matter.~~

The bill (Eng. Com. Sub. for H. B. 2483), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 2694**, Relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas.

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

**Eng. Com. Sub. for House Bill 2696**, Relating to crossbow hunting.

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

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

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

## **ARTICLE 2. WILDLIFE RESOURCES.**

### **§20-2-42a. Class A resident hunting and trapping license.**

A Class A license is a resident hunting and trapping license and entitles the licensee to hunt and trap all legal species of wild animals and wild birds in all counties of the state, except ~~that the licensee may not hunt deer during the deer archery, and muzzle-loader seasons, or black bear, wild turkey or wild boar during the respective seasons,~~ big game as provided in §20-2-42v of this code, and except as prohibited by rules of the Director or Natural Resources Commission and when additional licenses, stamps, or permits are required. It shall be issued only to residents or aliens lawfully residing in the United States who have been domiciled residents of West Virginia for a period of 30 consecutive days or more immediately prior to the date of their application for a license. The fee for the license is \$18. This is a base license and does not require the purchase of a prerequisite license to participate in the activities specified in this section, except as noted.

### **§20-2-42q. Class RB resident and Class RRB nonresident archery deer hunting stamp for an additional deer.**

The Director ~~has the authority to~~ may issue a Class RB resident and a Class RRB nonresident archery deer hunting stamp when ~~deemed~~ considered essential for the proper management of the wildlife resources. This stamp allows the licensee to hunt and take an additional deer during the deer archery or crossbow seasons as designated by the director. The fee for a Class RB stamp is \$20 and the fee for a Class RRB stamp is \$35. The director may ~~promulgate~~ propose rules for promulgation in accordance with §29A-3-1 *et seq.* of this code governing the issuance and use of these stamps. These stamps require that the licensee purchase the appropriate base license before participating in the activities specified in this section ~~except as noted.~~

### **§20-2-42s. Class UU nonresident archery deer hunting stamp.**

A Class UU stamp is a nonresident archery deer hunting stamp and entitles the licensee to hunt and take deer with a bow during the archery deer season or with a crossbow in the crossbow deer season in all counties of the state, except as prohibited by the rules of the Director or Natural Resources Commission. The fee for a Class UU stamp is \$30. The stamp, issued in a form prescribed by the director, ~~shall be~~ is in addition to a Class E license. This stamp requires that the licensee purchase the appropriate base license before participating in the activities specified in this section ~~except as noted.~~

### **§20-2-42v. Class BG resident big game stamp.**

A Class BG stamp is a resident big game stamp and entitles the Class A licensee to hunt deer during the deer archery, crossbow, and muzzleloader seasons, and bear, wild turkey, and wild boar during the respective seasons, except as prohibited by rules of the Director or Natural Resources Commission: *Provided,* That the licensee possesses all other required permits ~~and/or~~ and stamps. The fee for the stamp is \$10. The stamp, issued in a form prescribed by the director, shall be in addition to a Class A license. This stamp requires that the licensee purchase the appropriate base license before participating in the activities specified in this section ~~except as noted.~~

The bill (Eng. Com. Sub. for H. B. 2696), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 2843**, Permitting Class III municipalities to be included in the West Virginia Tax Increment Act.

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

**Eng. Com. Sub. for House Bill 2890**, Establishing a Library Facilities Improvement Fund that will serve to support library facilities construction, maintenance and improvement projects.

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

**Eng. Com. Sub. for House Bill 2916**, Authorizing certain first responders to carry firearms.

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

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

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

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES, COMMISSIONS, OFFICES, PROGRAMS, ETC.**

**ARTICLE 3. ATTORNEY GENERAL.**

**§5-3-6. Attorney General's investigators authority to carry concealed weapon.**

(a) The Attorney General may allow, consistent with the provisions of this section, an investigator to carry a concealed firearm while performing his or her official duties.

(b) An investigator employed by the Attorney General may carry a concealed firearm approved by the Attorney General solely for purposes of defense of self or others if the investigator has:

(1) Obtained the written authorization by the Attorney General;

(2) Been determined not to be prohibited from possessing a firearm under state or federal law;

(3) Obtained and maintains a concealed handgun license pursuant to §61-7-1 et seq. of this code; and

(4) Successfully completed a firearms training and certification program equivalent to that provided to officers attending the entry level law-enforcement certification course provided at the West Virginia State Police Academy. The investigator must thereafter successfully complete an annual firearms qualification counsel equivalent to that required of certified law-enforcement officers as established by legislative rule. The Attorney General may reimburse the investigator for the cost of the training and requalification.

(c) Neither the state, a political subdivision, an agency nor an employee of the state acting in an official capacity, may be held personally liable for an act of an investigator employed by the

Attorney General if the act or omission was done in good faith while the investigator was performing official duties or responsibilities under the office of the Attorney General.

## CHAPTER 6. GENERAL PROVISIONS RESPECTING OFFICERS.

### ARTICLE 3. DEPUTY OFFICERS AND CONSERVATORS OF THE PEACE.

#### **§6-3-1a. Deputy sheriff's reserve; purpose; appointment and qualifications of members; duties; equipment; attire; training; oath; bond; not employee of sheriff or county commission for certain purposes; limitation on liability.**

(a) The sheriff of any county may, for the purposes set forth in this section, designate and appoint a deputy sheriffs' reserve, hereinafter referred to as "reserve" or "reserves." A reserve may not be designated or created without the prior approval of the county commission for the establishment of the reserve.

(b) Each sheriff may appoint as members of the reserve bona fide citizens of the county who are of good moral character and who have not been convicted of a felony or other crime involving moral turpitude. Any person appointed shall serve at the will and pleasure of the sheriff and is not subject to the provisions of §7-14-1 *et seq.* seven of this code. A member of the reserve may not engage in any political activity or campaign involving the office of sheriff or from which activity or campaign the sheriff or candidates for sheriff appointing the member would directly benefit.

(c) Members of the reserves shall not serve as law-enforcement officers, nor carry firearms, except that a member of the reserves may carry a firearm approved by the sheriff while acting in the capacity as a reserve deputy sheriff solely for purpose of defense of self or others, if that member has

(1) obtained the written authorization of the sheriff;

(2) been determined not to be prohibited from possessing a firearm under state or federal law; and

(3) successfully completed a firearms training and certification program equivalent to that provided to officers attending the entry level law-enforcement certification course provided at the West Virginia State Police Academy. The member must thereafter successfully complete an annual firearms qualification course equivalent to that required of certified law-enforcement officers as established by legislative rule. The department may reimburse the member for the cost of the training and requalification. but

Members may carry other weapons, provided that the sheriff certifies in writing to the county commission that the reserve has met the special training requirements for the weapon as established by the Governor's Committee on Crime, Delinquency and Corrections. The Governor's Committee on Crime, Delinquency and Corrections ~~is authorized to promulgate~~ may propose legislative rules for promulgation and emergency rules pursuant to the provisions of §29A-3-1 *et seq.* this code to establish appropriate training standards. The reserves may be provided with radio communication equipment for the purpose of maintaining contact with the sheriff's department or other law-enforcement agencies. The duties of the reserves shall be limited to crowd control or traffic control and direction within the county. In addition, the reserves may perform ~~such~~ any other duties of a nonlaw-enforcement nature ~~as are~~ designated by the sheriff or by a deputy sheriff designated and appointed by the sheriff for that purpose: *Provided,*

That a member of the reserves may not aid or assist any law-enforcement officer in enforcing the statutes and laws of this state in any labor trouble or dispute between employer and employee.

(d) Members of the reserves may be uniformed; however, if so uniformed, the uniforms shall clearly differentiate these members from other law-enforcement deputy sheriffs.

(e) After appointment to the reserves, but prior to service each member of the reserves shall receive appropriate training and instruction in their his or her functions and authority as well as the limitations of authority. In addition, each member of the reserves shall annually receive in-service training.

(f) Each member of the reserve shall take the same oath as prescribed by section five, article IV of the Constitution of the State of West Virginia, but the taking of the oath does not serve to make the member a public officer.

(g) The county commission of each county shall provide for the bonding and liability insurance of each member of the reserve.

(h) A member of the reserve is not an employee of either the sheriff or of the county commission for any purpose or purposes, including, but not limited to, the purposes of workers' compensation, civil service, unemployment compensation, public employees retirement, public employees insurance, or for any other purpose. A member of the reserves may not receive any compensation or pay for any services performed as a member, nor may a member use the designated uniform for any other similar work performed.

(i) Neither the county commission nor the sheriff is liable for any of the acts of any member of the reserves except in the case of gross negligence on the part of the county commission or sheriff in the appointment of the member or in the case of gross negligence on the part of either the sheriff or any of his or her deputies in directing any action on the part of the member.

Following discussion,

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

The bill (Eng. Com. Sub. for H. B. 2916), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 3104**, Transfer of the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund.

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

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

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

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

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

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

On page three, section one, line forty-seven, by striking out the word “director” and inserting in lieu thereof the word “establishment”.

On motion of Senator Boso, the following amendment to the bill (Eng. Com. Sub. for H. B. 4024) was next reported by the Clerk and adopted:

On page three, section nine, line forty-eight, by striking out the words “§30-6-9 of this code or a crematory operator certificated pursuant to §30-6-11 of this code that provided” and inserting in lieu thereof the words “this code that provides”.

The bill (Eng. Com. Sub. for H. B. 4024), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 4079**, Promulgating administrative rules by various executive or administrative agencies of the state.

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

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

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

**ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND BOARDS TO PROMULGATE LEGISLATIVE RULES.**

**§64-9-1. Board of Accountancy.**

The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §30-9-5 of this code, modified by the Board of Accountancy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 29, 2017, relating to the Board of Accountancy (board rules and rules of professional conduct, 1 CSR 1), is authorized.

**§64-9-2. Commissioner of Agriculture.**

(a) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §19-9-2 of this code, modified by the Commissioner of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 19, 2017, relating to the Commissioner of Agriculture (animal disease control, 61 CSR 1), is authorized.

(b) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §19-2C-3(a) of this code, modified by the Commissioner of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 19, 2017, relating to the Commissioner of Agriculture (auctioneers, 61 CSR 11B), is authorized with the following amendment:

On page one, subsection 4.1, by striking out “ten thousand dollars (\$10,000)” and inserting in lieu thereof “twenty-five thousand dollars (\$25,000)”.

(c) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §19-12D-4 of this code, modified by the Commissioner of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 19, 2017, relating to the Commissioner of Agriculture (noxious weeds, 61 CSR 14A), is authorized.

(d) The legislative rule filed in the State Register on July 17, 2017, authorized under the authority of §19-2B-3 of this code, modified by the Commissioner of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 18, 2017, relating to the Commissioner of Agriculture (inspection of meat and poultry, 61 CSR 16), is authorized.

(e) The legislative rule filed in the State Register on July 18, 2017, authorized under the authority of §19-13-3 of this code, modified by the Commissioner of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 18, 2017, relating to the Commissioner of Agriculture (West Virginia apiary law, 61 CSR 2), is authorized.

(f) The legislative rule filed in the State Register on July 17, 2017, authorized under the authority of §19-29-4 of this code, modified by the Commissioner of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 29, 2017, relating to the Commissioner of Agriculture (inspection of nontraditional, domesticated animals, 61 CSR 23D), is authorized.

(g) The legislative rule filed in the State Register on December 1, 2017, authorized under the authority of §19-2-5 of this code, modified by the Commissioner of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 19, 2017, relating to the Commissioner of Agriculture (schedule of charges for inspection services: fruit, 61 CSR 8B), is authorized.

#### **§64-9-3. Athletic Commission.**

(a) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §29-5A-24 of this code, modified by the Athletic Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 3, 2017, relating to the Athletic Commission (administrative rules of the West Virginia State Athletic Commission, 177 CSR 1), is authorized.

(b) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §29-5A-24 of this code, modified by the Athletic Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 3, 2017, relating to the Athletic Commission (regulation of mixed martial arts, 177 CSR 2), is authorized.

#### **§64-9-4. Board of Licensed Dietitians.**

The legislative rule filed in the State Register on July 24, 2017, authorized under the authority of §30-35-4 of this code, modified by the Board of Licensed Dietitians to meet the objections of

the Legislative Rule-Making Review Committee and refiled in the State Register on December 4, 2017, relating to the Board of Licensed Dietitians (licensure and renewal requirements, 31 CSR 1), is authorized with the following amendments:

On page two, subsection 6.3, following the words “provisional permit renewal fee” by striking the words “as stated in 4.1.2.3.” and inserting in lieu thereof the words “\$50.”;

On page three, subsection 7.5, following the words “professional license reinstatement fee” by striking the words “as stated in 4.1.2.5.” and inserting in lieu thereof the words “as stated in paragraph 4.1.2.3. of this rule”;

On page three, paragraph 8.1.1.3, following the words “professional license reinstatement fee” by striking the words “as stated in 4.1.2.5.” and inserting in lieu thereof the words “as stated in paragraph 4.1.2.3. of this rule”;

On page three, subdivision 8.1.2, by renumbering the incorrectly numbered subsections of that section to 8.1.2.1, 8.1.2.2, and 8.1.2.3, respectively;

And,

On page three, in the incorrectly numbered section 8.1.1.3, following the words “reinstatement fee as stated” by striking the words “in 4.1.2.5.” and inserting in lieu thereof the words “in paragraph 4.1.2.3. of this rule.”

#### **§64-9-5. Board of Hearing Aid Dealers.**

The legislative rule filed in the State Register on July 26, 2017, authorized under the authority of §30-26-3 of this code, relating to the Board of Hearing Aid Dealers (rules governing the West Virginia Board of Hearing Aid Dealers, 8 CSR 1), is authorized.

#### **§64-9-6. Board of Medicine.**

(a) The legislative rule filed in the State Register on August 29, 2017, authorized under the authority of §30-3E-3 of this code, modified by the Board of Medicine to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 6, 2017, relating to the Board of Medicine (licensure, disciplinary and complaint procedures, continuing education, physician assistants, 11 CSR 1B), is authorized.

(b) The legislative rule filed in the State Register on July 26, 2017, authorized under the authority of §30-3-7 of this code, relating to the Board of Medicine (continuing education for physicians and podiatric physicians, 11 CSR 6), is authorized with the amendment set forth below:

On page one, subsection 1.2 by striking out the words, “§30-3-12 and §30-1-7a” and inserting in lieu thereof “§30-3-7”.

(c) The Legislature directs the Board of Medicine, pursuant to the authority given to the board in §30-3-7 of this code, to promulgate the legislative rule filed in the State Register by the Board on June 5, 2017, relating to the Board (licensing and disciplinary procedures: physicians; podiatrists\_11 CSR 1A) with the following amendment:

On page 18, by striking out all of paragraph 12.1.ii.B. and re-lettering the remaining paragraphs.

**§64-9-7. Board of Optometry.**

The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §30-8-6 of this code, relating to the Board of Optometry (rules of the West Virginia Board of Optometry, 14 CSR 1), is authorized.

**§64-9-8. Board of Osteopathic Medicine.**

The legislative rule filed in the State Register on October 17, 2017, authorized under the authority of §30-3E-3 of this code, modified by the Board of Osteopathic Medicine to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 6, 2017, relating to the Board of Osteopathic Medicine (osteopathic physician assistants, 24 CSR 2), is authorized.

**§64-9-9. Board of Pharmacy.**

(a) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §30-5-7 of this code, relating to the Board of Pharmacy (licensure and practice of pharmacy, 15 CSR 1), is authorized with the following amendments:

On page fifteen, subdivision 6.5.1 after the words, “submit a fee of” by striking out “\$125)” and inserting in lieu thereof “\$250”.

(b) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §30-5-7 of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 7, 2017, relating to the Board of Pharmacy (pharmacist recovery networks, 15 CSR 10), is authorized.

(c) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §30-5-7 of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 6, 2017, relating to the Board of Pharmacy (immunizations administered by pharmacists and pharmacy interns, 15 CSR 12), is authorized.

(d) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §30-5-7 of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 18, 2017, relating to the Board of Pharmacy (centralized prescription processing, 15 CSR 14), is authorized.

(e) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §60A-3-301 of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 6, 2017, relating to the Board of Pharmacy (uniform controlled substances act, 15 CSR 2), is authorized.

(f) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §30-5-7 of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 18, 2017, relating to the Board of Pharmacy (registration of pharmacy technicians, 15 CSR 7), is authorized.

(g) The legislative rule filed in the State Register on September 19, 2017, authorized under the authority of §60A-9-6 of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 7, 2017, relating to the Board of Pharmacy (controlled substances monitoring program, 15 CSR 8), is authorized.

#### **§64-9-10. Board of Examiners of Psychologists.**

(a) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §30-21-6 of this code, modified by the Board of Examiners of Psychologists to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 13, 2017, relating to the Board of Psychologists (fees, 17 CSR 1), is authorized.

(b) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §30-21-6 of this code, modified by the Board of Examiners of Psychologists to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 15, 2017, relating to the Board of Examiners of Psychologists (requirements for licensure as a psychologist and/or a school psychologist, 17 CSR 3), is authorized.

(c) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §30-21-6 of this code, relating to the Board of Examiners of Psychologists (code of conduct, 17 CSR 6), is authorized.

#### **§64-9-11. Real Estate Appraiser Licensing and Certification Board.**

The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §30-38-9 of this code, relating to the Real Estate Appraiser Licensing and Certification Board (requirements for licensure and certification, 190 CSR 2), is authorized.

#### **§64-9-12. Real Estate Commission.**

(a) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §30-40-8 of this code, modified by the Real Estate Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 6, 2017, relating to the Real Estate Commission (licensing real estate brokers, associate brokers and salespersons and the conduct of brokerage business, 174 CSR 1), is authorized.

(b) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §30-40-8 of this code, relating to the Real Estate Commission (schedule of fees, 174 CSR 2), is authorized.

(c) The legislative rule filed in the State Register on July 27, 2017, authorized under the authority of §30-40-8 of this code, modified by the Real Estate Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December

6, 2017, relating to the Real Estate Commission (requirements for real estate courses, course providers and instructors, 174 CSR 3), is authorized with the amendment set forth below:

On page six, by striking out all of subsection 3.9. and inserting in lieu thereof a new subsection 3.9. to read as follows:

3.9. All approved pre-license and continuing education instructors shall complete annual instructor development workshops when offered by the Commission, unless the attendance is waived by the Commission or the individual is an out-of-state instructor who a) is approved by the National Association of Realtors (NAR) or b) holds a Distinguished Real Estate Instructor (DREI) designation.

#### **§64-9-13 Board of Examiners for Registered Professional Nurses.**

The Legislature directs the Board of Examiners of Registered Professional Nurses, pursuant to the authority given to the Board in §30-7-4 of this code, to promulgate the legislative rule filed in the State Register by the Board on July 9, 2009, relating to the Board (policies, standards and criteria for the evaluation and accreditation of colleges, departments or schools of nursing, 19 CSR 1), with the following amendments:

On page three, by striking out all of subdivision 4.1.b. and renumbering the remaining subdivisions;

On page six, by striking out all of subsection 8.3. and renumbering the remaining subsections;

And,

On page nine, by striking out all of subsection 13.3 and renumbering the remaining subsections.

#### **§64-9-14. Division of Rehabilitation Services.**

(a) The legislative rule effective on May 1, 2007, authorized under the authority of §18-10A-1 of this code, relating to the Division of Rehabilitation Services (case services, 130 CSR 1), is repealed.

(b) The legislative rule effective on May 1, 2007, authorized under the authority of §18-10A-1 of this code, relating to the Division of Rehabilitation Services (resources manual, 130 CSR 2), is repealed.

#### **§64-9-15. Secretary of State.**

(a) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §3-1A-6 of this code, modified by the Secretary of State to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 12, 2017, relating to the Secretary of State (procedures for canvassing elections, 153 CSR 18), is authorized.

(b) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §3-1A-6 of this code, modified by the Secretary of State to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 12,

2017, relating to the Secretary of State (procedures for handling ballots and counting write-in votes in counties using optical scan ballots, 153 CSR 27), is authorized.

(c) The legislative rule filed in the State Register on July 28, 2017, authorized under the authority of §3-3A-3 of this code, relating to the Secretary of State (vote by mail pilot project phase 2: voting by mail, 153 CSR 39), is authorized.

**§64-9-16. Board of Veterinary Medicine.**

(a) The legislative rule filed in the State Register on July 18, 2017, authorized under the authority of §30-10-6 of this code, modified by the Board of Veterinary Medicine to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on August 29, 2017, relating to the Board of Veterinary Medicine (organization and operation and licensing of veterinarians, 26 CSR 1), is authorized.

(b) The legislative rule filed in the State Register on July 18, 2017, authorized under the authority of §30-10-6 of this code, modified by the Board of Veterinary Medicine to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 20, 2017, relating to the Board of Veterinary Medicine (certified animal euthanasia technicians, 26 CSR 5), is authorized with the following amendments:

On page two, after subdivision 2.1.e., by adding the following new subdivisions:

“2.1.f. Verification of the status of the applicant’s certification in each state or jurisdiction where he or she currently holds or ever held a certificate;

2.1.g. Verification that the applicant has never been denied a certification in another state or jurisdiction, had his or her certification restricted, suspended or revoked or been disciplined in any manner;”

And,

By renumbering the remaining subdivisions.

(c) The legislative rule filed in the State Register on July 18, 2017, authorized under the authority of §30-10-6 of this code, modified by the Board of Veterinary Medicine to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on August 29, 2017, relating to the Board of Veterinary Medicine (schedule of fees, 26 CSR 6), is authorized.

The bill (Eng. Com. Sub. for H. B. 4079), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 4138**, Requiring certain public or private schools and daycare centers to install carbon monoxide detectors.

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

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

On page one, section sixteen-a, line ten, by striking out the words “So as to” and inserting in lieu thereof the word “To”;

On page one, section sixteen-a, line twelve, by striking out the word “thereof” and inserting in lieu thereof the words “of the dwelling”;

On page two, section sixteen-a, line twenty-seven, by striking out the word “and” and inserting in lieu thereof the word “shall”;

On page two, section sixteen-a, line thirty-six, by striking out the word “being”;

On page three, section sixteen-a, line fifty, by striking out the words “shall only be” and inserting in lieu thereof the words “is only”;

On page three, section sixteen-a, line fifty-nine, after the words “of the” by inserting the word “installed”;

And,

On page three, section sixteen-a, line fifty-nine, after the word “detector” by striking out the word “installed”.

The bill (Eng. Com. Sub. for H. B. 4138), as amended, was then ordered to third reading.

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

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

On motions of Senators Ojeda, Baldwin, Unger, Beach, Jeffries, Stollings, and Romano, the following amendment to the bill was reported by the Clerk:

On page one, section four-b, by striking out all of lines four through nine and inserting in lieu thereof the following:

(b) The Legislature hereby directs that a pay equity salary adjustment and increase be provided to all employees of the Division of Corrections, Division of Juvenile Services, and the West Virginia Regional Jail and Correctional Facility Authority, regardless of where the employee reports to work. This salary adjustment shall be for a total of \$6,000 apportioned over a three-year period as follows:

Following discussion,

The question being on the adoption of the amendment offered by Senators Ojeda, Baldwin, Unger, Beach, Jeffries, Stollings, and Romano to the bill, the same was put and prevailed.

The bill (Eng. Com. Sub. for H. B. 4142), as amended, was then ordered to third reading.

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

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

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

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

**ARTICLE 9A. DIVISION OF JUSTICE AND COMMUNITY SERVICES.**

**§15-9A-4. Human Trafficking Assistance Notices.**

(a) For the purpose of assisting victims of human trafficking to obtain help and services, the following businesses and establishments shall post a notice meeting the requirements of this section:

(1) All locations licensed by the Alcohol Beverage Control Commission to allow consumption of alcoholic beverages, pursuant to chapter 60 of this code;

(2) Exotic entertainment facilities, as defined by §60-4-23 of this code;

(3) Primary airports;

(4) Passenger rail stations;

(5) Bus stations;

(6) Locations where gasoline and diesel fuel are sold;

(7) Emergency departments within hospitals;

(8) Urgent care centers;

(9) Locations at which farm labor contractors and day haulers work, if a physical facility is available at those locations upon or in which notice can be posted;

(10) Privately operated job recruitment centers;

(11) Rest areas located along interstate highways in this state, operated by the Division of Highways;

(12) Hotels; and

(13) Any other business or establishment that the director determines, by legislative rule, is an effective location to provide notice to victims of human trafficking.

(b) Requirements for posting of notice. – The notice required by this section must be posted in English, Spanish, and any other language determined by legislative rule by the director. The notice must be posted in each public restroom for the business or establishment, and either in a conspicuous place near the public entrance of the business or establishment or in another location in clear view of the public and employees, where similar notices are customarily posted.

(c) The director shall provide hyperlinks on the division's website to downloadable posters that are eight and one-half inches by 11 inches in size that provide information regarding the National Human Trafficking Resource Center and display the telephone number for the National Human Trafficking Resource Center hotline. These downloadable posters must be available in English, Spanish, and any other language determined by legislative rule by the director. These downloadable posters, if printed and posted, will satisfy the posting requirements of this section.

(d) Any law-enforcement officer, representative of the state health department or of a county health department, representative of the State Alcoholic Beverage Control Commission, representative of the Division of Labor, or other state representative inspecting a business or establishment or otherwise lawfully acting under his or her state authority, may notify, in writing, any business or establishment that it has failed to comply with the requirements of this section. If the business or establishment does not correct the violation within 30 days from the date of receipt of such written notice, the owner shall be charged with a violation of this section and upon conviction, is guilty of a misdemeanor offense and may be punished by a fine of not more than \$250. Upon a second or subsequent conviction, the owner is guilty of a misdemeanor and shall be punished by a fine of not more than \$500. The notice required by this subsection must be delivered to the noncomplying business or establishment by certified mail, with return receipt requested.

(e) For the purposes of this section, and unless a different meaning is plainly required:

(1) "Day hauler" means any person who is employed by a farm labor contractor to transport, or who, for a fee, transports, by motor vehicle, workers to render personal services in connection with the production of any farm products to, for, or under the direction of a third person; *Provided*, That such term shall not include a person engaged in the production of agricultural products;

(2) "Farm labor contractor" means any person who, for a fee, employs workers to render personal services in connection with the production of any farm products to, for, or under the direction of a third person, or who recruits, solicits, supplies, or hires workers on behalf of an employer engaged in the growing or producing of farm products, and who, for a fee, provides in connection therewith one or more of the following services: furnishes board, lodging, or transportation for those workers; supervises, times, checks, counts, weighs, or otherwise directs or measures their work; or disburses wage payments to such persons: *Provided*, That such term shall not include a person engaged in the production of agricultural products;

(3) "Hospital" shall have the same meaning as set forth in §16-2D-2(21) of this code.

(4) "Hotel" means any establishment which offers overnight accommodations to the public in exchange for a monetary payment;

(5) "Primary airport" shall have the same meaning as set forth in 49 U.S.C. § 47102(16); and

(6) "Production of agricultural products" means raising, growing, harvesting, or storing of crops; feeding, breeding, or managing livestock, equine, or poultry; producing or storing feed for use in the production of livestock.

The bill (Eng. Com. Sub. for H. B. 4169), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 4175**, Preventing requirement that an advanced practice registered nurse participate in a collaborative relationship to obtain payment.

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

**Eng. Com. Sub. for House Bill 4199**, Permitting a nursing home to use trained individuals to administer medication.

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

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

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

## **CHAPTER 16. PUBLIC HEALTH.**

### **ARTICLE 5AA. MEDICATION ADMINISTRATION BY UNLICENSED PERSONNEL IN NURSING HOMES.**

#### **§16-5AA-1. Definitions.**

The following terms are defined for this article:

“Administration of medication” means assisting a person in the ingestion, application, or inhalation of medications, or the supervision or providing of assistance of self-administered medication both according to the legibly written or printed directions of the health care professional or as written on the prescription label: *Provided*, That “administration” does not include judgment, evaluation, assessments, or injections of medication (except for prefilled insulin or insulin pens).

“Approved medication assistive personnel (AMAP)” means a staff member, who meets eligibility requirements, has successfully completed the required training and competency testing developed by the authorizing agency, and is considered competent by the authorized registered professional nurse to administer medications to residents of the nursing home in accordance with this article.

“Authorized practitioner” means a physician actively licensed under the provisions of §30-3-1 *et seq.* of this code or §30-14-1 *et seq.* of this code.

“Authorized registered professional nurse” means a person who is actively licensed pursuant to §30-7-1 *et seq.* of this code and meets the requirements to train and supervise approved medication assistive personnel pursuant to this article, and has completed and passed the facility trainer/instructor course developed by the authorizing agency.

“Authorizing agency” means the Office of Health Facility Licensure and Certification.

“Delegation” means transferring to a competent individual, as determined by the authorized registered professional nurse, the authority to administer medications or perform a health maintenance task.

“Health care professional” means an allopathic physician, osteopathic physician, registered professional nurse, advanced practice registered nurse, physician’s assistant, dentist, optometrist, or respiratory therapist licensed pursuant to the provisions of Chapter 30 of this code.

“Health maintenance tasks” means:

- (1) Administering glucometer tests;
- (2) Administering gastrostomy tube feedings;
- (3) Administering enemas;
- (4) Performing tracheostomy and ventilator care for residents.

“Prescribing practitioner” means an individual who has prescriptive authority as provided in Chapter 30.

“Medication” means a drug, as defined in §60A-1-101 of this code, which has been prescribed by a health care professional to be ingested through the mouth, inhaled through the nose or mouth, applied to the outer skin, eye or ear, or applied through nose drops, or applied through vaginal or rectal suppositories. Medication does not mean a controlled substance listed in Schedule I as provided in §60A-2-204 of this code and Schedule II as provided in §60A-2-206 of this code.

“Nursing Home” means as defined in §16-5C-2 of this code.

“Registered professional nurse” means a person who is actively licensed pursuant to §30-7-1 et seq. of this code.

“Resident” means a person living in a nursing home who is in a stable condition.

“Self-administration of medication” means the act of a resident, who is independently capable of reading and understanding the labels of medication ordered by an authorized practitioner, in opening and accessing prepackaged drug containers, accurately identifying and taking the correct dosage of the drugs as ordered by the health care professional, at the correct time and under the correct circumstances.

“Self-administration of medication with assistance” means assisting residents who are otherwise able to self-administer their own medications except their physical disabilities prevent them from completing one or more steps in the process.

“Stable” means the resident’s health condition is predictable and consistent as determined by the registered professional nurse.

“Staff member” means an individual employed by a nursing home but does not include a health care professional acting within his or her scope of practice.

“Supervision of self-administration of medication” means a personal service which includes reminding residents to take medications, opening medication containers for residents, reading the medication label to residents, observing residents while they take medication, checking the self-

administered dosage against the label on the container and reassuring residents that they have obtained and are taking the dosage as prescribed.

#### **§16-5AA-2. Administration of medications**

(a) The authorizing agency shall create a program for the administration of medications in nursing homes. The authorizing agency shall create the program in consultation with the appropriate agencies and licensing boards.

(b) Administration of medication shall be performed by an AMAP who has been trained and retrained every two years and who is subject to the supervision of and approval by an authorized registered professional nurse.

(c) After assessing the health status of a resident daily, a registered professional nurse, in collaboration with the resident's prescriber, may allow an AMAP to administer medication.

(d) Nothing in this article prohibits a staff member from administering medications or performing health maintenance tasks or providing any other prudent emergency assistance to aid any person who is in acute physical distress or requires emergency assistance.

#### **§16-5AA-3. Exemption from licensure; statutory construction.**

(a) A staff member who is not authorized by law to administer medication may do so in a nursing home if he or she meets the requirements of this article.

(b) An AMAP is exempt from the licensing requirements of Chapter 30 of this code.

(c) A health care professional remains subject to his or her respective licensing laws.

(d) This article shall not be construed to violate or conflict with Chapter 30 of this code.

#### **§16-5AA-4. Instruction and training.**

(a) The authorizing agency shall develop and approve training curricula and competency evaluation procedures for an AMAP. The authorizing agency shall consult with the West Virginia Board of Examiners for Registered Nurses in developing the training curricula and competency evaluation procedures.

(b) The program developed by the authorizing agency shall require that a person who applies to act as an AMAP shall:

(1) Hold a high school diploma or its equivalent;

(2) Be a Certified Nurse Aide with at least one year of full-time experience;

(3) Be certified in cardiopulmonary resuscitation and first aid;

(4) Participate in the initial training program developed by the authorizing agency;

(5) Pass a competency evaluation developed by the authorizing agency;

(6) Not have a statement on the stated administered nurse aide registry indicating that the staff member has been the subject of finding of abuse or neglect of a long-term care nursing home resident or convicted of the misappropriation of a resident's property; and

(7) Participate in a retraining program every two years.

(c) A nursing home may offer the training and competency evaluation program developed by the authorizing agency to its staff members. The training and competency programs shall be provided by the nursing home through a registered professional nurse.

(d) A registered professional nurse who is authorized to train staff members to administer medications in nursing homes shall:

(1) Possess a current active license as set forth in §30-7-1 et seq. of this code to practice as a registered professional nurse;

(2) Have practiced as a registered professional nurse in a position or capacity requiring knowledge of medications for the immediate two years prior to being authorized to train staff members;

(3) Be familiar with the nursing care needs of the residents as described in this article; and

(4) Have completed and passed the nursing home trainer/instructor course developed by the authorizing agency.

#### **§16-5AA-5. Eligibility requirements of nursing home staff.**

(a) In order to administer medication an AMAP shall:

(1) Determine the medication to be administered is in its original container in which it was dispensed by a pharmacist or the physician;

(2) Make a written record of assistance of medication with regard to each medication administered, including the time, route, and amount taken;

(3) Display the title "Approved Medication Assistive Personnel" at all time; and

(4) Comply with the legislative rules promulgated pursuant to §29A-3-1 et seq. of this code to implement the provisions of this article.

#### **§16-5AA-6. Oversight of approved medication assistive personnel.**

A nursing home using an AMAP shall establish an administrative monitoring system and shall comply with the applicable provisions of the legislative rules promulgated pursuant to §16-5O-11 of this code.

#### **§16-5AA-7. Withdrawal of authorization.**

(a) The registered professional nurse who supervises an AMAP may withdraw authorization for an AMAP to administer medications, if the nurse determines that the AMAP is not performing the function in accordance with the training and written instructions.

(b) The withdrawal of the authorization shall be documented and relayed to the nursing home and the authorizing agency. The agency shall remove the AMAP from the list of authorized individuals. The department shall maintain a list of the names of persons whose authorization has been withdrawn and the reasons for withdrawal of authorization. The list may be accessed by registered professional nurses and administrative personnel of nursing homes.

**§16-5AA-8. Fees.**

The authorizing agency may set and collect any appropriate fees necessary for the implementation of the provisions of this article pursuant to the legislative rules authorized by this article.

**§16-5AA-9. Limitations on medication administration.**

(a) An AMAP may not:

(1) Perform an injection, except that prefilled insulin or insulin pens may be administered;

(2) Administer irrigations or debriding agents to treat a skin condition or minor abrasions;

(3) Act upon verbal medication orders;

(4) Transcribe medication orders;

(5) Convert or calculate drug dosages;

(6) Administer medications to be given “as needed” as ordered by the health care professional unless the supervising nurse has first performed and documented a bedside assessment, and then the AMAP may administer the medication based on the written order with specific parameters which preclude independent judgment; or

(7) Perform health maintenance tasks.

(b) An AMAP’s primary responsibility shall be to administer medication when assigned. While performing medication administration he or she may respond to routine requests from residents as long as it would not conflict with the administration of medication. An AMAP may perform other resident care activities during such times that the AMAP is not engaged in, or scheduled to be engaged in, the administration of medication.

**§§16-5AA-10. Permissive Participation.**

The provisions of this article are not mandatory upon any nursing home or nursing home employee. A nursing home may not, as a condition of employment, require any of its health care professionals to use AMAPs.

**CHAPTER 30. PROFESSIONS AND OCCUPATIONS.**

**ARTICLE 7D. MEDICATION ASSISTIVE PERSONS.**

**§30-7D-1. Pilot program.**

[Repealed]

**§30-7D-2. Definitions.**

[Repealed]

**§30-7D-3. Certificate required.**

[Repealed]

**§30-7D-4. Designated facilities.**

[Repealed]

**§30-7D-5. Qualifications.**

[Repealed]

**§30-7D-6. Scope of work.**

[Repealed]

**§30-7D-7. Renewal of certifications.**

[Repealed]

**§30-7D-8. Disciplinary actions.**

[Repealed]

**§30-7D-9. Offenses and Penalties.**

[Repealed]

**§30-7D-10. Injunction.**

[Repealed]

**§30-7D-11. Medication Assistive Person Advisory Committee.**

[Repealed]

**§30-7D-12. Applicability of article.**

[Repealed]

**§30-7D-13. Rulemaking authority.**

[Repealed]

The bill (Eng. Com. Sub. for H. B. 4199), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 4207**, Authorizing an online application to receive a commission to act as a notary public, and eliminating the bond requirement.

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

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

On page one, section twenty, line fifteen, by striking out the words "I have" and inserting in lieu thereof the words "he or she has";

On page two, section twenty, line seventeen, by striking out the word "I" and inserting in lieu thereof the words "he or she";

And,

On page two, section twenty, line seventeen, by striking out the word "my" and inserting in lieu thereof the words "his or her".

The bill (Eng. Com. Sub. for H. B. 4207), as amended, was then ordered to third reading.

**Eng. House Bill 4285**, Relating to the West Virginia Safe Mortgage Licensing Act.

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

**Eng. House Bill 4332**, Relating to home peritoneal renal dialysis.

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

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

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

**ARTICLE 5. PHARMACISTS, PHARMACY TECHNICIANS, PHARMACY INTERNS AND PHARMACIES.**

**§30-5-22. Pharmacies to be registered.**

(a) A pharmacy, an ambulatory health care facility, and a charitable clinic pharmacy shall register with the board.

(b) A person desiring to operate, maintain, open or establish a pharmacy shall register with the board.

(c) To be eligible for a registration to operate, maintain, open or establish a pharmacy the applicant shall:

- (1) Submit a written application to the board;
- (2) Pay all applicable fees;
- (3) Designate a pharmacist-in-charge; and

(4) Successfully complete an inspection by the board.

(d) A separate application shall be made and separate registration issued for each location.

(e) Registration ~~are~~ is not transferable.

(f) Registration expire and shall be renewed annually.

(g) If a registration expires, the pharmacy shall be reinspected and an inspection fee is required.

(h) A registrant shall employ a pharmacist-in-charge and operate in compliance with the legislative rules governing the practice of pharmacist care and the operation of a pharmacy.

(i) The provisions of this section do not apply to the sale of nonprescription drugs which are not required to be dispensed pursuant to a practitioner's prescription.

(j) The provisions of this section do not apply to the sale or distribution of dialysate, drugs or devices necessary to perform home peritoneal renal dialysis to patients with end state renal disease, provided the requirements of §30-5-29 of this code are met.

#### **§30-5-29. Limitations of article.**

(a) This article may not be construed to prevent, restrict or in any manner interfere with the sale of nonnarcotic nonprescription drugs which may be lawfully sold without a prescription in accordance with the United States Food, Drug and Cosmetic Act or the laws of this state, nor may any legislative rule be adopted by the board which shall require the sale of nonprescription drugs by a licensed pharmacist or in a pharmacy or which shall prevent, restrict or otherwise interfere with the sale or distribution of such drugs by any retail merchant. The sale or distribution of nonprescription drugs may not be deemed to be improperly engaging in the practice of pharmacist care.

(b) This article may not be construed to interfere with any legally qualified practitioner of medicine, dentistry or veterinary medicine, who is not the proprietor of the store for the dispensing or retailing of drugs and who is not in the employ of such proprietor, in the compounding of his or her own prescriptions or to prevent him or her from supplying to his or her patients such medicines as he or she may deem proper, if such supply is not made as a sale.

(c) The exception provided in subsection (b) of this section does not apply to an ambulatory health care facility: *Provided*, That a legally licensed and qualified practitioner of medicine or dentistry may supply medicines to patients that he or she treats in a free clinic and that he or she deems appropriate.

(d) This article may not be construed to prevent, restrict or in any manner interfere with the sale or distribution of dialysate, drugs or devices necessary to perform home peritoneal renal dialysis to patients with end state renal disease, nor may any legislative rule be adopted by the board which shall require the sale or distribution of such peritoneal dialysis products by a licensed pharmacist or in a pharmacy, provided the following criteria are met:

(1) The dialysate, drugs or devices are approved or cleared by the Food and Drug Administration, as required by federal law.

(2) The dialysate, drugs or devices are lawfully held by a manufacturer or a manufacturer's agent that has obtained the proper permit from the board as a manufacturer or wholesale distributor, or third-party logistics provider.

(3) The dialysate, drugs or devices are held and delivered in their original, sealed packaging from the manufacturing facility.

(4) The dialysate, drugs or devices are delivered only upon receipt of a physician's prescription by a licensed pharmacy, and the transmittal of an order from the licensed pharmacy to the manufacturer or the manufacturer's agent; and

(5) The manufacturer or a manufacturer's agent delivers the dialysate, drugs, or devices directly to:

(A) A patient with chronic kidney failure, or his/her designee, for the patient's self-administration of the dialysis therapy; or

(B) A health care provider or institution for administration or delivery of the dialysis therapy to a patient with chronic kidney failure.

(e) The provisions of §30-5-29(d) of this code shall not alter the manner in which dialysate, drugs, devices necessary to perform home peritoneal renal dialysis to patients with end state renal disease are billed by Medicaid under the current pharmacy benefit structure.

(f) A person who handles a prescription drug only during the point of sale to provide the prescription drug to a patient and accept payment is not subject to the licensure requirements of this article. This handling process includes the cashier having access to the pharmacy's operating system to verify unique information for each patient. A pharmacy may require an individual to complete a criminal background check before he or she is hired.

The bill (Eng. H. B. 4332), as amended, was then ordered to third reading.

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

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

**Eng. House Bill 4433**, Declaring certain claims against an agency of the state to be moral obligations of the state.

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

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

**Eng. Com. Sub. for House Bill 4619**, Relating to supporting implementation of comprehensive systems for teacher and leader induction and professional growth.

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:

**Eng. Com. Sub. for House Bill 2607**, Extending the maximum period of confinement a judge may impose for certain, first-time probationary violations.

**Eng. Com. Sub. for House Bill 2654**, Expanding county commissions' ability to dispose of county or district property.

**Eng. Com. Sub. for House Bill 2693**, Relating to state ownership of wildlife.

**Eng. Com. Sub. for House Bill 2983**, Granting priority to roadway construction, reconstruction and maintenance for roadways prone to recurring floods that hinder ingress and egress.

**Eng. Com. Sub. for House Bill 3005**, Relating to regulation of unmanned aircraft systems.

**Eng. Com. Sub. for House Bill 4180**, Relating to wildlife resources.

**Eng. Com. Sub. for House Bill 4186**, Relating generally to guaranteed asset protection waivers.

**Eng. House Bill 4219**, Permitting employees of educational services cooperatives to participate in the State Teachers Retirement System.

**Eng. Com. Sub. for House Bill 4230**, Relating to credit for reinsurance.

**Eng. Com. Sub. for House Bill 4236**, Requiring agencies to provide an annual inventory of real property holdings to the Real Estate Division.

**Eng. Com. Sub. for House Bill 4268**, Co-tenancy Modernization and Majority Protection Act.

**Eng. Com. Sub. for House Bill 4289**, Relating to disability pensions of municipal employees.

**Eng. Com. Sub. for House Bill 4343**, Relating to the delivery of financial statements to bank shareholders.

**Eng. Com. Sub. for House Bill 4347**, Relating to voluntary contributions to the West Virginia State Police Forensic Laboratory Fund.

**Eng. House Bill 4402**, Relating to the prevention of sexual abuse of children.

**Eng. House Bill 4410**, Removing the requirement that the State Auditor receive copies of the Limited Video Lottery bids.

**Eng. House Bill 4422**, Permitting permanent endowment funds of cemeteries to invest their principal in certain government bonds, and corporate bonds.

**Eng. House Bill 4436**, Clarifying when a minor between the ages of 16 and 18 may be employed by or elected as a member of a volunteer fire department.

**Eng. Com. Sub. for House Bill 4444**, Clarifying the authority of the State Fire Commission in adopting a State Building Code.

**Eng. Com. Sub. for House Bill 4473**, Relating to use of state funds for advertising to promote a public official or government office.

**Eng. House Bill 4539**, Providing an annual annuity adjustment of 1 percent for eligible deputy sheriff retirants and surviving spouses.

**Eng. House Bill 4621**, Relating to removing reference to certain entities with respect to work.

And,

**Eng. House Bill 4624**, Relating to West Virginia coordinate systems.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Beach, Romano, Ferns, Woelfel, Boso, Facemire, Karnes, and Unger.

(Senator Trump in the Chair.)

Remarks were made by Senator Unger.

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

Remarks were made by Senators Unger, Blair, and Ojeda.

Pending announcement of meetings of standing committees of the Senate,

Senator Ferns then moved that the Senate adjourn until tomorrow, Friday, March 2, 2018, at 11 a.m.

The question being on the adoption of Senator Ferns' aforesaid motion, and on this question, Senator Unger demanded the yeas and nays.

The roll being taken, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Maroney, Maynard, Rucker, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—20.

The nays were: Baldwin, Beach, Jeffries, Prezioso, Romano, Stollings, Unger, and Woelfel—8.

Absent: Facemire, Mann, Ojeda, Palumbo, Plymale, and Smith—6.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Ferns' motion had prevailed.

In accordance with the foregoing motion, at 3:03 p.m., the Senate adjourned until tomorrow, Friday, March 2, 2018, at 11 a.m.

## SENATE CALENDAR

Friday, March 02, 2018  
11:00 AM

### UNFINISHED BUSINESS

- S. C. R. 42 - US Navy Veteran Samuel H. Slack, Jr., Memorial Bridge  
S. C. R. 43 - US Army T-4 CE Caesar Bango Memorial Bridge  
S. C. R. 44 - Bluefield Police LT Aaron L. Crook Memorial Bridge

### THIRD READING

- Eng. Com. Sub. for H. B. 2483 - Requiring the Division of Juvenile Services to transfer to a correctional facility or regional jail any juvenile in its custody that has been transferred to adult jurisdiction of the circuit court and who reaches his or her eighteenth birthday - (Com. title amend. pending)
- Eng. Com. Sub. for H. B. 2694 - Relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas
- Eng. Com. Sub. for H. B. 2696 - Relating to crossbow hunting
- Eng. Com. Sub. for H. B. 2843 - Permitting Class III municipalities to be included in the West Virginia Tax Increment Act
- Eng. Com. Sub. for H. B. 2890 - Establishing a Library Facilities Improvement Fund that will serve to support library facilities construction, maintenance and improvement projects
- Eng. Com. Sub. for H. B. 2916 - Authorizing certain first responders to carry firearms - (Com. title amend. pending)
- Eng. Com. Sub. for H. B. 3104 - Transfer of the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund
- Eng. Com. Sub. for H. B. 4022 - Exempting the consumer sales and service tax and use tax for services for the repair, remodeling and maintenance of certain aircraft (original similar to SB131, SB311)
- Eng. Com. Sub. for H. B. 4024 - Relating generally to direct cremation or direct burial expenses for indigent persons
- Eng. Com. Sub. for H. B. 4079 - Promulgating administrative rules by various executive or administrative agencies of the state - (Com. title amend. pending)
- Eng. Com. Sub. for H. B. 4138 - Requiring certain public or private schools and daycare centers to install carbon monoxide detectors

- Eng. Com. Sub. for H. B. 4142 - Providing certain employees of the Division of Corrections, Division of Juvenile Services, and West Virginia Regional Jail and Correctional Facility Authority a salary adjustment
- Eng. Com. Sub. for H. B. 4169 - Requiring certain establishments and facilities to post human trafficking assistance notices - (Com. title amend. pending)
- Eng. Com. Sub. for H. B. 4175 - Preventing requirement that an advanced practice registered nurse participate in a collaborative relationship to obtain payment
- Eng. Com. Sub. for H. B. 4199 - Permitting a nursing home to use trained individuals to administer medication - (Com. title amend. pending)
- Eng. Com. Sub. for H. B. 4207 - Authorizing an online application to receive a commission to act as a notary public, and eliminating the bond requirement
- Eng. H. B. 4285 - Relating to the West Virginia Safe Mortgage Licensing Act
- Eng. H. B. 4332 - Relating to home peritoneal renal dialysis - (Com. title amend. pending)
- Eng. H. B. 4385 - Making a supplementary appropriation to the Department of Health and Human Resources, Division of Human Services
- Eng. Com. Sub. for H. B. 4619 - Relating to supporting implementation of comprehensive systems for teacher and leader induction and professional growth

## **SECOND READING**

- Com. Sub. for S. J. R. 8 - County Economic Development Amendment
- Eng. Com. Sub. for H. B. 2607 - Extending the maximum period of confinement a judge may impose for certain, first-time probationary violations - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 2654 - Expanding county commissions' ability to dispose of county or district property
- Eng. Com. Sub. for H. B. 2693 - Relating to state ownership of wildlife - (Com. amend. pending)
- Eng. Com. Sub. for H. B. 2983 - Granting priority to roadway construction, reconstruction and maintenance for roadways prone to recurring floods that hinder ingress and egress
- Eng. Com. Sub. for H. B. 3005 - Relating to regulation of unmanned aircraft systems - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 4180 - Relating to wildlife resources (original similar to SB345)
- Eng. Com. Sub. for H. B. 4186 - Relating generally to guaranteed asset protection waivers - (Com. amend. and title amend. pending)

Eng. H. B. 4219 -	Permitting employees of educational services cooperatives to participate in the State Teachers Retirement System
Eng. Com. Sub. for H. B. 4230 -	Relating to credit for reinsurance
Eng. Com. Sub. for H. B. 4236 -	Requiring agencies to provide an annual inventory of real property holdings to the Real Estate Division (original similar to SB342)
Eng. Com. Sub. for H. B. 4268 -	Co-tenancy Modernization and Majority Protection Act - (Com. title amend. pending)
Eng. Com. Sub. for H. B. 4289 -	Relating to disability pensions of municipal employees
Eng. Com. Sub. for H. B. 4343 -	Relating to the delivery of financial statements to bank shareholders
Eng. Com. Sub. for H. B. 4347 -	Relating to voluntary contributions to the West Virginia State Police Forensic Laboratory Fund
Eng. H. B. 4402 -	Relating to the prevention of sexual abuse of children - (Com. amend. pending)
Eng. H. B. 4410 -	Removing the requirement that the State Auditor receive copies of the Limited Video Lottery bids - (Com. amends. pending)
Eng. H. B. 4422 -	Permitting permanent endowment funds of cemeteries to invest their principal in certain government bonds, and corporate bonds
Eng. H. B. 4433 -	Declaring certain claims against an agency of the state to be moral obligations of the state
Eng. H. B. 4436 -	Clarifying when a minor between the ages of 16 and 18 may be employed by or elected as a member of a volunteer fire department - (Com. amends. pending)
Eng. Com. Sub. for H. B. 4444 -	Clarifying the authority of the State Fire Commission in adopting a State Building Code - (Com. title amend. pending)
Eng. Com. Sub. for H. B. 4473 -	Relating to use of state funds for advertising to promote a public official or government office - (Com. amend. and title amend. pending)
Eng. H. B. 4539 -	Providing an annual annuity adjustment of 1 percent for eligible deputy sheriff retirants and surviving spouses
Eng. H. B. 4621 -	Relating to removing reference to certain entities with respect to work
Eng. H. B. 4624 -	Relating to West Virginia coordinate systems - (Com. amends. and title amend. pending)

## **FIRST READING**

- Eng. Com. Sub. for H. B. 2889 - Allowing military veterans with certain military ratings to qualify for examinations required of probationary police officer
- Eng. Com. Sub. for H. B. 2995 - Permitting certain animal euthanasia technicians who have been certified by other states be certified animal euthanasia technicians in West Virginia - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 4238 - Authorizing counties and municipalities to establish a joint airport hazard comprehensive plan

**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2018**

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**Friday, March 2, 2018**

9 a.m.	Military	(Room 208W)
9:30 a.m.	Education	(Room 451M)