

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

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

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Charleston, West Virginia, Monday, February 12, 2018

The Senate met at 11:15 a.m.

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

Prayer was offered by the Reverend Father Leon Alexander, Saint John XXIII Pastoral Center, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Douglas E. Facemire, a senator from the twelfth district.

Pending the reading of the Journal of Friday, February 9, 2018,

At the request of Senator Trump, 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 4023**—A Bill to repeal §30-7C-9 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-7C-3 of said code, all relating to the regulation of dialysis technicians; establishing temporary permit time-frames; clarifying that permit holder is eligible to renew his or her permit; and repealing an advisory council.

Referred to the Committee on Health and Human Resources.

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

**Eng. House Bill 4025**—A Bill to amend and reenact §30-5-11 of the Code of West Virginia, 1931, as amended, relating to permitting reciprocity for licensure as a pharmacy technician.

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 4186**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-22, relating generally to guaranteed asset protection waivers; providing short title, purpose, legislative intent, and applicability of section; defining certain terms; specifying requirements for offering guaranteed asset protection waivers; requiring contractual liability or other insurance policies on guaranteed asset protection waivers in certain circumstances; requiring certain disclosures; providing for cancellation or non-cancellation; specifying requirements upon cancellation in certain circumstances; exempting certain requirements in commercial transactions; excluding waivers from consumer sales and service tax; and, providing an effective date.

Referred to the Committee on the Judiciary.

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

**Eng. Com. Sub. for House Bill 4236**—A Bill to amend and reenact §5A-10-9 of the Code of West Virginia, 1931, as amended, relating to requiring agencies to provide an annual inventory of real property holdings to the Real Estate Division; removing the exemption of certain agencies from reporting property holdings to the Real Estate Division; clarifying the information to be reported annually by agencies; and requiring an annual report by the Real Estate Division to the Governor and Legislature.

Referred to the Committee on Government Organization.

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

**Eng. Com. Sub. for House Bill 4276**—A Bill to amend and reenact §62-11A-1 of the Code of West Virginia, 1931, as amended, relating to allowing magistrates to grant work release privileges.

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 4410**—A Bill to amend and reenact §29-22B-1107 of the Code of West Virginia, 1931, as amended, relating to removing the requirement that the State Auditor receive copies of the Limited Video Lottery bids.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

Senator Maroney, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

**Senate Bill 119**, Establishing WV business growth in low-income communities tax credit.

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

**Com. Sub. for Senate Bill 119** (originating in the Committee on Economic Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31-15D-1, §31-15D-2, §31-15D-3, §31-15D-4, §31-15D-5 and §31-15D-6; and to amend said code by adding thereto a new section, designated §33-3-14e, all relating to establishing a West Virginia business growth in low-income communities tax credit for entities making certain investments; providing title; defining terms; establishing amount of credit allowed; establishing limitations on transferability; providing process for certification of qualified equity investment; providing for nonrefundable application fee; providing maximum amount to be certified for each fund; prohibiting entity making investment under this article from owning or operating business beneficiary of loan made thereunder; providing new capital requirement; providing reporting requirements; providing eligibility requirements for receiving tax credits; providing method for calculating amount of allowable tax credit; providing for recapture of tax credits under certain circumstances; providing reissue of recaptured tax credits; and providing for letter rulings.

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,

Michael J. Maroney,  
*Chair.*

The bill (Com. Sub. for S. B. 119), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration

**Com. Sub. for Senate Bill 273** (originating in the Committee on Health and Human Resources), Reducing use of opiates.

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

**Com. Sub. for Com. Sub. for Senate Bill 273** (originating in the Committee on the Judiciary)—A Bill to amend and reenact 16-5H-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-5H-9 of said code; to amend and reenact §16-5Y-2, §16-5Y-4, and §16-5Y-5 of said code; to amend said code by adding thereto a new article, designated §16-54-1, §16-54-2, §16-54-3, §16-54-4, §16-54-5, §16-54-6, §16-54-7, §16-54-8, and §16-54-9; to amend and reenact §30-3-14 of said code; to amend and reenact §30-3A-1, §30-3A-2, §30-3A-3, and §30-3A-4 of said code; to amend and reenact §30-4-19 of said code; to amend and reenact §30-5-6 of said code; to amend and reenact §30-7-11 of said code; to amend and reenact §30-8-18 of said code; to amend and reenact §30-10-19 of this code; to amend and reenact §30-14-12a

of said code; to amend and reenact §30-36-2 of said code; to amend said code by adding thereto a new section, designated §60A-5-509; and to amend and reenact §60A-9-4, §60A-9-5, and §60A-9-5a of said code, all relating to reducing the use of certain prescription drugs; providing for an exemption from registration for office-based, medication-assisted treatment program in specified cases; making clarifying amendments to provide for an exemption for medication-assisted treatment programs; clarifying physician responsibility for medication-assisted treatment; clarifying definition of “pain management clinic”; providing for emergency rulemaking; defining terms; providing for an advance directive; requiring consultation with patients prior to prescribing an opioid; limiting the amount of opioid prescriptions; requiring a narcotics contract in certain circumstances; providing exceptions to prescribing limits; providing for referral to a pain clinic or pain specialist; providing reports to licensing boards regarding abnormal or unusual prescribing practices; requiring insurance coverage for certain procedures to treat chronic pain; requiring the Board of Pharmacy to report quarterly to various licensing boards; exempting the Board of Pharmacy from certain purchasing requirements; clarifying who must report to the Controlled Substances Monitoring Database; precluding retaliation against a health care provider for declining to prescribe a narcotic; clarifying the practice of acupuncture; and permitting the investigation and discipline for abnormal and unusual prescribing and dispensing of prescription drugs.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

Your Committee on Finance has had under consideration

**Com. Sub. for Senate Bill 341** (originating in the Committee on the Judiciary), Creating new court of WV Intermediate Court of Appeals.

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

**Com. Sub. for Com. Sub. for Senate Bill 341** (originating in the Committee on Finance)—A Bill to amend and reenact §3-10-3a of the Code of West Virginia, 1931, as amended; to amend and reenact §23-5-10 of said code; to amend said code by adding thereto a new section, designated §23-5-11a; to amend and reenact §29A-5-4 of said code; to amend and reenact §29A-6-1 of said code; to amend said code by adding thereto a new section, designated §51-2A-24; to amend and reenact §51-9-1a of said code; to amend said code by adding thereto a new article, designated §51-11-1, §51-11-2, §51-11-3, §51-11-4, §51-11-5, §51-11-6, §51-11-7, §51-11-8, §51-11-9, §51-11-10, §51-11-11, §51-11-12, §51-11-13, and §51-11-14; and to amend and reenact §58-5-1 of said code, all relating generally to the West Virginia Appellate Reorganization Act of 2018; terminating the Workers’ Compensation Board of Review and transferring duties to the Intermediate Court of Appeals; requiring board to dispose of cases by a certain date; requiring contested cases under State Administrative Procedures Act to go to the Intermediate Court of Appeals; transferring jurisdiction for review of family court final orders from circuit courts to Intermediate Court of Appeals; placing judges of Intermediate Court of Appeals under the judicial retirement system; altering the residency requirements for membership on the

Judicial Vacancy Advisory Commission; creating the Intermediate Court of Appeals; providing a short title; providing legislative findings; defining terms; establishing and defining two geographical districts of the Intermediate Court of Appeals; requiring three-judge panels for proceedings; authorizing jurisdiction of the Intermediate Court of Appeals over certain matters; specifically excluding certain matters from jurisdiction of the Intermediate Court of Appeals; providing eligibility criteria for judges of the Intermediate Court of Appeals; providing that no two judges of the Intermediate Court of Appeals may be residents of the same state senatorial district or of the same county; providing a process for appointment of judges to the Intermediate Court of Appeals to staggered judicial terms; providing that the Governor's appointments are subject to Senate confirmation; providing that judges of the Intermediate Court of Appeals may not be candidates for any elected office during judicial term; providing for temporary filling of judicial vacancy occurring before the expiration of an appointed judge's term; establishing certain requirements for the filing of appeals to the Intermediate Court of Appeals; clarifying that an appeal bond may be required before appeal to the Intermediate Court of Appeals may take effect; requiring the chief judge of each Intermediate Court of Appeals district to publish and submit certain reports to the Legislature and Supreme Court of Appeals regarding pending cases; authorizing filing fees; providing for deposit of filing fees in a special revenue account to fund the State Police Forensic Laboratory; recognizing the constitutional authority of the Supreme Court of Appeals to exercise administrative authority of the Intermediate Court of Appeals; providing that procedures and operations of the Intermediate Court of Appeals shall comply with rules promulgated by the Supreme Court of Appeals; requiring that appeals to the Intermediate Court of Appeals be filed with the Clerk of the Supreme Court of Appeals; providing that Intermediate Court of Appeals proceedings take place in publicly available facilities across the state; granting the Intermediate Court of Appeals discretion to require oral argument; authorizing the Administrative Director of the Supreme Court of Appeals to employ staff for Intermediate Court of Appeals operations; providing that the budget for Intermediate Court of Appeals operations shall be included in the appropriation for the Supreme Court of Appeals; authorizing the Intermediate Court of Appeals to issue opinions as binding precedent for respective districts; providing for discretionary review of Intermediate Court of Appeals decisions by Supreme Court of Appeals; authorizing an annual salary, retirement benefits, and reimbursement of expenses for judges of the Intermediate Court of Appeals; providing for reimbursement of expenses of Intermediate Court of Appeals staff; providing for sunset of the Intermediate Court of Appeals on certain date unless continued by the Legislature; and providing that certain appeals are reviewed and a written decision issued by either the Intermediate Court of Appeals or the Supreme Court of Appeals, as a matter of right.

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

Respectfully submitted,

Craig Blair,  
*Chair.*

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

Your Committee on the Judiciary has had under consideration

**Com. Sub. for Senate Bill 347** (originating in the Committee on Natural Resources), Relating to operation of motorboats.

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

**Com. Sub. for Com. Sub. for Senate Bill 347** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §20-7-11, §20-7-12, §20-7-13, §20-7-14, §20-7-18, §20-7-18d, and §20-7-19 of the Code of West Virginia, 1931, as amended, all relating to the operation of motorboats; defining the term “state of principle operation”; establishing a fee schedule for motorboat registration; establishing motorboat numbering, lighting, fire extinguishers, engine bilges, and flotation device requirements; increasing the financial amount of property damage before certain accidents need to be reported; clarifying the requirements for the operation of personal watercrafts; limiting the hours during the day water skiing and surfboarding are permitted; and authorizing rulemaking.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

Your Committee on the Judiciary has had under consideration

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

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

**Com. Sub. for Senate Bill 348** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §20-7-1d and §20-7-1f of the Code of West Virginia, 1931, as amended, all relating to awarding service sidearm or handgun to Natural Resources police officers and special Natural Resources police officers upon retirement; modifying terms to reference sidearm or handguns rather than revolvers; modifying provisions relating to disposal of service sidearm or handgun when they are replaced due to routine wear; exempting sidearm or handguns replaced due to routine wear from surplus property provisions and authorizing sale of such sidearm or handguns to officers at fair market value; and furnishing uniform for burial.

And,

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

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

**Com. Sub. for Senate Bill 458** (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5A-1, §21-5A-2, §21-5A-3, and §21-5A-4, all relating to prohibiting political subdivisions from enacting certain ordinances, regulations, local policies, local resolutions, or other legal requirements; providing a short title; defining terms; providing that political subdivisions shall not adopt or enforce any ordinance, regulation, local policy, local resolution or other legal requirement which regulates information requested, required, or excluded on an application for employment; providing an exception; providing that political subdivisions shall not adopt or enforce any ordinance, regulation, local policy, local resolution or other legal requirement which requires an

employer to pay a wage higher than any applicable state or federal law; providing that political subdivisions shall not adopt or enforce any ordinance, regulation, local policy, local resolution or other legal requirement which requires an employer to pay wages or fringe benefits based on a rate prevailing in the locality; providing that political subdivisions shall not adopt or enforce any ordinance, regulation, local policy, local resolution or other legal requirement which regulates work stoppage, strike activity, or means by which employees organize; providing that political subdivisions shall not adopt or enforce any ordinance, regulation, local policy, local resolution or other legal requirement which requires an employer to provide paid or unpaid leave time; providing that political subdivisions shall not adopt or enforce any ordinance, regulation, local policy, local resolution or other legal requirement which requires an employer or its employees to participate in an apprenticeship or apprenticeship training program not required by federal or state law; providing that political subdivisions shall not adopt or enforce any ordinance, regulation, local policy, local resolution or other legal requirement which regulates an employee's hours and scheduling; providing that political subdivisions shall not adopt or enforce any ordinance, regulation, local policy, local resolution or other legal requirement which regulates standards or requirements regarding the sale or marketing of consumer merchandise that are different from or in addition to state law; providing an exception; providing that political subdivisions shall not adopt or enforce any ordinance, regulation, local policy, local resolution or other legal requirement which regulates standards of care or conduct of certain professions; clarifying effect on prior written agreements; providing that any prohibited ordinance, regulation, local policy, local resolution or other legal requirement in effect prior to the effective date is void; providing that the prohibitions do not apply to employees of a political subdivision; and clarifying the effect on the West Virginia Drug and Alcohol Free Workplace Act.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

Your Committee on Finance has had under consideration

**Com. Sub. for Senate Bill 355** (originating in the Committee on Government Organization), Dissolving IS&C Division under Office of Technology.

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

**Com. Sub. for Com. Sub. for Senate Bill 355** (originating in the Committee on Finance)—A Bill to repeal §5A-7-1, §5A-7-2, §5A-7-3, §5A-7-4, §5A-7-4a, §5A-7-5, §5A-7-6, §5A-7-7, §5A-7-8, §5A-7-9, §5A-7-10, and §5A-7-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-6-4 and §5A-6-8 of said code; and to amend said code by adding thereto two new sections, designated §5A-6-4d and §5A-6-4e, all relating to dissolving the Information Services and Communications Division; repealing article related to Information Services and Communications Division; authorizing Chief Technology Officer to provide training and other services; authorizing Chief Technology Officer provide information services; authorizing Chief Technology Officer to assess fees for services provided; requiring Chief Technology Officer provide fixed schedule of fees for providing information services; setting forth procedure to be

followed if spending unit contests schedule; requiring the Chief Technology Officer to oversee telecommunications services to state spending units; requiring the Chief Technology Officer to supervise and maintain the central mailing office; directing the deposit of any moneys received for services; continuing special revenue account for administration of telecommunications services; directing Chief Technology Officer to review receipt of charges received from members; setting forth grounds for Chief Technology Officer to challenge charges with vendor and process for doing so; requiring Office of Technology apportion charges among spending units and bill spending units; requiring Office of Technology pay uncontested amounts due for telecommunications services; requiring state spending units pay statements from Office of Technology; authorizing the secretary to direct the transfer of funds into the special revenue account for unpaid telecommunications services; authorizing the secretary to assess a penalty with notice on spending units for unpaid amounts for telecommunications services; authorizing Chief Technology Officer to invoice spending units for amounts paid on behalf of the spending unit; providing a process for state spending units to contest amounts due; authorizing the Secretary of the Department of Administration to make a final decision on contested amounts due; authorizing Chief Technology Officer to discontinue telecommunication services to spending unit that fails to comply with provisions of article; authorizing a proportional fee be assessed against spending units; defining terms; granting rule-making authority; making technical corrections; authorizing a special fund to receive moneys for services provided by the agency; transferring Information Services and Communication Fund to Office of Technology; closing Chief Technology Officer Administration Fund and transferring any remaining balance; authorizing the Chief Technology Officer to grant waivers for certain services required by statute; and requiring waiver be granted to constitutional officers for certain services upon request.

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

Respectfully submitted,

Craig Blair,  
*Chair.*

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

Your Committee on the Judiciary has had under consideration

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

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

**Com. Sub. for Senate Bill 370** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §23-2-1a of the Code of West Virginia, 1931, as amended, all relating to employees subject to workers compensation laws; exempting from workers compensation those persons who volunteer time or services, without wages, for a ski area operator, or a program or activity sponsored by a ski area operator; providing notice requirements; and defining a term.

With the recommendation that the committee substitute do pass.



Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

Your Committee on Finance has had under consideration

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

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

**Com. Sub. for Senate Bill 461** (originating in the Committee on Finance)—A Bill to amend and reenact §11-14C-9 and §11-14C-31 of the Code of West Virginia, 1931, as amended, relating to petitions for tax refunds; and extending the time period to file a petition for motor fuel excise tax refunds.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,  
*Chair.*

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

Your Committee on Finance has had under consideration

**Com. Sub. for Senate Joint Resolution 3** (originating in the Committee on the Judiciary), Judicial Budget Oversight Amendment.

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

**Com. Sub. for Com. Sub. for Senate Joint Resolution 3** (originating in the Committee on Finance)—Proposing an amendment to the Constitution of the State of West Virginia amending section 51, article VI thereof, relating to the authority of the Legislature with regard to the state budget; giving the Legislature the authority to reduce items in the budget relating to the judiciary; providing that the Legislature may not make any law that conditions an increase or decrease of an item relating to the judiciary upon a particular ruling, order, or decision of a court of this state; amending obsolete language regarding when the Governor shall submit the budget to the Legislature to accurately reflect current constitutional requirements; making numerous technical corrections; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

With the recommendation that the committee substitute for committee substitute be adopted.

Respectfully submitted,

Craig Blair,  
*Chair.*

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

Your Committee on the Judiciary has had under consideration

**Senate Joint Resolution 8**, County Economic Development Amendment.

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

**Com. Sub. for Senate Joint Resolution 8** (originating in the Committee on the Judiciary)—Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof, by adding thereto a new section, designated section one-d, relating to authorizing the Legislature to, by general law, allocate a portion of ad valorem property taxes paid by owners of certain new manufacturing facilities and large capital additions to existing manufacturing facilities located in counties in which county commissions elect to fund infrastructure capital improvements, in whole or in part, using property taxes; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

The resolution (Com. Sub. for S. J. R. 8), 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

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

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 Takubo, Jeffries, Maroney, Maynard, Romano, Stollings, Cline, Boso, and Plymale:**

**Senate Bill 518**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18C-9-7, relating to extending the West Virginia Invests Grant

programs to public and private four-year institutions who have two-year programs that meet the eligibility requirements of the grant program.

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

**By Senator Woelfel:**

**Senate Bill 519**—A Bill to amend and reenact §50-1-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §51-1-10a of said code; to amend and reenact §51-2-13 of said code; and to amend and reenact §51-2A-6 of said code, all relating to increasing the salaries of justices of the West Virginia Supreme Court of Appeals, circuit court judges, family court judges, and magistrates.

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

**By Senator Cline:**

**Senate Bill 520**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §17C-1-70 and §17C-1-71; and to amend and reenact §17C-17-9a, §17C-17-11a, and §17C-17-11d of said code, all relating to increasing the weight limits for vehicles on highways other than the national system of interstate and defense highways; and providing definitions.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Government Organization.

**By Senators Trump, Gaunch, Maynard, Stollings, and Boso:**

**Senate Bill 521**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-29-13, relating to requiring any newly appointed chief executive of a municipal law-enforcement agency to be a certified law-enforcement officer; and providing that current chief executives are unaffected by this requirement.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 522**—A Bill to amend and reenact §29A-1-3b of the Code of West Virginia, 1931, as amended; and to amend and reenact §29A-3-5, §29A-3-8, §29A-3-12, and §29A-3-19 of said code, all relating generally to the Administrative Procedures Act; providing that rules become void if statutory authority is repealed; requiring agencies and boards to notify licensees of rule changes that include fee increases; providing that legislative exempt, procedural, or interpretive rules may be repealed by an agency upon notification to Secretary of State; relating to the deadline for filing agency-approved rules; providing that certain expiring final filed rules are not subject to comment period; and authorizing the Legislative Rule- Making Review Committee to begin reviewing final filed rules with sunset provisions on May 1, 2019.

Referred to the Committee on the Judiciary.

Senators Stollings and Plymale offered the following resolution:

**Senate Concurrent Resolution 18**—Requesting the Division of Highways name bridge number 23-119/5-4.05 (23A-259), locally known as Right Fork Pine Creek Box Beam, carrying CR 119/5 over Right Fork of Pine Creek in Logan County, the “Balentine Brothers Bridge”.

Whereas, Paul H. Balentine was born on March 22, 1943, in Omar, Logan County, West Virginia; Phillip D. Balentine was born on January 19, 1945, in Omar, Logan County, West Virginia, the sons of Paul Balentine and Georgia Perry Balentine. They were educated in Logan County schools; and

Whereas, Paul H. Balentine served honorably in the United States Navy, ending his active service in 1965 while serving on the USS Wood CTY IST1178. Phillip D. Balentine served honorably in the United States Marine Corps in Vietnam and ended his active service in 1968; and

Whereas, Naming the bridge is an appropriate recognition of their contributions to their country, state, community, and Logan County; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 23-119/5-4.05 (23A-259), locally known as Right Fork Pine Creek Box Beam, carrying CR 119/5 over Right Fork of Pine Creek in Logan County, the “Balentine Brothers Memorial Bridge”; and, be it

*Further Resolved*, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the “Balentine Brothers Bridge”; and, be it

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

Which, under the rules, lies over one day.

Senators Stollings and Plymale offered the following resolution:

**Senate Concurrent Resolution 19**—Requesting the Division of Highways name bridge number 23-10/7-0.01(23A048), locally known as the Gillman Bottom Bridge, carrying CR 10/7 over Huff Creek in Logan County, West Virginia, the “John B. Short Memorial Bridge”.

Whereas, John B. Short was born in 1923, the son of LeRoy and Linda Jackson Short of Davin, West Virginia. He died in 2008. He was a graduate of Man High School in 1942 and enlisted in the U. S. Army Air Corps in 1943, where he served until 1946. He went to electrician school in Michigan and, upon his return, he married Ruby K. Nunley. They had seven children. John retired as chief electrician with Pittston Coal Company in 1986. He was an avid outdoorsman, hunter, and fisherman; and

Whereas, It is fitting that an enduring memorial be established to commemorate this individual who meant so much to his family and community; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 23-10/7-0.01(23A048), locally known as the Gillman Bottom Bridge carrying CR 10/7 over Huff Creek in Logan County, West Virginia, the “John B. Short 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 “John B. Short 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 Clements, Carmichael (Mr. President), Arvon, Azinger, Baldwin, Beach, Blair, Boley, Boso, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, and Woelfel offered the following resolution:

**Senate Resolution 36**—Memorializing the life of Jan Vineyard, wife, mother, and dedicated public servant.

Whereas, Jan Vineyard was born May 16, 1956, to Charles and Wanda Smith. Jan grew up in Nitro, WV, and graduated from Nitro High School in 1974. She was a lifelong member of St. Paul's United Methodist Church on 21st Street; and

Whereas, Jan Vineyard always credited her parents with giving her the support and the cornerstone values for her life—a strong faith, a willingness to work hard, and always treating everyone with respect. These traits always served her well throughout all parts of her life; and

Whereas, After graduating from Nitro High School, Jan Vineyard went on to Marshall University where she ultimately earned an Associate's, Bachelor's, and Master's degree. Her first career after college was with Ashland Oil in Ashland, Kentucky. There she was responsible for logistics and transportation scheduling for crude oil, gasoline, and other petroleum products. Later with Ashland, Jan moved into a sales position where her education, her industry knowledge, and her way with people combined to make her an instant success; and

Whereas, Jan Vineyard was so successful that one of her competitor's in West Virginia eventually convinced her to leave Ashland Oil to become the president of the petroleum marketing industry's trade association serving member-businesses throughout the state. Over the years, Jan's leadership and vision led to the successful expansion of the association's scope and membership through a number of mergers and joint ventures; and

Whereas, In 2015, in recognition of all of her successes, Jan was elected to Marshall University's Lewis College of Business's Hall of Fame; and

Whereas, Through all of her endeavors in the business world, Jan Vineyard always believed that the education she received at Nitro and at Marshall served as the foundation for all the success that followed; and

Whereas, Jan Vineyard volunteered as a board member on a number of advisory and governance boards including the Marshall University College of Business, Marshall's Yeager Scholars Board, and the Marshall University Foundation Board. For a number of years she chaired the Board of Governors for the Kanawha Valley Community and Technical College and, later, its successor, BridgeValley Community and Technical College. Jan was a graduate of Leadership West Virginia and later chaired its board of directors. She served on the board of directors of Edgewood Summit, the West Virginia Business and Industry Council, the West Virginia Society of Association Executives, and was appointed to the Governor's Blue Ribbon Commission on Highways. For her ongoing efforts supporting transportation safety in West

Virginia, she was named as Highway Safety Champion of the Year in 2013 by the Governor's Highway Safety Program; and

Whereas, Jan Vineyard focused a lot of her time supporting various charities that help West Virginia children and families in need. She led her organizations' members to support multiple fundraising drives every year to raise money for these charities. Over the years, these included Make-A-Wish Foundation, the Charleston YMCA, Children's Miracle Network, and West Virginia Children's Home Society. Through her leadership, Jan's organizations raised millions of dollars for these charities. Of everything she accomplished, Jan was most proud of this; and

Whereas, Jan Vineyard was married to her beloved husband, Gary Vineyard, for 34 years, with whom she shared the joy of having one son, Craig; and

Whereas, Sadly, Jan Vineyard passed away on May 30, 2017, bringing an end to a productive life of public service and leaving behind a host of family and friends all of whom will miss her dearly; therefore, be it

*Resolved by the Senate:*

That the Senate hereby memorializes the life of Jan Vineyard, wife, mother, and dedicated public servant; and, be it

*Further Resolved,* That the Senate extends its most sincere condolences to the family of Jan Vineyard; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the family of Jan Vineyard.

At the request of Senator Clements, 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. 36), and on this question, Senator Blair demanded the yeas and nays.

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

The nays were: None.

Absent: Beach—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 36) adopted.

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Clements regarding the adoption of Senate Resolution 36 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:37 a.m., the Senate recessed to present Senate Resolution 36.

The Senate reconvened at 11:44 a.m. today and resumed business under the sixth order.

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

**Senate Resolution 37**—Celebrating the bicentennial of the City of Weston, West Virginia.

Whereas, The City of Weston, West Virginia, was established on January 1, 1818; and

Whereas, Weston began on an isolated farmland reached by only narrow horse trails, then grew in both population and aspirations to become a major crossroads for the rest of the 19th century, building a major hospital for the mentally ill, bringing the railroad, and expanding its commerce to become a regional center for the lumber industry; and

Whereas, From the late 19th century throughout the 20th century, Weston attracted and grew a diverse glass industry that made the name Weston Glass both nationally and internationally known and admired; and

Whereas, Weston is the county seat of Lewis County, and is home to the Weston Downtown Historic District, Weston Downtown Residential Historic District, and Trans-Alleghany Lunatic Asylum Historic Landmark; and

Whereas, Weston has produced many notable West Virginians over the past two centuries, including: Author, Alexander Scott Withers; statesman, Jonathan McCally Bennett; Congressman Andrew Edmiston, Jr.; United States Senator Rush D. Holt, Sr.; West Virginia University football player and league official, Fred Wyant; musician, Buddy Hayes; World War II USAAF Pilot, Lt. Col. Charlie Brown; cable television pioneer, M. William Adler; and longtime West Virginia State Senator, William R. Sharpe, Jr.; and

Whereas, The City of Weston's greatest asset is its citizens who contribute every day to making Weston and West Virginia a better place to live for generations to come; and

Whereas, On the occasion of its bicentennial, we hereby recognize the City of Weston and its citizens for their contributions to the great State of West Virginia; therefore, be it

*Resolved by the Senate:*

That the Senate hereby celebrates the bicentennial of the City of Weston, West Virginia; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to the City of Weston.

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

Thereafter, at the request of Senator Prezioso, and by unanimous consent, the remarks by Senators Romano and Facemire regarding the adoption of Senate Resolution 37 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:49 a.m., the Senate recessed to present Senate Resolution 37.

The Senate reconvened at 11:53 a.m. today and, at the request of Senator Ferns, and by unanimous consent, returned to the fourth order of business.

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

**Senate Bill 523** (originating in the Committee on Energy, Industry, and Mining)—A Bill to amend and reenact §11-6A-5a of the Code of West Virginia, 1931, as amended, relating to pollution control facilities tax treatment; clarifying that wind power projects are not pollution control facilities for purposes of this article, and providing that wind power projects be taxed at the real property rate.

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

Respectfully submitted,

Randy E. Smith,  
*Chair.*

On motion of Senator Smith, the bill (S. B. 523) contained in the foregoing report from the Committee on Energy, Industry, and Mining 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 524** (originating in the Committee on Government Organization)—A Bill to amend and reenact §30-1-5 of the Code of West Virginia, 1931, as amended, relating to disposition of complaint proceedings; and making technical corrections.

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

Respectfully submitted,

C. Edward Gaunch,  
*Chair.*

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

Your Committee on Government Organization has had under consideration

**Senate Bill 525** (originating in the Committee on Government Organization)—A Bill to repeal §16-4C-6c of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22A-10-3, all relating to emergency medical technicians –



mining; and transferring certification requirements for emergency medical technician – mining to the chapter governing miners' health, safety and training.

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

Respectfully submitted,

C. Edward Gaunch,  
*Chair.*

The Senate proceeded to the seventh order of business.

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

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

The question being on the adoption of the resolution, the same was put and prevailed.

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

**Senate Concurrent Resolution 15**, US Marine SGT Stephen E. Drummond 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 16**, Sardis District Veterans 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 17**, John Hancock 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. Com. Sub. for Com. Sub. for Senate Bill 272**, Relating generally to drug control.

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, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Beach—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 Com. Sub. for S. B. 272) 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 290**, Relating to DEP standards of water quality and effluent limitations.

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

Pending discussion,

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

**Eng. Com. Sub. for Senate Bill 368**, Protecting consumers against business using automatic purchase renewals without consent.

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 368 pass?”

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

The nays were: None.

Absent: Beach—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. 368) 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 392**, Reconfiguring membership of Emergency Medical Services Advisory Council.

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, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Beach—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. 392) 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 427**, Modifying form of notice for certain tax delinquencies.

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, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 427) 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 433**, Rewriting code sections regarding pyramid promotional schemes.

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, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Beach—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. 433) 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 440**, Establishing Library Facilities Improvement 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, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Beach—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. 440) 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 441**, Relating to health care provider taxes.

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

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

The nays were: Azinger and Karnes—2.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 441) passed with its title.

Senator Ferns moved that the bill take effect July 1, 2018.

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

The nays were: Azinger and Karnes—2.

Absent: Beach—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 441) takes effect July 1, 2018.

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

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

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, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 464) 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 468**, Changing date and recipients for submission of Auditor's annual report.

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, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 468) passed with its title.

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

The Senate proceeded to the ninth order of business.

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

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

**Senate Bill 365**, Relating to Young Entrepreneur Reinvestment Act.

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 375**, Relating to farmers markets.

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 446**, Creating Agritourism Responsibility Act.

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

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

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

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

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

The Senate proceeded to the tenth order of business.

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

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

**Com. Sub. for Senate Bill 288**, Regulating cremation, embalming and directing of funeral service.

**Com. Sub. for Senate Bill 321**, Relating to powers and duties of Public Land Corporation.

**Com. Sub. for Senate Bill 397**, Creating crime of impersonating blind or disabled person.

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

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

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

**Com. Sub. for Senate Bill 469**, Converting Addiction Treatment Pilot Program to permanent program.

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

And,

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

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senators Maynard, Woelfel, Baldwin, Blair, Takubo, Boso, Ojeda, Stollings, Gaunch, Clements, Trump, and Prezioso.

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

At the request of Senator Ferns, unanimous consent being granted, a leave of absence for the day was granted Senator Beach.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 1:06 p.m., the Senate adjourned until tomorrow, Tuesday, February 13, 2018, at 11 a.m.

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## **SENATE CALENDAR**

**Tuesday, February 13, 2018  
11:00 AM**

### **UNFINISHED BUSINESS**

- S. C. R. 18 - Balentine Brothers Bridge  
S. C. R. 19 - John B. Short Memorial Bridge

### **THIRD READING**

- Eng. Com. Sub. for S. B. 57 - Relating to third-party litigation financing  
Eng. Com. Sub. for S. B. 290 - Relating to DEP standards of water quality and effluent limitations (original similar to HB4426)  
Eng. S. B. 365 - Relating to Young Entrepreneur Reinvestment Act (original similar to HB4558)  
Eng. Com. Sub. for S. B. 375 - Relating to farmers markets  
Eng. 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

### **SECOND 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

### **FIRST READING**

- Com. Sub. for Com. Sub. for S. B. 273 - Reducing use of certain prescription drugs (original similar to HB4263)
- Com. Sub. for Com. Sub. for S. B. 341 - Relating generally to WV Appellate Reorganization Act of 2018 (original similar to HB4004)
- Com. Sub. for Com. Sub. for S. B. 347 - Relating to operation of motorboats (original similar to HB4274)
- Com. Sub. for S. B. 348 - Allowing for disposal of service weapons of special DNR police officers
- Com. Sub. for Com. Sub. for S. B. 355 - Dissolving IS&C Division under Office of Technology (original similar to HB4339)
- Com. Sub. for S. B. 370 - Exempting nonpaid volunteers at ski areas from workers' compensation benefits
- Com. Sub. for S. B. 458 - Prohibiting political subdivisions from enacting regulations or legal requirements relating to employer-employee relationship
- Com. Sub. for S. B. 461 - Extending time to file petition for motor fuel excise tax refund
- S. B. 524 - Relating to disposition of complaint proceedings
- S. B. 525 - Relating to certification for emergency medical training - mining
- Com. Sub. for Com. Sub. for S. J. R. 3 - Judicial Budget Oversight Amendment (original similar to HJR101, HJR104, HJR109)
- Eng. Com. Sub. for H. B. 4162 - Granting authority to the State Conservation Committee to contract for flood response

**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2018**

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**Tuesday, February 13, 2018**

10 a.m.	Transportation & Infrastructure	(Room 451M)
2 p.m.	Education	(Room 451M)

