

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

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

Charleston, West Virginia, Friday, February 9, 2018

The Senate met at 11:16 a.m.

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

Prayer was offered by Pastor Tim Harper, Reamer Gospel Tabernacle, Clendenin, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Ron Stollings, a senator from the seventh district.

Pending the reading of the Journal of Thursday, February 8, 2018,

At the request of Senator Mann, 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. House Bill 4332—A Bill to amend and reenact §30-5-22 and §30-5-29 of the Code of West Virginia, 1931, as amended, all relating to home peritoneal renal dialysis to patients with end state renal disease.

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 4350—A Bill to repeal §47-1A-1, §47-1A-2, §47-1A-3, §47-1A-4, §47-1A-5, §47-1A-6, §47-1A-7, §47-1A-8, §47-1A-9, §47-1A-10, §47-1A-11, §47-1A-12, §47-1A-13, §47-1A-14, §47-1A-15, §47-1A-17 and §47-1A-18 of the Code of West Virginia, 1931,

as amended, all relating to repealing the regulation and control of bedding and upholstery businesses.

Referred to the Committee on Government Organization.

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 Bill 36, Relating generally to DNA testing.

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

Com. Sub. for Senate Bill 36 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §15-2B-2, §15-2B-5, §15-2B-6 and §15-2B-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §15-9B-4, all relating generally to DNA testing; allowing the West Virginia State Police Forensic Laboratory to use qualified outside entities for DNA testing; clarifying that the State Police shall attempt to contract with the Marshall University Forensic Science Center for certain DNA testing when outsourcing such testing; granting legislative and emergency rule-making authority to the Sexual Assault Forensic Examination Commission; directing the commission to promulgate time frames for DNA sample submission; expanding types of testing the West Virginia State Police Forensic Laboratory may outsource; authorizing law-enforcement and correctional officers to use reasonable force to obtain DNA samples; providing that DNA samples taken by law-enforcement and corrections personnel in compliance with this article and deemed to be in good faith; exempting law-enforcement and correctional officers from civil and criminal liability for good faith collection of samples done in a reasonable manner consistent with generally accepted practices; directing that erroneously obtained DNA samples be removed from database and samples destroyed; and clarifying that judicial expungement proceedings proceed by petition.

And,

Senate Bill 397, Creating crime of impersonating blind or disabled person.

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

Com. Sub. for Senate Bill 397 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-15-9, relating to making it a misdemeanor to impersonate a person who is blind or disabled; making it a misdemeanor for a person to fraudulently represent himself or herself to be the owner or trainer of a service animal; and establishing penalties.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Government Organization has had under consideration

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

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

Com. Sub. for Senate Bill 288 (originating in the Committee on Government Organization)—
A Bill to repeal §30-6-22a, §30-6-23, §30-6-24, §30-6-25, §30-6-26, §30-6-27, §30-6-28, §30-6-29, §30-6-30 and §30-6-31 of the Code of West Virginia, 1931, as amended; and to amend §30-6-1, §30-6-2, §30-6-3, §30-6-4, §30-6-5, §30-6-6, §30-6-7, §30-6-8, §30-6-9, §30-6-10, §30-6-11, §30-6-12, §30-6-13, §30-6-14, §30-6-15, §30-6-16, §30-6-17, §30-6-18, §30-6-19, §30-6-20, §30-6-21 and §30-6-22 of said code, all relating to regulation of cremation, embalming, and funeral service directing; defining terms; terminating the Board of Funeral Service Examiners; transferring the functions of the board to the Secretary of State; specifying timeline and duties for the transfer of functions and property; providing special provisions and authority to Secretary of State to facilitate transfer; providing rulemaking authority for Secretary of State; continuing existing rules previously promulgated by the board; authorizing Secretary of State to request repeal of rules previously promulgated by the board; establishing timeline for promulgation of rules by Secretary of State in 2018; authorizing the promulgation of emergency rules; creating special revenue account; eliminating special revenue account utilized by Board of Funeral Service Examiners and transferring funds; providing for the transfer of assets and liabilities to new account; providing for periodic sweep of funds into general revenue fund; eliminating outdated and obsolete language; authorizing Secretary of State to grant funeral service license; updating requirements for funeral service license; reclassifying certificate to operate crematory as license; authorizing Secretary of State to grant license to operate crematory; updating requirements for license to operate crematory; updating language related to license reciprocity and courtesy card holders to give authority to Secretary of State; authorizing Secretary of State to enter into reciprocity agreements; authorizing Secretary of State to issue registration to be an apprentice; updating requirements for licensure of funeral establishments; authorizing Secretary of State to issue funeral establishment license; updating requirements for licensure of crematories; authorizing Secretary of State to issue crematory license; modifying requirements for inspectors and inspections; authorizing Secretary of State to appoint inspectors; updating requirements for renewal of licenses, courtesy cards and registrations; eliminating requirement for Board of Funeral Service Examiners to provide continuing education; modifying order of persons authorized to give written permission for cremation; updating language concerning preneed affidavit; requiring Secretary of State to refuse to issue license, renewal or registration if certain requirements not met; authorizing Secretary of State to take action against licensee, registrant or applicant under certain circumstances; requiring Secretary of State establish means for public to submit complaints; requiring Secretary of State to investigate all complaints received; setting procedures for investigations; specifying powers and procedures for conducting hearings and rendering disposition of contested cases; granting the authority to suspend or revoke an authorization to practice without a prior hearing under certain circumstances; setting burden of proof; providing right of appeal from determination of Secretary of State; authorizing informal disposition; making violations of article a criminal act; establishing criminal penalties; authorizing Secretary of State or interested person to seek injunctions for violations of article; providing for referral of criminal matters to appropriate authorities; permitting criminal actions to be brought by Attorney General, United States Attorney or local prosecuting attorney; providing that single act is evidence of

violation; providing for certain inapplicability of article; and correcting references and updating terms throughout.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

C. Edward Gaunch,
Chair.

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

Your Committee on Education has had under consideration

Senate Bill 319, Allowing individuals who completed home schooling be eligible for PROMISE scholarship without equivalent diploma.

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

Com. Sub. for Senate Bill 319 (originating in the Committee on Education)—A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to allowing, in certain instances, individuals completing a secondary education program in a public, private, or home school and individuals obtaining a GED or equivalent to be eligible for the PROMISE scholarship.

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,

Kenny Mann,
Chair.

The bill (Com. Sub. for S. B. 319), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration

Senate Bill 321, Relating to powers and duties of Public Land Corporation.

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

Com. Sub. for Senate Bill 321 (originating in the Committee on Government Organization)—A Bill to amend and reenact §5A-11-3 of the Code of West Virginia, 1931, as amended, relating to the powers and duties of the Public Land Corporation; allowing the proceeds of public lands to be given to the agency or institution with title to the public land; authorizing the Public Land Corporation to retain proceeds to cover any expenses incurred; requiring all agencies and institutions provide an annual inventory of public lands; and including in the annual report to the

Legislature those agencies or institutions that do not comply with annual inventory reporting requirements to the Public Land Corporation.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

C. Edward Gaunch,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 401, Requiring specified coverage in health benefit plans for treatment of substance abuse disorders.

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

Respectfully submitted,

Tom Takubo,
Chair.

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

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

Your Committee on Government Organization has had under consideration

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

And has amended same.

And,

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

And has amended same.

And reports the same back with the recommendation that they each 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

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

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

Respectfully submitted,

C. Edward Gaunch,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 450, Collecting and analyzing statistical information pertaining to terminating pregnancies under Medicaid Program.

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

Com. Sub. for Senate Bill 450 (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-12a, relating to collecting and analyzing statistical information pertaining to termination of pregnancies under the West Virginia Medicaid Program; declaring legislative objectives; requiring the submission of reporting forms by physicians; providing for patient confidentiality; specifying required information; providing for the collection and aggregation of data; permitting access to de-identified data; and requiring the creation of analytical reports.

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,

Tom Takubo,
Chair.

The bill (Com. Sub. for S. B. 450), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 469, Converting Addiction Treatment Pilot Program to permanent program.

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

Com. Sub. for Senate Bill 469 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §62-15A-1, §62-15A-2, and §62-15A-3 of the Code of West Virginia, 1931, as amended, relating to converting the Addiction Treatment Pilot Program into a permanent program.

And,

Senate Bill 473, Requiring insurance coverage for the prescription drug Varenicline.

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

Com. Sub. for Senate Bill 473 (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7b; to amend said code by adding thereto a new section, designated §9-5-20a; to amend said code by adding thereto a new section, designated §33-15-4p; to amend said code by adding thereto a new section, designated §33-16-3bb; to amend said code by adding thereto a new section, designated §33-24-7q; to amend said code by adding thereto a new section, designated §33-25-8n; and to amend said code by adding thereto a new section, designated §33-25A-8p, all relating to requiring insurance coverage for the prescription drug varenicline; prohibiting insurance plans from requiring use of other methods or prescriptions prior to coverage for varenicline; placing similar requirements on the Public Employees Insurance Agency; placing similar requirements upon the state Medicaid program; allowing a generic alternative, should one become available; and allowing health care providers to provide other medically appropriate prescription drugs.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Tom Takubo,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 472, Providing funds to DHHR for local boards of health employee pay raises.

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

Com. Sub. for Senate Bill 472 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §16-2-14 of the Code of West Virginia, 1931, as amended, relating to requiring the Legislature to provide funds to the Department of Health and Human Resources to provide local boards of health funds for pay raises for employees when the Legislature provides funds for across-the-board pay raises for state employees, and annually after that.

With recommendation that the committee substitute do pass; but with the further recommendation that it first be referred to the Committee on Finance; and then, under the original double committee reference, to the Committee on Government Organization.

Respectfully submitted,

Tom Takubo,
Chair.

On motion of Senator Ferns, the bill (Com. Sub. for S. B. 472) contained in the foregoing report from the Committee on Health and Human Resources was then referred to the Committee on Finance; and then, under the original double committee reference, to the Committee on Government Organization.

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

Your Committee on Government Organization has had under consideration

Senate Bill 477, Relating to five-year sunset on tax credits and incentives.

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 Finance.

Respectfully submitted,

C. Edward Gaunch,
Chair.

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

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

Your Committee on Government Organization has had under consideration

Senate Bill 479, Establishing local government monitoring by Auditor.

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 Finance.

Respectfully submitted,

C. Edward Gaunch,
Chair.

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

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

Your Committee on Government Organization has had under consideration

Senate Concurrent Resolution 11, Evans Center for Excellence in Aircraft Maintenance.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution 11 (originating in the Committee on Government Organization)—Requesting Congress name the West Virginia National Guard 167th Maintenance Operations Center the “Evans Center for Excellence in Aircraft Maintenance”.

Whereas, SMSgt. Kenneth “Catbird” W. Evans is a native West Virginian who was born and raised in Corton, West Virginia. Upon his high school graduation in 1955, SMSgt. Evans attended and graduated aircraft maintenance technical training at Sheppard AFB, TX. SMSgt. Evans served in the West Virginia Air National Guard at Charleston Regional Airfield, Charleston, West Virginia, until 1958, when he entered full-time service with the National Guard in Martinsburg; and

Whereas, SMSgt. Evans enlisted in the West Virginia Air National Guard in 1954 at the age of 17. He completed basic military training at Samson AFB, NY, the summer before completing his senior year of high school in Clendenin, WV; and

Whereas, On June 4, 1958, SMSgt. Evans was credited with acts of heroism when he rushed into a burning cargo plane that crashed at the airfield in Martinsburg and pulled the unconscious pilot, who was trapped in the nose section, and two other souls to safety. On October 7, 1958, SMSgt. Evans was awarded the Soldier’s Medal for his heroic actions; and

Whereas, During SMSgt. Evans’ 39 years of service, he flew numerous combat missions in Vietnam, logged over 10,000 flying hours as a flight engineer in multiple aircraft, led the aircraft maintenance team that resulted in two VOLANT RODEO victories (1974-1985), and was considered a subject matter expert both in aircraft maintenance and as a flight engineer. When the strut system on the C-130 began to fail, SMSgt. Evans single-handedly identified an engineering flaw and served as the subject-matter expert leading Lockheed Martin’s efforts in the redesign of the aircraft’s strut system. This accomplishment sustained the C-130’s mission readiness for the Department of Defense; and

Whereas, The West Virginia Air National Guard, specifically the 167th Airlift Wing, has become a world-class force multiplier because of the superior leadership, mentorship, dedication, and commitment of SMSgt. Evans. SMSgt. Evans’ efforts and accomplishments during his 39 years of service well exceed those of his peers and make him a significant role model for other Mountaineer Airman to follow; and

Whereas, SMSgt. Kenneth “Catbird” W. Evans will forever be a Mountaineer Airman and has earned recognition for his lifelong service and commitment to the 167th Airlift Wing, the citizens of West Virginia, and this nation; and

Whereas, It is fitting that the West Virginia National Guard 167th Maintenance Operations Center be named the “Evans Center for Excellence in Aircraft Maintenance” as an everlasting tribute to SMSgt. Kenneth “Catbird” W. Evans for his dedicated public service to his state and nation; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests Congress name the West Virginia National Guard 167th Maintenance Operations Center the “Evans Center for Excellence in Aircraft Maintenance”; and, be it

Further Resolved, That the Legislature hereby requests the Congressional delegation of West Virginia advance and support efforts to name the West Virginia National Guard 167th Maintenance Operations Center the “Evans Center for Excellence in Aircraft Maintenance”; and, be it

Further Resolved, That the Senate extends its most sincere gratitude and apperception to SMSgt. Kenneth “Catbird” W. Evans for his dedicated public service; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to SMSgt. Kenneth “Catbird” W. Evans, the West Virginia National Guard, and to Senator Manchin, Senator Capito, Representative McKinley, Representative Mooney, and Representative Jenkins.

With the recommendation that the committee substitute be adopted.

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 2831, Relating to the reconstitution of the Driver’s Licensing Advisory Board.

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

Respectfully submitted,

C. Edward Gaunch,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senators Trump, Takubo, Romano, Boso, Plymale, and Cline:

Senate Bill 512—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-3-19, relating to authorizing certain West Virginia courthouse security officers to carry concealed firearms; setting forth requirements; granting courthouse security officers arrest powers under certain circumstances; and stating legislative intent that the new code section be consistent with the federal Law-Enforcement Officers Safety Act.

Referred to the Committee on the Judiciary.

By Senators Trump, Stollings, Plymale, and Cline:

Senate Bill 513—A Bill to amend and reenact §5-10-48 of the Code of West Virginia, 1931, as amended, relating to increasing the amount a retirant may earn if employed by a covered employer.

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

By Senators Sypolt, Stollings, and Boso:

Senate Bill 514—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-54-1, relating to enacting the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact; and entering into the compact with all jurisdictions also enacting the compact.

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

By Senators Gaunch, Stollings, Boso, and Cline:

Senate Bill 515—A Bill to amend and reenact §8-19-4 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-20-10 of said code; to amend and reenact §16-13-16 of said code; to amend and reenact §16-13A-9 of said code; to amend and reenact §24-1-1 of said code; and to amend and reenact §24-2-1, §24-2-2, §24-2-3, §24-2-4a, §24-2-4b, and §24-2-11 of said code, all relating to clarifying Public Service Commission jurisdiction over water and sewer utilities owned by political subdivisions; establishing uniformity in the class of publications required by municipalities and public service districts for the revision in rates; providing a time period for the filing of and resolution of complaints filed at the Public Service Commission regarding actions of municipalities; clarifying language regarding rate changes and notice requirements for municipal utilities; and providing the time period pertaining to the filing of appeals and the resolution of appeals of rate and construction projects decided by county commissions.

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

By Senators Sypolt, Romano, and Cline:

Senate Bill 516—A Bill to amend and reenact §11-13A-3a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22-6-42, all relating to requiring the Secretary of the Department of Environmental Protection to work with the State Tax Commissioner, the Public Service Commission, and county assessors to develop a system for verifying production information submitted by an oil or gas producer in connection with the producer's severance tax returns and other production reports; and requiring the cooperation of persons submitting the reports.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on Government Organization.

By Senators Maynard, Sypolt, and Cline:

Senate Bill 517—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-3-14; and to amend said code by adding thereto a new section, designated §60A-9-10, all relating generally to drug overdoses and controlled substances monitoring; requiring state director of health or any county or municipal health officer investigate all instances of persons who have suffered or suspected of having suffered a drug overdose; requiring health care providers to report all instances of persons who have suffered or suspected

of having suffered a drug overdose to state director of health; requiring the Board of Pharmacy to review and evaluate any complaint regarding health care providers with prescriptive authority have or may have issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a Schedule II, III, or IV controlled substance; establishing requirements; requiring hearings; authorizing disciplinary actions be taken; and authorizing rulemaking by state director of health, the Board of Pharmacy, and Board of Medicine.

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

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

The Senate again proceeded to the sixth order of business.

Senators Romano, Facemire, Unger, Stollings, and Plymale offered the following resolution:

Senate Concurrent Resolution 15—Requesting the Division of Highways to name bridge number 17-24-7.22 (17A148), locally known as Meadowbrook Bridge, carrying County Route 24 over West Fork River in Harrison County, the “U. S. Marine Corps SGT Stephen E. Drummond Memorial Bridge”.

Whereas, Stephen E. Drummond was born January 15, 1931, in Spelter, West Virginia, the son of General Shafter Drummond and Ruby Freeman Drummond; and

Whereas, Stephen E. Drummond had three brothers, Robert, Eugene, and Shafter “Brud” Drummond; and

Whereas, Stephen E. Drummond graduated from Victory High School in Clarksburg, West Virginia, and married Natalie Dodd, his childhood sweetheart, who was born on the same day and preceded him in death in 2009, and with whom he raised two children, daughter Ricki and son Jeff; and

Whereas, Stephen E. Drummond was drafted after high school graduation and became a proud U. S. Marine. After basic training, he saw intense combat in Korea. One day before his tour of duty was to end in Korea, his leg was severely wounded by shrapnel at the Battle of Vegas during an intense Chinese offensive; and

Whereas, SGT Stephen E. Drummond and other U. N. soldiers were captured and he was held as a prisoner of war for four months; and

Whereas, SGT Stephen E. Drummond was released as a prisoner of war with the signing of the armistice on July 27, 1953; and

Whereas, SGT Stephen E. Drummond was awarded the Purple Heart Medal, a United Nations Service Medal, the National Defense Service Medal, and the Korean Ambassador for Peace Medal; and

Whereas, After returning home to Spelter, SGT Stephen E. Drummond earned a bachelor’s degree from Fairmont State College and a Master’s Degree from Miami University of Ohio, and

began a career of more than 20 years as a mentor, coach, teacher, principal, administrator, and superintendent in various school systems; and

Whereas, Following retirement, SGT Stephen E. Drummond enjoyed traveling, visiting family members, and creating and selling his invention, Tara-Lite, for which he held a design patent; and

Whereas, SGT Stephen E. Drummond died November 23, 2013; and

Whereas, It is fitting to dedicate an enduring memorial to SGT Stephen E. Drummond in recognition of his service to his country, to his community, and to the teaching profession; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 17-24-7.22 (17A148), locally known as Meadowbrook Bridge, carrying County Route 24 over West Fork River in Harrison County, the “U. S. Marine Corps SGT Stephen E. Drummond 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. Marine Corps SGT Stephen E. Drummond 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, Unger, Stollings, and Plymale offered the following resolution:

Senate Concurrent Resolution 16—Requesting that the Division of Highways name bridge number 17-7-4.07 (17A042), locally known as Sardis Bridge, carrying County Route 7 over Tenmile Creek in Harrison County, the “Sardis District Veterans Memorial Bridge”.

Whereas, Naming this bridge after all the men and women who have served in the United States armed forces from the Sardis District is a fitting and enduring memorial to commemorate their service; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 17-7-4.07 (17A042), locally known as Sardis Bridge, carrying County Route 7 over Tenmile Creek in Harrison County, the “Sardis District Veterans 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 “Sardis District Veterans 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 Rucker, Unger, Stollings, and Plymale offered the following resolution:

Senate Concurrent Resolution 17—Requesting the Division of Highways name bridge number 19-340-14.66 (19A037), locally known as Harpers Ferry Bridge, carrying US 340 over the Shenandoah River, Park Access Road, and CSX Railroad in Jefferson County, the “John Hancock Hall Memorial Bridge”.

Whereas, John Hancock Hall was the inventor of the M1819 Hall breech-loading rifle and was a mass production innovator; and

Whereas, In 1819, John Hancock Hall, a New England gun maker, signed a contract with the United States War Department to produce 1,000 breech-loading rifles, a weapon he had designed and patented in 1811; and

Whereas, Under the terms of the contract, Hall came to Harpers Ferry, where he constructed an industrial complex along the Shenandoah River. This site soon became known as Hall’s Rifle Works, and the small island on which it stood was called Lower Hall Island; and

Whereas, Hall spent several years tooling new workshops and perfecting precision machinery for producing rifles with interchangeable parts—a boldly ambitious goal for an industry which was traditionally based on the manual labor of skilled craftsmen; and

Whereas, Hall’s innovations in construction, tools, controls, stops, and gauges were historic breakthroughs in milling iron and machine tools; and

Whereas, The men who had learned Hall’s methods of interchangeable parts while working at his factories in Harpers Ferry went on to apply those methods to the production of shoes, watches, clocks, bicycles, clothing, rubber goods, and later, automobiles. Hall’s methods transformed the United States from an economy of workshop craftsmen to a nation of industrialized mass production—the American system; and

Whereas, Hall’s achievement formed the basis of mass production that ushered in our modern age; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 19-340-14.66 (19A037), locally known as Harpers Ferry Bridge, carrying US 340 over the Shenandoah River, Park Access Road, and CSX Railroad in Jefferson County, the “John Hancock Hall Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested have made and be placed signs identifying the bridge as the “John Hancock Hall Memorial Bridge”; and, be it

Further Revolved, 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 Boso, Unger, Stollings, Romano, Karnes, Sypolt, Drennan, Plymale, Facemire, and Cline offered the following resolution:

Senate Resolution 34—Designating February 9, 2018, as Corrections Day at the Legislature.

Whereas, The West Virginia Division of Corrections, the Regional Jail Authority, and the Division of Juvenile Services are committed to enhance public safety by providing safe, secure, and humane facilities, operating an effective system of offender re-entry and community supervision, reducing offender recidivism, and assisting victims of crime; and

Whereas, The Division of Corrections, the Regional Jail Authority, and the Division of Juvenile Services are further committed to providing effective beneficial services that promote positive development and accountability while preserving community safety and sustaining a work environment predicated upon principles of professionalism, with dignity and respect for all; and

Whereas, It is the vision of these agencies to be recognized as innovative leaders in providing quality correctional services; and

Whereas, The adult and juvenile correctional population continues to expand and it is important for agency representatives and policymakers to appreciate the nature and magnitude of the growth; and

Whereas, Previous information provided to this body should assist public officials and agency representatives in planning for the future and developing policies for the management of the West Virginia correctional population, both adult and juvenile, as well as providing adequate pay, benefits, and a safe, secure workplace for the employees in the correctional system; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 9, 2018, as Corrections Day at the Legislature; and, be it

Further Resolved, That the Senate recognizes the exceptional service and commitment of the employees of the Division of Corrections, the Regional Jail Authority, and the Division of Juvenile Services; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Corrections, the Director of the Regional Jail Authority, and the Director of the Division of Juvenile Services.

At the request of Senator Boso, 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 Boso, Clements, Ojeda, and Azinger regarding the adoption of Senate Resolution 34 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:42 a.m., the Senate recessed to present Senate Resolution 34.

The Senate reconvened at 11:46 a.m. today and resumed business under the sixth order.

Senators Ferns, Weld, Unger, Stollings, Karnes, Sypolt, Boso, Plymale, Cline, and Rucker offered the following resolution:

Senate Resolution 35—Recognizing the distinguished military service of Brigadier General John C. “Doc” Bahnsen, Jr.

Whereas, Brigadier General John C. “Doc” Bahnsen, Jr., was born in Albany, Georgia, on November 8, 1934; and

Whereas, Brigadier General John C. “Doc” Bahnsen, Jr., was commissioned a Second Lieutenant in 1956, following his graduation from the United States Military Academy, West Point, New York, where he earned a Bachelor of Science degree. He also earned a Master’s degree in Public Administration from Shippensburg State College; and

Whereas, Brigadier General John C. “Doc” Bahnsen, Jr.’s, military education includes the Infantry Officer Basic Course, the Army Aviation School, the Armor Officer Advanced Course, the Command and General Staff College, and the Army War College; and

Whereas, Brigadier General John C. “Doc” Bahnsen, Jr., commanded an attack helicopter platoon, an air cavalry troop and an armored cavalry squadron during two combat tours in Vietnam; a tank platoon, a tank company, and a tank battalion during two tours in Germany; and the 1st Aviation Brigade at Ft. Rucker, Alabama. Upon selection for Brigadier General, he served as the Assistant Division Commander, 2nd Armored Division, Ft. Hood, Texas, from 1980 to 1982, and as the Chief of Staff, Combined Field Army, Uijongbu, Korea, from 1982 to 1984, and as Chief of Staff, III Corps and Ft. Hood until his retirement in July 1986. Additionally, he was an instructor at the Armor School and held numerous other staff jobs throughout his career; and

Whereas, Brigadier General John C. “Doc” Bahnsen, Jr., is among the 50 Most Highly Decorated U. S. Military Personnel of all time, with individual decorations and awards including: One Distinguished Service Cross; 5 Silver Stars; 4 Legions of Merit; 3 Distinguished Flying Crosses; 4 Bronze Stars (3 with V device for valor); 2 Purple Hearts; 1 Meritorious Service Medal; 51 Air Medals, (3 with V device for valor); 4 Army Commendation Medals, (1 with V device for valor); National Defense Service Ribbon with 1 cluster; Vietnam Campaign Service Medal with 7 clusters; Korea Defense Service Medal; Army Service Ribbon; Overseas Service Ribbon with numeral 2 attached; Republic of Vietnam Campaign Medal; Master Aviator Wings and Parachutist Badge; and General Staff Officer Identification Badge; and

Whereas, Brigadier General John C. “Doc” Bahnsen, Jr., in addition to his individual decorations and awards, has received Unit Awards: Navy Unit Commendation Medal; Army Meritorious Unit Commendation Medal; Republic of Vietnam Cross of Gallantry with Palm. Foreign Awards: Two Republic of Vietnam Cross of Gallantry medals (silver and bronze star); Republic of Korea National Order of Security Medal. Honorary Awards: Gold Order of St. George Medallion (Armor Association Award); Order of St. Barbara Medal (Artillery Award); Order of St. Michael (Army Aviation Award); Order of Military Medical Merit (Medical Corps Award); Army Aviation Hall of Fame 2007; Air Force Gathering of Eagles - selected as an Eagle 2014; Georgia Aviation Hall of Fame 2016; West Point Distinguished Graduate 2016; and

Whereas, Brigadier General John C. “Doc” Bahnsen, Jr., is now a retired resident of Hancock County, West Virginia; and

Whereas, On behalf of the citizens of West Virginia, it is fitting and proper that the Senate pay tribute to Brigadier General John C. "Doc" Bahnsen, Jr., a man who has lived by the motto "this we'll defend" and has fought fiercely for his state and nation, for the cause of our freedom, and for freedom around the world; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the distinguished military service of Brigadier General John C. "Doc" Bahnsen, Jr.; and, be it

Further Resolved, That the Senate extends its sincere gratitude and appreciation to Brigadier General John C. "Doc" Bahnsen, Jr., for his dedicated service to a grateful state and nation; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Brigadier General John C. "Doc" Bahnsen, Jr.

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

The question being on the adoption of the resolution (S. R. 35), and on this question, Senator Trump demanded the yeas and nays.

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

The nays were: None.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 35) adopted.

Thereafter, at the request of Senator Prezioso, and by unanimous consent, the remarks by Senators Ferns, Ojeda, Weld, and Trump regarding the adoption of Senate Resolution 35 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:55 a.m., the Senate recessed to present Senate Resolution 35.

The Senate reconvened at 12:00 p.m. today and resumed business under the sixth order.

Petitions

Senator Ojeda presented a petition from Patricia Valentine and 210 seventh senatorial district residents, requesting the Legislature to implement a PIPP Plus Program to help low-income residents pay for household heating and to allow multiple utility companies to offer competitive utility services in West Virginia.

Referred to the Committee on Government Organization.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 13, Jeffrey Alan Clovis Memorial Bridge.

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

Senate Concurrent Resolution 14, US Army SPC 4 William L. Amos Memorial Bridge.

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

The Senate proceeded to the eighth order of business.

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

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 78) passed with its title.

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

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

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 271) passed with its title.

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

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

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

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 283 pass?”

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 283) passed with its title.

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

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

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

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 335 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Cline, Drennan, Ferns, Gaunch, Karnes, Maroney, Maynard, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, and Carmichael (Mr. President)—20.

The nays were: Baldwin, Beach, Clements, Facemire, Jeffries, Mann, Ojeda, Palumbo, Prezioso, Romano, Stollings, Unger, and Woelfel—13.

Absent: Plymale—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 335) passed with its title.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Trump regarding the passage of Engrossed Committee Substitute for Senate Bill 335 were ordered printed in the Appendix to the Journal.

At the request of Senator Prezioso, unanimous consent being granted, the remarks by Senator Romano regarding the passage of Engrossed Committee Substitute for Senate Bill 335 were ordered printed in the Appendix to the Journal.

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

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 346) passed with its title.

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

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

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

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 379) passed with its title.

Senator Ferns moved that the bill take effect from passage.

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 379) takes effect from passage.

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

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

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

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 382) passed with its title.

Senator Ferns moved that the bill take effect from passage.

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 382) takes effect from passage.

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

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

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

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 395 pass?”

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard,

Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 395) passed with its title.

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

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

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 404) passed with its title.

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

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

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

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Senate Joint Resolution 12 be adopted?”

On the adoption of the resolution, the yeas were: Arvon, Azinger, Blair, Boley, Boso, Clements, Cline, Drennan, Ferns, Gaunch, Karnes, Mann, Maroney, Maynard, Prezioso, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—25.

The nays were: Baldwin, Beach, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Romano, and Stollings—9.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the resolution (Eng. Com. Sub. for S. J. R. 12) adopted, as follows:

Eng. Com. Sub. for Senate Joint Resolution 12—Proposing an amendment to the Constitution of the State of West Virginia, amending article VI thereof, by adding thereto a new section, designated section 57, relating to clarifying that nothing in the Constitution secures or protects a right to abortion, and nothing in the Constitution requires the funding of an abortion; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Resolved by the Legislature of West Virginia, two thirds of the members elected to each house agreeing thereto:

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2018, which proposed amendment is that article VI thereof be amended by adding thereto a new section, designated section 57, to read as follows:

ARTICLE VI. THE LEGISLATURE.

§57. No constitutional right to abortion.

Nothing in this Constitution secures or protects a right to abortion or requires the funding of abortion.

Resolved further, That in accordance with the provisions of §3-11-1 *et seq.* of the Code of West Virginia, 1931, as amended, such proposed amendment is hereby numbered “Amendment No. 1” and designated as “No Constitutional right to abortion Amendment”, and the purpose of the proposed amendment is summarized as follows: “To amend the West Virginia Constitution to clarify that nothing in the Constitution of West Virginia secures or protects a right to abortion or requires the funding of abortion”.

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

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

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

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

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4135) passed with its title.

Senator Ferns moved that the bill take effect from passage.

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

The nays were: None.

Absent: Mann—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4135) takes effect from passage.

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

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

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

On the passage of the bill, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Cline, Mann, and Swope—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4146) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Cline, Mann, and Swope—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4146) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Com. Sub. for Senate Bill 272, Relating generally to drug control.

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

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

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 392, Reconfiguring membership of Emergency Medical Services Advisory Council.

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

Senate Bill 427, Modifying form of notice for certain tax delinquencies.

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 433, Rewriting code sections regarding pyramid promotional schemes.

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 440, Establishing Library Facilities Improvement Fund.

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

Senate Bill 441, Relating to health care provider taxes.

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

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

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

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

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.

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

Com. Sub. for Senate Bill 57, Relating to third-party litigation financing.

Senate Bill 365, Relating to Young Entrepreneur Reinvestment Act.

Com. Sub. for Senate Bill 375, Relating to farmers markets.

Com. Sub. for Senate Bill 446, Creating Agritourism Responsibility Act.

Eng. Com. Sub. for House Bill 2546, Allowing replacement costs of employer provided property to be deducted from an employee's final paycheck if the property is not returned.

And,

Eng. House Bill 2612, Repealing section relating to unattended motor vehicles and penalties.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Maroney, the name of Senator Maroney was removed as a sponsor of **Senate Bill 369** (*Relating to powers and authority of newly created divisions of Administrative Services and Corrections and Rehabilitation within MAPS*).

At the request of Senator Cline, the name of Senator Cline was removed as a sponsor of **Senate Bill 401** (*Requiring specified coverage in health benefit plans for treatment of substance abuse disorders*).

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 1:12 p.m., the Senate adjourned until Monday, February 12, 2018, at 11 a.m.

SENATE CALENDAR

**Monday, February 12, 2018
11:00 AM**

UNFINISHED BUSINESS

Com. Sub. for S. C. R. 11 - Evans Center for Excellence in Aircraft Maintenance
S. C. R. 15 - US Marine SGT Stephen E. Drummond Memorial Bridge
S. C. R. 16 - Sardis District Veterans Memorial Bridge
S. C. R. 17 - John Hancock Memorial Bridge

THIRD READING

Eng. Com. Sub. for Com. Sub. for S. B. 272 - Relating generally to drug control (original similar to HB4227)
Eng. Com. Sub. for S. B. 290 - Relating to DEP standards of water quality and effluent limitations (original similar to HB4426)
Eng. Com. Sub. for S. B. 368 - Protecting consumers against business using automatic purchase renewals without consent
Eng. Com. Sub. for S. B. 392 - Reconfiguring membership of Emergency Medical Services Advisory Council
Eng. S. B. 427 - Modifying form of notice for certain tax delinquencies
Eng. Com. Sub. for S. B. 433 - Rewriting code sections regarding pyramid promotional schemes
Eng. Com. Sub. for S. B. 440 - Establishing Library Facilities Improvement Fund
Eng. S. B. 441 - Relating to health care provider taxes
Eng. S. B. 464 - Changing statutory payment date for incremental salary increases due state employees
Eng. S. B. 468 - Changing date and recipients for submission of Auditor's annual report

SECOND READING

Com. Sub. for S. B. 57 - Relating to third-party litigation financing
S. B. 365 - Relating to Young Entrepreneur Reinvestment Act
Com. Sub. for S. B. 375 - Relating to farmers markets
Com. Sub. for S. B. 446 - Creating Agritourism Responsibility Act

Eng. Com. Sub. for H. B. 2546 - Allowing replacement costs of employer provided property to be deducted from an employee's final paycheck if the property is not returned

Eng. H. B. 2612 - Repealing section relating to unattended motor vehicles and penalties

FIRST READING

Com. Sub. for S. B. 36 - Relating generally to DNA testing

Com. Sub. for S. B. 288 - Regulating cremation, embalming and directing of funeral service (original similar to HB4167)

Com. Sub. for S. B. 321 - Relating to powers and duties of Public Land Corporation (original similar to HB4348, HB4437, SB230)

Com. Sub. for S. B. 397 - Creating crime of impersonating blind or disabled person

S. B. 407 - Licensing and approval of child care programs - (Com. title amend. pending)

Com. Sub. for S. B. 408 - Licensing of nursing homes and assisted living residences - (Com. title amend. pending)

S. B. 411 - Removing Commissioner of Bureau for Public Health from State Board of Sanitarians

Com. Sub. for S. B. 469 - Converting Addiction Treatment Pilot Program to permanent program

Com. Sub. for S. B. 473 - Requiring insurance coverage for the prescription drug Varenicline

Eng. Com. Sub. for H. B. 2831 - Relating to the reconstitution of the Driver's Licensing Advisory Board

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2018

Monday, February 12, 2018

1 p.m.	Natural Resources	(Room 208W)
2 p.m.	Banking & Insurance	(Room 451M)