

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE  
REGULAR SESSION, 2018  
SIXTEENTH DAY

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Charleston, West Virginia, Thursday, January 25, 2018

The Senate met at 11:15 a.m.

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

Prayer was offered by the Reverend Gary Nelson, Cross Lanes United Methodist Church, Cross Lanes, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Mark A. Drennan, a senator from the fourth district.

Pending the reading of the Journal of Wednesday, January 24, 2018,

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

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

The Senate then proceeded to the third order of business.

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

**Eng. Com. Sub. for House Bill 2607**—A Bill to amend and reenact §62-12-10 of the Code of West Virginia, 1931, as amended, relating to extending the maximum period of confinement a judge may impose for certain, first-time probationary violations from sixty days to six months; and providing judges greater sentencing discretion for certain, subsequent violations of probation.

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 2822**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-14-3a; to amend said code by adding thereto a new section, designated §29-3B-4a; and to amend said code by adding thereto a new section,

designated 29-3D-4a, all relating to allowing military veterans with certain military ratings to qualify for examination for license as a plumber, allowing military veterans with certain military ratings to qualify for examination for license as an electrician; allowing military veterans with certain military ratings to qualify for examination for license as a sprinkler fitter in training or a journeyman sprinkler fitter.

Referred to the Committee on Military.

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 2838**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-24-8, relating to allowing military veterans who meet certain qualifications to qualify for examination for license as an emergency medical technician.

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

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

**Senate Bills 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 177, 178, and 179,** DHHR rule relating to hospital licensure.

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

**Com. Sub. for Senate Bill 165** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-5-1 and §6-5-2 of the Code of West Virginia, 1931, as amended, relating generally to authorizing various health agencies to promulgate certain legislative rules as filed, as modified, and as amended by the legislature; authorizing various health agencies to repeal certain legislative rules; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to hospital licensure; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to public water systems; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to emergency medical services; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to West Virginia clearance for access: registry and employment screening; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to development of methodologies to examine needs for substance use disorder treatment facilities within the state; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to collection and exchange of data related to overdoses; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to child care centers licensing; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to family child care facility licensing requirements; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to family child care home registration requirements; authorizing the

Department of Health and Human Resources to promulgate a legislative rule relating to informal and relative family child care home registration requirements; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to out-of-school-time child care center licensing requirements; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to pilot program for drug screening of applicants for cash assistance; directing the Department of Health and Human Resources to repeal a legislative rule relating to regulation of opioid treatment programs; authorizing the Health Care Authority to promulgate a legislative rule relating to financial disclosure; and repealing a Health Care Authority legislative rule relating to certificate of need.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Weld, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

**Senate Bill 258**, Exempting honorably discharged veterans from fees for license to carry deadly weapons.

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

**Com. Sub. for Senate Bill 258** (originating in the Committee on Military)—A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to application fees to obtain a state license to carry a concealed deadly weapon; and exempting honorably discharged veterans of the armed forces of the United States, National Guard, and Reserve from payment of fees and costs required to get a license to carry a deadly weapon.

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

Respectfully submitted,

Ryan W. Weld,  
*Chair.*

The bill (Com. Sub. for S. B. 258), under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration

**Com. Sub. for Senate Bill 284** (originating in the Committee on Education), Increasing access to career education and workforce training.

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

**Com. Sub. for Com. Sub. for Senate Bill 284** (originating in the Committee on Finance)—A Bill to amend and reenact §18-2-6 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-2E-11; to amend and reenact §18-9A-2 of said code; and to amend said code by adding thereto a new article, designated §18C-9-1, §18C-9-2, §18C-9-3, §18C-9-4, §18C-9-5, and §18C-9-6, all relating generally to increasing access to career education and workforce training; establishing Advanced Career Education (ACE) programs and pathways; providing that certain individuals who have completed a secondary education program in a public, private, or home school shall be considered adults enrolled in regular secondary programs for funding purposes; requiring community and technical colleges establish partnerships with career technical education centers, county boards of education, or both that provide for ACE programs; providing requirements for ACE programs and pathways; requiring the Board of Education and the West Virginia Council for Community and Technical College Education promulgate joint guidelines; requiring the Division of Vocational Education and the council maintain and annually report certain information; providing that community and technical colleges and career technical education centers shall participate in one or more ACE partnership in order to receive certain funding; establishing the WV Invests Grant Program; defining terms; authorizing the council to award WV Invests Grants under certain terms and conditions; requiring the council to report certain information on the WV Invests Grant Program; requiring the council to propose legislative rules; providing eligibility and renewal requirements for a WV Invests Grant; requiring applicants enter into certain agreements; and establishing the WV Invests Fund.

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

Respectfully submitted,

Craig Blair,  
*Chair.*

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

Your Committee on Natural Resources has had under consideration

**Senate Bill 285**, Establishing regional recreation authorities and areas.

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

**Com. Sub. for Senate Bill 285** (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-7-1 of the Code of West Virginia, 1931, as amended; to amend said code 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, and §20-14A-11; and to amend and reenact §20-15-1, §20-15-2, §20-15-3, §20-15-4, and §20-15-5 of said code, all relating to establishing regional recreation authorities and areas; providing for reimbursement by authority for natural resources police officers; modifying the amount and timing of subsistence payments to natural resource police officers; setting forth findings and definitions; providing for creation of regional recreation authorities as joint development entities formed by a prescribed number of contiguous counties; providing for establishment of new trail systems for off-highway recreational vehicle use; providing for board to govern regional recreation authorities; providing

for the appointment and terms of board members; providing for quorum, executive director and expenses of board; providing for financial review and oversight of regional recreation authorities; establishing powers and duties of regional recreation authority boards; establishing powers of regional recreation authorities; prohibiting certain conduct in regional recreation areas; providing civil and criminal penalties; limiting liability of certain landowners; establishing requirements for bidding and purchasing; prohibiting contracts that pose conflicts of interests; providing civil remedies for unlawful purchasing contracts; incorporating references to new code sections and regional recreational authorities and areas into the ATV Responsibility Act; and eliminating certain definitions from the ATV Responsibility Act.

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

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

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

Senator Sypolt, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

**Senate Bill 322**, Relating to employees of Department of Agriculture.

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

Respectfully submitted,

Dave Sypolt,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on Government Organization.

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

Your Committee on Pensions has had under consideration

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

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

**Com. Sub. for Senate Bill 331** (originating in the Committee on Pensions)—A Bill to amend and reenact §5-10-2 and §5-10-52 of the Code of West Virginia, 1931, as amended; to amend

said code by adding thereto a new section, designated §5-10-56; and to amend said code by adding thereto a new section, designated §18-7A-17c, all relating to retirement and pension benefits of certain members of the West Virginia Public Employees Retirement System and the West Virginia Teachers Retirement System who serve in the Legislature or in other part-time positions; and providing that persons who first become members of the retirement system after December 1, 2018, through election, reelection, or appointment to the Legislature, or certain other positions, shall receive one fourth of a year of service credit for each full year of service in the Legislature or other part-time position.

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

Respectfully submitted,

Robert Karnes,  
*Chair.*

The bill (Com. Sub. for S. B. 331), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration

**Senate Bill 338**, Changing date for employers to file annual reconciliation and withholding statements.

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

Respectfully submitted,

Craig Blair,  
*Chair.*

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

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Concurrent Resolution 4**, Glenn Franklin Lough, P.E., Memorial Bridge.

And reports back a committee substitute for same as follows:

**Com. Sub. for Senate Concurrent Resolution 4** (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways to name bridge number 20-64-53.02 (20A842), locally known as the I-64 Kanawha River Bridge/South Charleston-Dunbar Bridge, carrying Eastbound Interstate 64 over the Kanawha River in Kanawha County, West Virginia, the “West Virginia Army National Guard Sergeant Glenn F. Lough, P.E., Memorial Bridge”.

Whereas, Glenn F. Lough was born on June 20, 1970, in Lewis County, West Virginia, the son of Mr. Nelson Lough and Mrs. Joyce Money Penny Lough; and

Whereas, Glenn F. Lough graduated from Lewis County High School from West Virginia Institute of Technology with a Bachelor of Science degree in Civil Engineering and from Liberty University with a Master of Arts degree in Religion; and

Whereas, Glenn F. Lough was a veteran of the 1st Brigade of the 119th Engineering Battalion of the West Virginia Army National Guard of Buckhannon; and

Whereas, Glenn F. Lough served as pastor for several churches in the Weston area, and as an Associate Pastor of Good Shepherd Baptist Church in Putnam County; and

Whereas, Glenn F. Lough served as a Highway Engineer for the West Virginia Division of Highways for 25 years, a career which began in District 7 in Weston, transferred to the Planning Division in Charleston, and ended as the Bridge Repair Engineer in the Engineering Division; and

Whereas, Glenn F. Lough worked at all times in a thorough and diligent manner, managing his time in a way that allowed him to design repairs for as many bridges as possible. He put the best interest of the employees working in his unit above his own, and he was a shining example of a public servant who we should all seek to emulate; and

Whereas, Glenn F. Lough saved the state and its citizens countless dollars with his innovative use of heat straightening on damaged bridges across the state. His work with heat straightening allowed bridge beams that had been hit to be repaired rather than replaced, and it kept those bridges functional and safe for the citizens of West Virginia; and

Whereas, Glenn F. Lough was willing at all times to serve other state agencies and engineered projects for the State Rail Authority, saving the state additional time and money; and

Whereas, Glenn F. Lough touched lives everywhere he went and was always willing to lend a hand to anyone in need; and

Whereas, Glenn F. Lough's lasting impact remains on many bridges and with many people throughout the state, both people he knew and those who will never know his name; and

Whereas, Glenn F. Lough died in the line of duty at the age of 47 as the result of a vehicle collision on Interstate 79 on June 27, 2017, while traveling back to Charleston from the site of several bridges for which he was designing repairs, leaving behind a wife and two daughters, who miss him dearly; and

Whereas, It is fitting that a proper memorial be established for this man who served the State of West Virginia until the very last moment of his life; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 20-64-53.02 (20A842), locally known as the I-64 Kanawha River Bridge/South Charleston-Dunbar Bridge, carrying Eastbound Interstate 64 over the Kanawha River in Kanawha County, West Virginia, the "West Virginia Army National Guard Sergeant Glenn F. Lough, P.E., Memorial Bridge"; and, be it

*Further Resolved*, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “West Virginia Army National Guard Sergeant Glenn F. Lough, P.E., 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.

With the recommendation that the committee substitute be adopted.

Respectfully submitted,

Gregory L. Boso,  
*Chair.*

The Senate proceeded to the sixth order of business.

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

**By Senator Cline:**

**Senate Bill 370**—A Bill to amend and reenact §23-2-1a of the Code of West Virginia, 1931, as amended, relating to exempting nonpaid volunteers at ski areas from workers’ compensation benefits.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 371**—A Bill to amend and reenact §27-5-2 of the Code of West Virginia, 1931, as amended, relating to proceedings for involuntary custody for examination; removing redundant language relating to civil liability for the rendering of an opinion as the result of an examination.

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 372**—A Bill to amend and reenact §18B-2A-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18B-3C-9 of said code, all relating to authorizing a governing board of a state institution of higher education to eliminate tenure for faculty at the institution under its jurisdiction and removing prior exemptions.

Referred to the Committee on Education.

**By Senators Rucker, Arvon, Azinger, Cline, Drennan, Karnes, Smith, Takubo, Baldwin, and Plymale:**

**Senate Bill 373**—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to providing a special license plate to support adoption; and establishing fees.

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



**By Senators Trump and Weld:**

**Senate Bill 374**—A Bill to amend and reenact §60-7-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §60-7-8a; and to amend and reenact §61-8-27 of said code, all relating to creating a private fair and festival license; definitions; license requirements; license fee; and permitting minors to attend the private fair or festival under certain conditions.

Referred to the Committee on Economic Development; and then to the Committee on the Judiciary.

**By Senators Sypolt, Rucker, Takubo, Baldwin, and Boso:**

**Senate Bill 375**—A Bill to amend and reenact §19-35-2, §19-35-3, and §19-35-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §19-35-5, all relating to farmers markets; removing local health departments from farmers market permit process; transferring rules and regulations for farmers markets, cottage foods, acidified foods, nonpotentially hazardous foods, and exempted foods from Department of Health and Human Resources to Department of Agriculture; clarifying consignment markets; requiring farmers market registration and fees; expanding farmers market vendor permits and fee structure to include egg permit and cottage foods permit; clarifying certain farm and food products require other permits; permitting sampling of certain food products; clarifying scope, labeling, and sources of cottage foods; requiring online farmers market sales be delivered in person; permitting home, farm, community, or commercial kitchen to be used by cottage foods vendor as determined by the department; and clarifying that cottage foods includes certain acidified foods, nonpotentially hazardous foods, and exempted foods.

Referred to the Committee on Agriculture and Rural Development.

**By Senators Rucker, Azinger, Karnes, Maroney, Maynard, Romano, Trump, Boso, and Cline:**

**Senate Bill 376**—A Bill to amend and reenact §3-1-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-2-2 of said code, all relating to residency requirements for people entitled to vote and people eligible to register to vote; requiring that a person be a legal resident of the state, county, or municipality in which he or she offers to vote; requiring that a person be a legal resident of the state or county in which he or she applies to register to vote; and defining the term “legal resident”.

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

**By Senators Boso and Cline:**

**Senate Bill 377**—A Bill to amend and reenact §8-14A-1, §8-14A-2, §8-14A-3, §8-14A-4, and §8-14A-5 of the Code of West Virginia, 1931, as amended, all relating to removing firefighters from municipal procedures for the investigation and hearing of allegations of misconduct that may result in punitive action.

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

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 378**—A Bill expiring funds to the balance of the Department of Health and Human Resources, Division of Health – Medical Cannabis Program Fund, fund 5420, fiscal year 2018,

organization 0506, in the amount of \$2,953,990 from the Department of Health and Human Resources, Division of Health – The Vital Statistics Account, fund 5144, fiscal year 2018, organization 0506, and making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2018, to the Department of Health and Human Resources, Division of Health – The Vital Statistics Account, fund 5144, fiscal year 2018, organization 0506, to the Department of Health and Human Resources, Division of Health - Laboratory Services Fund, fund 5163, fiscal year 2018, organization 0506, to the Department of Health and Human Resources, Division of Health – Medical Cannabis Program Fund, fund 5420, fiscal year 2018, organization 0506, and to the Department of Health and Human Resources, Division of Human Services – Health Care Provider Tax, Medicaid State Share Fund, fund 5090, fiscal year 2018, organization 0511, by supplementing and amending chapter one, Acts of the Legislature, 1st extraordinary session, 2017, known as the Budget Bill.

Referred to the Committee on Finance.

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 379**—A Bill making a supplementary appropriation from the balance of moneys remaining as an unappropriated balance in the State Fund, State Excess Lottery Revenue Fund, to the Department of Health and Human Resources, Division of Human Services, fund 5365, fiscal year 2018, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018.

Referred to the Committee on Finance.

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 380**—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2018, to the Department of Education, State Board of Education – School Lunch Program, fund 8713, fiscal year 2018, organization 0402, and to the Department of Education, State Board of Education – Vocational Division, fund 8714, fiscal year 2018, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018.

Referred to the Committee on Finance.

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 381**—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2018, to the Department of Transportation, Division of Public Transit, fund 8745, fiscal year 2018, organization 0805, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018.

Referred to the Committee on Finance.

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 382**—A Bill making a supplementary appropriation of Lottery Net Profits from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits to the Bureau of Senior Services - Lottery Senior Citizens Fund, fund 5405, fiscal year 2018, organization 0508, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018.

Referred to the Committee on Finance.

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 383**—A Bill expiring funds to the balance of the West Virginia Enterprise Resource Planning Board - Enterprise Resource Planning System Fund, fund 9080, fiscal year 2018, organization 0947, in the amount of \$1,133,000 from the Auditor's Office – Securities Regulation Fund, fund 1225, fiscal year 2018, organization 1200, and in the amount of \$1,133,000 from the Treasurer's Office, Banking Services Expense Fund, fund 1322, fiscal year 2018, organization 1300, for the fiscal year ending June 30, 2018.

Referred to the Committee on Finance.

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 384**—A Bill supplementing and amending by decreasing and increasing existing appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Health and Human Resources – Division of Human Services, fund 0403, fiscal year 2018, organization 0511, to the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2018, organization 0506, and to the Bureau of Senior Services, fund 0420, fiscal year 2018, organization 0508, by supplementing, amending, increasing, and decreasing the appropriations for the fiscal year ending June 30, 2018.

Referred to the Committee on Finance.

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 385**—A Bill supplementing and amending by decreasing existing appropriations and adding new appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Health and Human Resources – Division of Human Services, fund 0403, fiscal year 2018, organization 0511, to the Department of Military Affairs and Public Safety, Division of Corrections – Correctional Units, fund 0450, fiscal year 2018, organization 0608, and to the Department of Military Affairs and Public Safety, Division of Juvenile Services, fund 0570, fiscal year 2018, organization 0621, by supplementing, amending, adding, and decreasing the appropriations for the fiscal year ending June 30, 2018.

Referred to the Committee on Finance.

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 386**—A Bill supplementing and amending by decreasing and increasing existing appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Higher Education Policy Commission, Marshall University – School of Medicine, fund 0347, fiscal year 2018, organization 0471, and to the Higher Education Policy Commission, Marshall University – General Administration Fund, fund 0348, fiscal year 2018, organization 0471, by supplementing, amending, increasing, and decreasing the appropriations for the fiscal year ending June 30, 2018.

Referred to the Committee on Finance.

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 387**—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2018, to the Department of Health and Human Resources, Division of Health – Community Mental Health Services, fund 8794, fiscal year 2018, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018.

Referred to the Committee on Finance.

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 388**—A Bill supplementing and amending by decreasing and increasing existing appropriations and adding a new appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Health and Human Resources – Division of Human Services, fund 0403, fiscal year 2018, organization 0511, to the Department of Administration, Division of Finance, fund 0203, fiscal year 2018, organization 0209, and to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2018, organization 0221, by supplementing, amending, decreasing, and increasing existing appropriations and adding a new appropriation for the fiscal year ending June 30, 2018.

Referred to the Committee on Finance.

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 389**—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2018, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2018, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018.

Referred to the Committee on Finance.

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 390**—A Bill supplementing, amending, decreasing, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2018, organization 0803, for the fiscal year ending June 30, 2018.

Referred to the Committee on Finance.

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 391**—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2018, to the Department of Agriculture, fund 8736, fiscal year 2018, organization 1400, and to the Department of Agriculture – State Conservation Committee, fund 8783, fiscal year 2018, organization 1400, by supplementing and amending the appropriations for the fiscal year ending June 30, 2018.

Referred to the Committee on Finance.

**By Senators Boso, Facemire, Jeffries, and Prezioso:**

**Senate Bill 392**—A Bill to repeal §16-4C-6c of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-4C-5 of said code, relating to emergency medical technicians; reconfiguring the Emergency Medical Services Advisory Council; and making technical corrections by eliminating an archaic code section.

Referred to the Committee on Government Organization.

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

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

Your Committee on Finance has had under consideration

**Senate Bill 393** (originating in the Committee on Finance)—A Bill to amend and reenact §6-7-2a and §19-23-4 of the Code of West Virginia, 1931, as amended, relating to the compensation and composition of the West Virginia Racing Commission.

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

Respectfully submitted,

Craig Blair,  
*Chair.*

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 8**, Requesting study of creation and role of WV Motorsports Commission.

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

The Senate proceeded to the ninth order of business.

**Senate Bill 67**, Exempting DNR police officers' pensions from state income tax.

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

**Com. Sub. for Senate Bill 116**, Providing court costs collected under Second Chance Driver's License Program are not subject to 5 percent offset.

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

**Senate Bill 143**, Permitting DNR identification tag be used to identify trap.

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

**Com. Sub. for Senate Bill 163**, Authorizing DEP promulgate legislative rules.

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

**Senate Bill 311**, Specifying consumers sales and service tax exemption for purchase of certain services and tangible personal property related to aircraft.

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

**Senate Bill 351**, Permitting ballot commissioners serve while candidates for certain offices.

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

The Senate proceeded to the tenth order of business.

**Com. Sub. for Senate Bill 7**, Relating to claims under Wage Payment and Collection Act.

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

**Com. Sub. for Senate Bill 51**, Relating to domestic relations.

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

**Senate Bill 280**, Allowing airports' emergency management and operations vehicles to use red flashing warning lights.

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

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

The Senate then proceeded to the thirteenth order of business.

At the request of Senator Baldwin, the name of Senator Baldwin was removed as a sponsor of **Senate Bill 351** (*Permitting ballot commissioners serve while candidates for certain offices*).

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 11:36 a.m., the Senate adjourned until tomorrow, Friday, January 26, 2018, at 11 a.m.

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