

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE  
REGULAR SESSION, 2018  
FORTY-THIRD DAY

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Charleston, West Virginia, Wednesday, February 21, 2018

The Senate met at 11:24 a.m.

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

Prayer was offered by Pastor Kevin Walker, Calvary Church of the Nazarene, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Stephen Baldwin, a senator from the tenth district.

Pending the reading of the Journal of Tuesday, February 20, 2018,

At the request of Senator Sypolt, 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 concurrence by that body in the Senate amendment to the House of Delegates amendments to, and the passage as amended, to take effect July 1, 2018, of

**Eng. Com. Sub. for Senate Bill 267**, Increasing salaries of certain state employees.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amended title, passage as amended, of

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

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 4001**—A Bill to amend and reenact §9-2-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §9-7-2, §9-7-5, and §9-7-6 of said code; to amend said code by adding thereto a new article, designated §9-8-1, §9-8-2, §9-8-3, §9-8-4, §9-8-5, §9-8-6, §9-8-7, §9-8-8, §9-8-9, §9-8-10, §9-8-11, and §9-8-12; and to amend and reenact §61-3-54 of said code, all relating to investigations, inspections, evaluations, and review conducted by the Department of Health and Human Resources to prevent fraud and abuse; disenrolling providers who commit fraud and requiring repayment; defining fraud as it relates to Medicaid; authorizing penalties against providers for failure to keep medical records for a specific time period; authorizing a civil cause of action for fraud when a person or entity knew or should have known a claim to be false; enlarging the statute of limitations to file health care fraud civil actions; defining terms relating to public assistance; requiring the Department of Health and Human Resources to implement work requirements for applicants of Supplemental Nutrition Assistance Program (SNAP); to limit recipients to 3 months of benefits in any 36-month period unless the recipient is working or participating in a work, educational, or volunteer program for at least 20 hours a week; requiring discontinuance of a federal waiver in certain counties; requiring a study of the impact of the SNAP work requirements in those counties where they were implemented; eliminating the federal waiver statewide within a certain time-period; requiring a report to the legislature; establishing work requirements; authorizing rulemaking; requiring a design or establishment of a computerized income, asset, and identity verification system for each public assistance program administered by the Department of Health and Human Resources; allowing for contracting with a third-party vendor; setting out required contract terms; requiring accessing information of various federal, state, and miscellaneous sources for eligibility verification; requiring identity authentication as a condition to receive public assistance; requiring the department to study the feasibility of requiring photos on EBT cards; specifying procedures for case review of public assistance benefits; setting forth notice requirements and right to a hearing; requiring referrals for fraud, misrepresentation, and inadequate documentation; authorizing referrals of suspected cases of fraud for criminal prosecution; requiring report to the Governor and Legislature; setting forth prohibitions on the use of an electronic benefit transfer card; tracking out-of-state spending of SNAP and TANF benefits; providing for rulemaking; and providing a penalty for taking the identity of another person for the purpose of gaining employment.

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 4042**—A Bill to amend and reenact §17C-6-1 of the Code of West Virginia, 1931, as amended, relating to redefining school zone.

Referred to the Committee on the Judiciary.

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

**Eng. Com. Sub. for House Bill 4157**—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to the elimination of the refundable exemption for road construction contractors; prohibiting the transfer of revenues collected from the state's consumers sales and service tax and the state's use tax to the State Road Fund; updating references to certain entities; updating references to the code; removing references to obsolete dates; and specifying the effective date.

Referred to the Committee on Finance.

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

**Eng. House Bill 4285**—A Bill to amend and reenact §31-17A-4, §31-17A-6 and §31-17A-9 of the Code of West Virginia, 1931, as amended, all relating to the licensing requirements of mortgage loan originators; increasing the number of hours of education required for licensure and to meet continuing education requirements; and increasing the licensure application fee.

Referred to the Committee on Finance.

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

**Eng. Com. Sub. for House Bill 4304**—A Bill to repeal §30-7-1a, §30-7-6a, §30-7-6b, §30-7-8a, §30-7-11a, §30-7-15a, §30-7-15b, §30-7-15c, §30-7-15d, and §30-7-15e of the Code of West Virginia, 1931, as amended; to repeal §30-7A-2, §30-7A-3, §30-7A-4, §30-7A-5, §30-7A-6, §30-7A-6a, §30-7A-7, §30-7A-7a, §30-7A-8, §30-7A-9, §30-7A-10, and §30-7A-11 of said code; to repeal §30-7D-1, §30-7D-2, §30-7D-3, §30-7D-4, §30-7D-5, §30-7D-6, §30-7D-7, §30-7D-8, §30-7D-9, §30-7D-10, §30-7D-11, §30-7D-12, and §30-7D-13 of said code; to repeal §30-7E-1, §30-7E-2, and §30-7E-3 of said code; to amend and reenact §4-10-10 of said code; to amend and reenact §9-4B-1 of said code; to amend and reenact §16-4C-14 of said code; to amend and reenact §16-4F-1 of said code; to amend and reenact §16-5B-19 of said code; to amend and reenact §16-5O-2, §16-5O-4, §16-5O-5 and §16-5O-12 of said code; to amend and reenact §16-5Y-5 of said code; to amend and reenact §16-30-3 of said code; to amend and reenact §18-5-22 of said code; to amend and reenact §18-9A-2 of said code; to amend and reenact §18A-1-1 of said code; to amend and reenact §18A-4-1 and §18A-4-8 of said code; to amend and reenact §18C-3-4 of said code; to amend and reenact §29-12B-3 of said code; to amend and reenact §29-29-3 of said code; to amend and reenact §30-1-7a and §30-1-20 of said code; to amend and reenact §30-3A-1 of said code; to amend and reenact §30-3F-1 of said code; to amend and reenact §30-7-1, §30-7-2, §30-7-3, §30-7-4, §30-7-5, §30-7-6, §30-7-7, §30-7-8, §30-7-9, §30-7-10, §30-7-11, §30-7-12, §30-7-13, §30-7-14, §30-7-15, §30-7-16, §30-7-17, §30-7-18, §30-7-19, and §30-7-20 of said code; to amend said code by adding thereto twelve new sections, designated §30-7-21, §30-7-22, §30-7-23, §30-7-24, §30-7-25, §30-7-26, §30-7-27, §30-7-28, §30-7-29, §30-7-30, §30-7-31, §30-7-32 and §30-7-33; to amend and reenact §30-7A-1 of said code; and to amend and reenact §30-7B-4 of said code; to amend and reenact §30-7C-1 and §30-7C-7 of said code; to amend and reenact §30-24-2 and §30-24-3 of said code; to amend and reenact §60A-9-5a of said code, all relating to the regulation of certain professions by Board of Nursing, prohibiting the practice of nursing without a license; providing other applicable sections; defining terms; providing for board composition and qualifications; setting forth the powers and duties of the board; clarifying rule-making authority; continuing a special revenue account; establishing license and permit requirements; establishing qualifications for licensure; codifying a scope of practice; creating a temporary permit; providing for reciprocal licensure; establishing renewal requirements; providing for exemptions from licensure; creating a special volunteer license; continuing a Joint Advisory Council; providing the council's composition; providing council members' terms; providing powers of the council; providing duties of the council; setting forth limitations of the article; permitting the board to file an injunction; setting forth grounds for disciplinary actions; allowing for specific disciplinary actions; providing procedures for investigation of complaints; providing duty to warn; providing for judicial review and appeals of decisions; setting forth hearing and notice requirements; providing for civil causes of action; providing criminal offenses are to be

reported to law enforcement; providing a period of transition; eliminating the Board of Examiners for licensed practical nurses; transferring assets to the Board of Nursing; transferring employees to the Board of Nursing; repealing expired authority; and updating references.

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 4324**—A Bill to amend and reenact §8-15-17 and §8-15-20 of the Code of West Virginia, 1931, as amended, all relating to the employment of individuals by municipal paid fire departments under civil service; providing that an applicant need not be a resident of the municipality or the county in which he or she seeks to become a member of the paid fire department; and that if there are not enough eligible applicants to certify a list of three, then the appointing officer may appoint a qualified individual to fill the position.

Referred to the Committee on the Judiciary.

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

**Eng. House Bill 4379**—A Bill supplementing, amending, decreasing, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2018, organization 0803, for the fiscal year ending June 30, 2018.

Referred to the Committee on Finance.

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

**Eng. Com. Sub. for House Bill 4401**—A Bill to amend and reenact §21-3-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-3C-11; to amend and reenact §21-3D-8; to amend and reenact §21-5-5c; to amend and reenact §21-9-9; to amend and reenact §21-10-4; to amend and reenact §21-11-17; to amend and reenact §21-14-9; to amend and reenact §21-15-7; to amend and reenact §21-16-10; to amend and reenact §47-1-8, §47-1-20, §47-1-21 and §47-1-22; and to amend and reenact §47-1A-14, all relating to the elimination of certain authority regarding collection and use of fees by the Commissioner of the Division of Labor; eliminating authority to use certain excess funds; eliminating requirement to charge certain fees; and eliminating certain rulemaking authority.

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 4428**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-1E-1, §21-1E-2, §21-1E-3, §21-1E-4 and §21-1E-5; and to amend said code by adding thereto a new article designated §30-1E-1, §30-1E-2, §30-1E-3 and §30-1E-4, all relating to requiring standards and procedures for recognizing career technical training acquired in public schools, apprenticeships and training programs toward

occupational testing, certification and/or licensure; establishing purpose and intent; providing definitions; requiring rules providing standards and procedures be proposed by Commissioner of Labor and by licensing boards and commissions; providing for creation of lists of existing apprenticeships, certifications and other credentials that reflect existing workforce needs and for dissemination to high school students; and requiring Commissioner of Labor rule to include guidelines for collection and dissemination in manner easily accessible to both students and their parents.

Referred to the Committee on Education.

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 4436**—A Bill to amend and reenact §21-6-2 of the Code of West Virginia, 1931, as amended, relating to clarifying when a minor between the ages of 16 and 18 may be employed by or elected as a member of a volunteer fire department to perform fire fighting functions.

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 4488**—A Bill to amend and reenact §20-14-1, §20-14-2, §20-14-3, §20-14-4, and §20-14-8 of the Code of West Virginia, 1931, as amended, all relating to the Hatfield-McCoy Recreation Authority; updating legislative findings; adding the counties of Braxton, Clay, Fayette, Nicholas, and Webster to the list of participating counties; modifying the number of board members and the method by which the board members are appointed; providing that 10 members of the board constitutes a quorum; prohibiting persons from consuming non-intoxicating beer, nonintoxicating craft beer, or wine at any time within the Hatfield-McCoy Recreation Area; prohibiting a child under the age of six from being allowed on any trail within the Hatfield-McCoy Recreation Area; prohibits children under the age of eight years who are required to be in a child passenger safety device while occupying a motor vehicle from being allowed on any trail within the Hatfield-McCoy Recreation Area; and requiring all persons operating or riding upon an ATV, UTV, or motorcycle to follow the manufacturer's recommendations for that vehicle relating to age and size limitations for operators and passengers.

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 4522**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-10-5dd, relating to allowing certain tax information to be shared with State Auditor pursuant to written agreements; and defining terms.

Referred to the Committee on Finance.

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

**Eng. House Bill 4622**—A Bill to amend and reenact §18B-17-2 and §18B-17-3 of the Code of West Virginia, 1931, as amended, all relating to authorizing legislative rules regarding higher education; authorizing legislative rules for the Higher Education Policy Commission regarding Tuition and Fee Policy, Human Resources Administration, and Capital Project Management; and authorizing legislative rules for the Council for Community and Technical College Education regarding Human Resources Administration, and Capital Project Management.

Referred to the Committee on Education.

### Executive Communications

The Clerk then presented a communication from His Excellency, the Governor, advising that on February 20, 2018, he had approved **Enr. Committee Substitute for House Bill 4020**.

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 21st day of February, 2018, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

**(Com. Sub. for H. B. 4162)**, Granting authority to the State Conservation Committee to contract for flood response.

Respectfully submitted,

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

Roger Hanshaw,  
*Chair, House Committee.*

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

Your Committee on Natural Resources has had under consideration

**Senate Bill 148**, Permitting surface owners purchase mineral interests when they become subject to tax lien.

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

**Com. Sub. for Senate Bill 148** (originating in the Committee on Natural Resources)—A Bill to amend and reenact §11A-3-19, §11A-3-21, §11A-3-52, §11A-3-54 and §11A-3-56 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto four new sections, designated §11A-3-23a, §11A-3-23b, §11A-3-58, §11A-3-58a and §11A-3-58b, all relating to the sale of delinquent surface and mineral properties generally; providing that a purchaser shall provide certain information to the State Auditor in order to secure a deed for the real estate subject to a tax lien purchased; providing that no deed to a bona fide purchaser for value from the

purchaser or substituted purchaser may be set aside for purchaser's failure to provide such information; providing additional instructive language to be included in the notice to redeem; providing that the surface owner of the surface tract overlying the mineral property subject to the tax lien being sold may purchase that mineral property under certain circumstances; providing that, upon payment by the surface owner, the clerk or deputy commissioner, whichever applicable, shall issue a certificate of substitution to the substituted surface owner; providing that the clerk or deputy commissioner, whichever applicable, shall refund the money paid by the surface owner if the property is redeemed by the mineral owner or a person with a right to redeem; providing that the surface owner enjoys the full rights and duties of the purchaser if the owner or a person with a right to redeem does not redeem and only one surface owner receives a certificate of substitution; providing that surface owners shall submit an agreement dividing the mineral property if more than one surface owner pays the clerk or deputy commissioner, whichever applicable, the appropriate amount; providing that the original purchaser is returned to his or her original position if no agreement is filed; providing that the mineral owner of the mineral tract underlying the surface property subject to the tax lien being sold may purchase that surface property under certain circumstances; providing that, upon payment by the mineral owner, the clerk or deputy commissioner, whichever applicable, shall issue a certificate of substitution to the substituted mineral owner; providing that the clerk or deputy commissioner, whichever applicable, shall refund the money paid by the mineral owner if the property is redeemed by the surface owner or a person with a right to redeem; providing that the mineral owner enjoys the full rights and duties of the purchaser if the owner or a person with a right to redeem does not redeem and only one mineral owner receives a certificate of substitution; providing that mineral owners shall submit an agreement dividing the surface property if more than one mineral owner pays the clerk or deputy commissioner, whichever applicable, the appropriate amount; providing that the original purchaser is returned to his or her original position if no agreement is filed; and raising the limit on recoupable expenses incurred in preparing notice to redeem, including title examination, to \$500.

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

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

The bill (Com. Sub. for S. B. 148), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Bill 344**, Requiring DOH implement program to recycle surplus metal supplies, materials and equipment.

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

**Com. Sub. for Senate Bill 344** (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17-2A-14 of the Code of West Virginia, 1931, as

amended, relating to disposition of certain surplus equipment, supplies, and materials; requiring the West Virginia Commissioner of Highways design and implement a policy to assure recycling of metal if cost effective; and updating code.

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,

Gregory L. Boso,  
*Chair.*

The bill (Com. Sub. for S. B. 344), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Natural Resources has had under consideration

**Senate Bill 536**, Allowing foster and adoptive children obtain lifetime hunting, fishing and trapping license within two years of placement.

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

**Com. Sub. for Senate Bill 536** (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-2B-7 of the Code of West Virginia, 1931, as amended, relating to authorizing lifetime hunting, fishing, and trapping licenses for foster or adoptive children who have not reached the second year of their placement to be the same cost as resident children who have not reached their second birthday, and permitting full-time, nonresident students attending an in-state college or university to purchase lifetime resident statewide hunting, trapping, trout fishing, and fishing licenses.

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

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

The bill (Com. Sub. for S. B. 536), under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Concurrent Resolution 2**, Walter E. Swiger, Jr., Memorial Bridge.

**Senate Concurrent Resolution 12**, US Army SP4 Darrell Gregory Triplett Memorial Bridge.



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

**Senate Concurrent Resolution 15**, US Marine SGT Stephen E. Drummond Memorial Bridge.

And,

**Senate Concurrent Resolution 16**, Sardis District Veterans Memorial Bridge.

And reports the same back with the recommendation that they each be adopted.

Respectfully submitted,

Gregory L. Boso,  
*Chair.*

At the request of Senator Boso, unanimous consent being granted, the resolutions (S. C. R. 2, 12, 14, 15, and 16) contained in the preceding report from the Committee on Transportation and Infrastructure were taken up for immediate consideration and considered simultaneously.

The question being on the adoption of the resolutions, 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.

The Senate proceeded to the sixth order of business.

Senators Beach, Baldwin, Clements, Facemire, Jeffries, Ojeda, Palumbo, Romano, Rucker, Smith, Stollings, Plymale and Cline offered the following resolution:

**Senate Concurrent Resolution 32**—Recognizing the importance of industrial hemp and beginning the process toward entering into an interstate compact in order to assure the viability of industrial hemp production in West Virginia and surrounding states.

Whereas, The United States Congress passed the Agriculture Act of 2014, which allowed universities and state departments of agriculture to begin cultivating industrial hemp for limited purposes. The cultivation of industrial hemp could be used in a wide range of products, including fibers, textiles, paper, construction and insulation materials, cosmetic products, animal feed, food, and beverages. Industrial hemp could be used in more than 25,000 products spanning nine markets, including agriculture, textiles, recycling, automotive, furniture, food/nutrition/beverages, paper, construction materials, and personal care; and

Whereas, Although hemp comes from the cannabis plant, it is distinguished from marijuana products by its use, physical appearance, and lower concentration of tetrahydrocannabinol or THC. The Agriculture Act of 2014 defines industrial hemp as having a THC content of 0.3 percent or less. Hemp producers often cultivate the plant to grow taller, denser, and with a single stalk. Industrial hemp producers use the plant for its seeds, flowers, and stalk; and

Whereas, West Virginia is one of at least 34 states that passed legislation related to industrial hemp in order to encourage the cultivation of hemp for commercial, research, or pilot programs. West Virginia and all other states with industrial hemp programs must adhere to strict

requirements for registration, licensing, or permitting, including criminal background checks, registration of location of grow sites, periodic reviews, record keeping requirements, and extensive documentation of the program. Access to viable seed is a challenge for research programs and potential commercial growers because hemp is still regulated under the federal Controlled Substances Act, which makes transportation across state lines a criminal offense even when both states have adopted laws allowing for research; and

Whereas, United States Attorney General Jefferson B. Sessions, III, sent a memorandum to all United States Attorneys on January 4, 2018, that lifted a previous protocol and requested United States Attorneys to prosecute marijuana related offenses in the Controlled Substances Act in the same manner as other offenses; and

Whereas, Bipartisan legislation in Congress since 2015 has failed to amend the Controlled Substances Act to make clear that hemp, which contains THC of 0.3 percent or less, is not a controlled substance. The uncertainty surrounding the ability to grow and transport industrial hemp in the United States may lead to greater development and research of the product occurring in other countries; and

Whereas, Article One, Section Ten, Clause Three of the United States Constitution provides a mechanism for states to enter into interstate compacts; and

Whereas, The Legislature finds that West Virginia should take the lead in organizing and developing a potential interstate compact regarding industrial hemp that will allow West Virginia and the United States to retain a leadership role in research and development of industrial hemp; therefore, be it,

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby recognizes the importance of industrial hemp and beginning the process toward entering into an interstate compact in order to assure the viability of industrial hemp production in West Virginia and surrounding states; and, be it

*Further Resolved,* That the Legislature hereby directs legislative staff to work with the Council of State Governments to develop a working group to draft an interstate compact regarding industrial hemp; and, be it

*Further Resolved,* That the Legislature directs legislative staff and members of the Legislature to work with the Commissioner of Agriculture of West Virginia and the Council of State Governments to develop a basic draft of an interstate compact regarding industrial hemp; and, be it

*Further Resolved,* That the Legislature directs legislative staff, members of the Legislature, and the Commissioner of Agriculture of West Virginia along with any necessary Agriculture staff (hereinafter, "the working group") to work with similarly situated persons in other states in order to reach an agreement on language for an interstate compact regarding industrial hemp; and, be it

*Further Resolved,* That the working group created as a result of this resolution shall work diligently to return an interstate compact regarding industrial hemp for introduction in the 2019 regular session of the Legislature that has been agreed upon by the working group and a similarly situated working group from at least one other state.

At the request of Senator Beach, 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, 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.

Thereafter, at the request of Senator Plymale, and by unanimous consent, the remarks by Senator Beach regarding the adoption of Senate Concurrent Resolution 32 were ordered printed in the Appendix to the Journal.

Senators Smith, Sypolt, Plymale, and Stollings offered the following resolution:

**Senate Concurrent Resolution 33**—Requesting the Division of Highways name bridge number 39-68/8-0.01 (39A234), locally known as Kings Trees Bridge, carrying County Route 68/8 over Interstate 68 in Preston County, the “William ‘Bill’ Thurman King Memorial Bridge”.

Whereas, Mr. King was born on June 24, 1925, in Bruceton Mills, Preston County, West Virginia; and

Whereas, Mr. King was a Technician Fifth Grade, Battery A of the 364th Field Artillery in the United States Army, in the 1940s, honorably discharged in 1946; and

Whereas, Mr. King was honored in his military service with the European-African-Middle Eastern Theater Ribbon; the Good Conduct Medal; the World War II Victory Ribbon; and the Army Occupation Medal (Germany); and

Whereas, From the late 1940s until the 1980s, Mr. King was a bus operator for the Board of Education; and

Whereas, Naming this bridge is an appropriate recognition of Mr. King’s contributions to his country and to the State of West Virginia; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 39-68/8-0.01 (39A234), locally known as Kings Trees Bridge, carrying County Route 68/8 over Interstate 68 in Preston County, the “William ‘Bill’ Thurman King 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 “William ‘Bill’ Thurman King Memorial Bridge”; and, be it

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

Which, under the rules, lies over one day.

Senators Swope, Plymale, Cline, Stollings, Prezioso, Boso, and Romano offered the following resolution:

**Senate Resolution 47**—Designating February 21, 2018, as West Virginia Aviation Day.

Whereas, The West Virginia Aeronautics Commission is an agency of the West Virginia Department of Transportation; and

Whereas, The West Virginia Airport Managers Association represents commercial and general aviation airports and industry partners throughout the mountain state; and

Whereas, West Virginia has 24 airports in the National Plan of Integrated Airport Systems: Seven commercial airports and 17 general aviation airports; and

Whereas, Affordable, reliable, and safe air service is integral to our communities, citizens, businesses, and state; and

Whereas, Commercial airports serve our state's 1.8 million residents and hundreds of thousands of visitors annually; and

Whereas, General aviation airports open our state's rural landscape to countless companies to conduct business and often serve as community hubs; and

Whereas, Airports have played, and will continue to play, a critical role in the state's response to natural disasters, medical emergencies, and search and rescue operations; and

Whereas, Growth in air service in West Virginia equates to increased funding for improvements to West Virginia's airports; and

Whereas, The inaugural West Virginia Aviation Day is hosted by the West Virginia Aeronautics Commission and the West Virginia Airport Managers Association; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates February 21, 2018, as West Virginia Aviation Day; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Aeronautics Commission and the West Virginia Airport Managers Association.

At the request of Senator Swope, 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 Beach, and by unanimous consent, the remarks by Senators Swope and Romano regarding the adoption of Senate Resolution 47 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:47 a.m., the Senate recessed to present Senate Resolution 47.

The Senate reconvened at 11:50 a.m. today and resumed business under the sixth order.

Senators Carmichael (Mr. President), Drennan, Plymale, and Stollings offered the following resolution:

**Senate Resolution 48**—Celebrating the 150th anniversary of the City of Winfield, West Virginia.

Whereas, In 1818, Charles Brown of Charleston, West Virginia, purchased over 400 acres along the Kanawha River which became Winfield, West Virginia; and

Whereas, Winfield was named after General Winfield Scott, who was in command of the victorious United States Army during the two-year war with Mexico; and

Whereas, Charles Brown then began a ferry crossing at Winfield, which increased travel and business opportunity in the area. The traffic created by travelers moving through the area, coupled with the centrality of Winfield's location, made it an ideal spot to locate the new county seat; and

Whereas, The Virginia General Assembly formed Putnam County out of portions of the surrounding counties, and in 1900, a roman revival-style courthouse was constructed; and

Whereas, Winfield was tied to, and reliant upon, river vessels as a means of transportation, communication, and commerce. With the burgeoning demands of the coal and chemical industries of the upper Kanawha region and the problems with flooding along the river, in the early 1930's, the U. S. Army Corps of Engineers proposed a series of new locks and dams on various sites along the Kanawha River; and

Whereas, Workers were recruited from along the Kanawha River and beyond to construct the Winfield Locks and Dam. President Roosevelt's National Industrial Recovery Administration Act contained the framework under which people were hired for the Winfield Locks and Dam project. The U. S. Army Corps of Engineers project called for the construction of two lock chambers, each measuring 56 feet wide by 360 feet long, with miter gates on both ends. The construction of the Winfield Locks and Dam was completed in 1937; and

Whereas, In late 1937, the government legislation that authorized the series of river construction improvement projects along the Kanawha River called for a federally operated power project and construction began on a hydroelectric power plant on the southern portion of the locks and dam site; and

Whereas, Winfield is a thriving, growing community with a rich history of great accomplishments of its citizens, with a population in 1986 of 868 growing to 2,367 today; therefore, be it

*Resolved by the Senate:*

That the Senate hereby celebrates the 150th anniversary of the City of Winfield, West Virginia; and, be it

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

At the request of Senator Drennan, 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 Drennan and Maynard regarding the adoption of Senate Resolution 48 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:54 a.m., the Senate recessed to present Senate Resolution 48.

The Senate reconvened at 11:57 a.m. today and resumed business under the sixth order.

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

**Senate Resolution 49**—Designating March 11-17, 2018, as Multiple Sclerosis Awareness Week.

Whereas, Multiple sclerosis (MS) is a neurological disease of the central nervous system, affecting 2.3 million people worldwide; and

Whereas, The National Multiple Sclerosis Society—Virginia-West Virginia Chapter reports that in our state more than 3,000 people are living with MS and that the disease generally strikes people in the prime of life, between ages 20 through 50, and the cause and course of the often debilitating symptoms of MS remain unknown and no cure currently exists; and

Whereas, The National Multiple Sclerosis Society has been committed for more than 70 years to a world free of MS, heightening public knowledge about, and insight into, the disease; and

Whereas, Since 1946, the National Multiple Sclerosis Society has been a driving force of MS research, relentlessly pursuing prevention, treatments, and a cure, and has invested more than \$900 million in ground-breaking research; and

Whereas, Funds raised through the National Multiple Sclerosis Society fuel \$42.1 million funding 380 research projects at the best medical centers, universities, and other institutions throughout the U. S. and abroad, leading to many breakthroughs in the treatment of MS; and

Whereas, Stopping MS in its tracks, restoring what has been lost, and ending MS forever is the mission of the National Multiple Sclerosis Society and one that all Americans and West Virginians should support; and

Whereas, The State of West Virginia recognizes the importance of finding the cause and cure of MS and expresses its appreciation for the dedication that the National Multiple Sclerosis Society—Virginia-West Virginia Chapter has shown toward creating a world free of MS; therefore, be it

*Resolved by the Senate:*

That the Senate designates March 11-17, 2018, as Multiple Sclerosis Awareness Week; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to the National Multiple Sclerosis Society.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senators Stollings and Woelfel regarding the adoption of Senate Resolution 49 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 12:02 p.m., the Senate recessed to present Senate Resolution 49.

The Senate reconvened at 12:06 p.m. today and resumed business under the sixth order.

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

**Senate Resolution 50**—Designating February 21, 2018, as West Virginia Local Foods Day at the Capitol.

Whereas, The West Virginia Food and Farm Coalition, the West Virginia Farmers Market Association, and many other entities (hereinafter referred to as the alliance) are working to build, support, and strengthen a statewide network of those involved in West Virginia's local food economies, with the interconnected goals of improving access to healthy, locally produced food for all West Virginians and helping viable food and farm businesses to grow; and

Whereas, The alliance is made of farmers, food processors, distributors, agencies, health professionals, extension agents, researchers, nonprofits, farmers markets, youth groups, religious organizations, consumers, and institutions that feed people; and

Whereas, The alliance works within its network to change agricultural policy, promote access to local foods, share resources, and grow food and farm businesses; and

Whereas, The alliance is enacting a foodshed development program that seeks to build the local food system by developing processes for farmers to establish and scale farm enterprises, efficiently move their product to markets, and for consumer-bases to be robustly developed, all with the goal of bolstering the local food economy; and

Whereas, The alliance, with its partners, aids in building and strengthening food and farm businesses and seeks to spur economic growth through building strong local food economies in regional foodshed areas where food is produced, transported, and consumed in West Virginia; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates February 21, 2018, as West Virginia Local Foods Day at the Capitol; and, be it

*Further Resolved,* That the Senate acknowledges the progress the West Virginia Food and Farm Coalition, the West Virginia Farmers Market Association, and the West Virginia Farmers Cooperative's networks have made in building strong local food systems, a competitive local food economy, and increasing food access in West Virginia; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Food and Farm Coalition and the West Virginia Farmers Market Association.

At the request of Senator Sypolt, 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 Sypolt and Boso regarding the adoption of Senate Resolution 50 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 477**, Relating to five-year sunset on tax credits and incentives.

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 477 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. 477) 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 412**, Relating to authority of county litter control officers.

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

**Com. Sub. for Com. Sub. for Senate Bill 474**, Requiring that certain documents filed pursuant to WV Jobs Act which include records of wages be considered confidential.

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 522**, Relating generally to Administrative Procedures Act.



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

**Senate Bill 523**, Relating to tax treatment of pollution control facilities and wind power projects.

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 543**, Relating to confidentiality of medical records.

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

**Senate Bill 626**, Relating generally to coal mining.

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

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

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

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 30**, Relating generally to hunting with dogs.

**Senate Bill 112**, Clarifying that natural resources police officers' subsistence allowance is pensionable.

**Com. Sub. for Com. Sub. for Senate Bill 307**, Declaring fundraising on state highway or roadway by volunteer fire department is not obstruction or nuisance.

**Com. Sub. for Senate Bill 359**, Authorizing Supreme Court establish curricula for mental hygiene commissioners and certain magistrates.

**Com. Sub. for Senate Bill 467**, Relating generally to Public Defender Services.

**Com. Sub. for Senate Bill 490**, Relating to Revised Uniform Athlete Agents Act of 2015.

**Com. Sub. for Senate Bill 491**, Establishing fee for expungement of certain criminal convictions.

**Com. Sub. for Senate Bill 493**, Relating to guaranty associations.

**Com. Sub. for Senate Bill 501**, Relating to accrued benefit of retirees in Deputy Sheriff Retirement System.

**Com. Sub. for Senate Bill 521**, Requiring chief executive of municipal law-enforcement agency be certified law-enforcement officer.

**Com. Sub. for Senate Bill 535**, Dedicating increased court fees in criminal cases to fund training programs for law-enforcement officers.

**Com. Sub. for Senate Bill 549**, Creating felony offense of intimidation or harassment of certain persons that causes injury or loss to person or property.

**Senate Bill 576**, Relating to Patient Injury Compensation Fund.

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

And,

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

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 Plymale and Gaunch.

At the request of Senator Gaunch, unanimous consent being granted, the Senate stood in observance of a moment of silence in recognition of the passing of the Reverend Billy Graham.

The Senate proceeded to the thirteenth order of business.

Senator Stollings called attention to today being the birthday of the Senior Senator from the Fifth and on behalf of the Senate extended felicitations and good wishes to Senator Plymale, with Senator Stollings leading the members in singing "Happy Birthday".

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 12:20 p.m., the Senate recessed until 5 p.m. today.

The Senate reconvened at 5:47 p.m. today and, without objection, returned to the third order of business.

### **Executive Communications**

The Clerk then presented communications from His Excellency, the Governor, advising that on February 21, 2018, he had approved **Enr. Senate Bill 62**, **Enr. House Bill 2612**, **Enr. Committee Substitute for House Bill 4135** and **Enr. House Bill 4146**.

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 21st day of February, 2018, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

**(Com. Sub. for S. B. 154)**, Authorizing Department of Administration to promulgate legislative rules.

**(Com. Sub. for S. B. 163)**, Authorizing DEP promulgate legislative rules.

**(Com. Sub. for S. B. 184)**, Authorizing DOT promulgate legislative rules.

**(Com. Sub. for S. B. 267)**, Increasing salaries of certain state employees.

**(S. B. 379)**, Supplemental appropriation from State Excess Lottery Revenue Fund to DHHR.

**(S. B. 382)**, Supplemental appropriation of Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund.

**(S. B. 384)**, Decreasing and increasing appropriations from State Fund, General Revenue to DHHR.

**(Com. Sub. for S. B. 386)**, Decreasing and increasing appropriations from Treasury to Higher Education Policy Commission.

And,

**(S. B. 388)**, Decreasing, increasing and adding appropriations out of Treasury to DHHR and Department of Administration.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
Roger Hanshaw,  
*Chair, House Committee.*

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 275**, Relating to tax on purchases of intoxicating liquors.

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

**Com. Sub. for Senate Bill 275** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §11-10-5d of the Code of West Virginia, 1931, as amended, to amend and reenact §60-3-9d of said code, and to amend and reenact §60-3A-21 of said code, all relating to the excise tax on the sale of intoxicating liquors and wine; providing that tax collected within the

corporate limits of a municipality be remitted to the municipality; providing that the tax collected outside the corporate limits of a municipality be remitted to the county in which the tax is collected; providing rulemaking authority; providing sourcing rules for determining whether tax is collected within the corporate limits of a municipality; permitting counties to inspect and make copies of certain Tax Commissioner records relating to the collection of tax within the county and the municipalities in the county or the remittance of tax to such county or municipalities; and permitting municipalities to inspect and make copies of certain Tax Commissioner records relating to the collection of tax within the municipality and within the county in which the municipality is located, but outside of the corporate limits of another municipality, and the remittance of tax to such municipality and county.

And,

**Senate Bill 574**, Relating to crime of misrepresentation of military honors.

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

**Com. Sub. for Senate Bill 574** (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 §61-3-59, relating to creating the offense of misrepresentation of military status or honors with the intent to obtain money, property, or anything of value, and providing criminal penalties based upon value.

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 313**, Waiving occupational fees and licensing requirements for certain low-income individuals, military families, and young workers.

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

**Com. Sub. for Senate Bill 313** (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-22, relating to waiver of occupational licensing fees and certain individuals; requiring boards and licensing authorities to waive occupational licensing fees for low-income individuals, military families, and young workers; defining terms; requiring individuals seeking waiver of occupational licensing fees to apply on a form provided by the board or licensing authority; and granting rulemaking authority.

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

Respectfully submitted,

C. Edward Gaunch,  
*Chair.*

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

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 316**, Creating refundable personal income tax credit to encourage persons receiving public assistance to get married.

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

**Com. Sub. for Senate Bill 316** (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 §11-21-97, relating to creating a refundable personal income tax credit to encourage persons receiving public assistance to get married; reducing the so-called marriage penalty that may exist in certain public assistance programs; declaring legislative intent; defining terms; requiring certain facts be proven to obtain the credit; detailing how the credit is calculated; authorizing procedural rules; and authorizing the sharing of confidential information between the tax commissioner and the Secretary of the Department of Health and Human Resources.

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.*

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 316) contained in the preceding report from the Committee on Health and Human Resources was taken up for immediate consideration, read a first time, ordered to second reading, and, 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

**Senate Bill 420**, Transferring Safety and Treatment Program from DHHR to DMV.

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

**Com. Sub. for Senate Bill 420** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §17C-5A-3 and §17C-5A-3a of the Code of West Virginia, 1931, as amended,

all relating to transferring the Safety and Treatment Program, which treats and educates people whose licenses were revoked due to concerns of alcohol and/or drug use while operating a motor vehicle, from the Department of Health and Human Resources to the Division of Motor Vehicles and amending references thereto in said code; transferring moneys from the Department of Health and Human Resources Safety and Treatment Fund to the Division of Motor Vehicles Safety and Treatment Fund; providing that a portion of program provider fees be deposited in Division of Motor Vehicles Safety and Treatment Fund; and transferring rule-making authority.

And,

**Senate Bill 562**, Allowing courts discretion to impose period of supervised release of defendant.

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

**Com. Sub. for Senate Bill 562** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §62-12-26 of the Code of West Virginia, 1931, as amended, relating to certain felonies for which a court may impose a period of supervised release of up to 50 years; and providing for supervised persons on release to be supervised by the probation office of the sentencing court or the circuit in which he or she resides.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,  
*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 442**, Establishing universal forms and deadlines when submitting prior authorization electronically.

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

**Com. Sub. for Senate Bill 442** (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 §33-4-22, relating to regulating prior authorizations; defining terms; providing for electronically transmitted prior authorization forms; establishing procedures for submission and acceptance of forms; and setting deadlines.

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.*

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 442) contained in the preceding report from the Committee on Health and Human Resources was taken up for immediate consideration, read a first time, ordered to second reading, and, 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 443**, Terminating parental rights when certain conditions are met.

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

**Com. Sub. for Senate Bill 443** (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §49-4-605 of the Code of West Virginia, 1931, as amended, relating to requiring the department to file a petition to terminate parental rights when parents have not seen child in 18 months from the removal order; and allowing tolling of 18-month period if parent incarcerated, in rehabilitation facility or on active military duty and stationed or deployed for an extended time.

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

Respectfully submitted,

Tom Takubo,  
*Chair.*

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 443) contained in the preceding report from the Committee on Health and Human Resources was taken up for immediate consideration, read a first time, ordered to second reading, and, 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 449**, Using criminal conviction records to disqualify person from license or authorization to practice occupation.

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

**Com. Sub. for Senate Bill 449** (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-22, relating to using records of criminal conviction to disqualify a person from receiving a license for a profession or occupation; requiring boards or licensing authorities to clearly define the criminal offenses or categories of offenses that would disqualify an applicant from receiving or renewing a license or other authorization to practice; requiring criminal offenses to be specifically and directly related to duties and responsibilities of the profession or occupation;

limiting time of disqualification from criminal offense; providing exceptions; providing petition process for individual with a criminal record to obtain determination of effect of a criminal record on ability to obtain a license; and requiring boards and licensing authorities to update legislative rules.

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

Respectfully submitted,

C. Edward Gaunch,  
*Chair.*

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 449) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, ordered to second reading, and, 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 456**, Physical Therapy Licensure Compact Act.

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

**Com. Sub. for Senate Bill 456** (originating in the Committee on Government Organization)—  
A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-41-1, §30-41-2, and §30-41-3, all relating to creating the Physical Therapy Licensure Compact Act; authorizing the Governor to execute the act with any one or more of the states of the United States; providing that the Legislature signifies in advance its approval and ratification of the compact; providing that the purpose of this compact is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services; setting forth the substance, requirements, and privileges of the act; and establishing an effective date.

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 499**, Requiring one year of certain approved postgraduate clinical training for persons with foreign medical degrees.



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

**Com. Sub. for Senate Bill 499** (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §30-3-10 of the Code of West Virginia, 1931, as amended, relating to clarifying requirements for a license to practice medicine, surgery and podiatry; and rewriting and reorganizing minimum licensing requirements for a license to practice medicine, surgery and podiatry.

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

Respectfully submitted,

Tom Takubo,  
*Chair.*

At the request of Senator Gaunch, as chair of the Committee on Government Organization, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Health and Human Resources.

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 500**, Authorizing City of White Sulphur Springs to expend principal and interest from special interest-bearing fund.

**Senate Bill 566**, Relating to disability pensions of municipal employees.

And,

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

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Craig Blair,  
*Chair.*

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

Your Committee on Government Organization has had under consideration

**Senate Bill 514**, Enacting Recognition of Emergency Medical Services Personnel Licensure Interstate Compact.

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

**Com. Sub. for Senate Bill 514** (originating in the Committee on Government Organization)—  
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; entering into the compact with all jurisdictions also enacting the compact; stating purpose of Compact; defining terms; identifying member states as home states; retaining authority of member state to require license under circumstances not covered by Compact; setting conditions for home state's license to authorize practice in a remote state under the Compact; requiring member states to recognize licenses issued by another member state under certain conditions; setting requirements for individuals to exercise privilege to practice; setting scope of practice; making individuals practicing in remote states subject to that state's laws; authorizing remote states to take action against individual's privilege to practice within that state under certain circumstances; providing effect of restrictions on license on Compact privileges; setting conditions of practicing in remote state under Compact terms; defining relationship of Compact with Emergency Management Assistance Compact; setting terms and requirements for certification of veterans, certain service members, and their spouses; recognizing exclusive power of home states to impose adverse action against license issued by home state; providing consequences for Compact participation if individual's license is subject to adverse action by home state; requiring member states to report adverse actions against licenses; authorizing states to take action against individual's privilege to practice within that state; requiring home state EMS authority investigate and take appropriate action based on reported conduct in remote state; authorizing alternative programs in lieu of adverse action; authorizing member state's EMS authority to issue subpoenas; authorizing member state's EMS authority to issue certain cease and desist orders; establishing Interstate Commission for EMS Personnel Practice; providing venue; maintaining state sovereign immunity; providing for membership; providing for voting; requiring annual meetings; requiring meetings to be public; providing exceptions; authorizing Commission prescribe bylaws and/or rules to govern conduct; granting certain powers to Commission; providing for financing for the Commission; making validity of annual assessment against State contingent upon funds being appropriated by the Legislature or otherwise being made available; providing for qualified immunity of certain persons; requiring Commission defend certain persons for actions arising out of actions occurring within the scope of duties related to Commission; requiring Commission indemnify and hold harmless certain persons under certain circumstances; providing for development and maintenance of coordinated database and reporting system; requiring member states provide certain information to coordinated database; requiring notification by coordinated database administrator of adverse action taken against individual in member state; authorizing member state to designate information not to be shared with the public without express permission of contributing state; providing for removal of information from database when required to be expunged; authorizing rulemaking Commission; providing scope of rulemaking; providing procedures for rulemaking; authorizing emergency rulemaking by Commission; providing that Commission rules are not binding on State of West Virginia until they have been authorized as legislative rules; providing timeline and procedure for proposing legislative rules; authorizing emergency rulemaking; directing state government to enforce compact and take necessary actions to effectuate its purposes and intent; directing courts take judicial notice of compact and rules promulgated pursuant to compact; providing procedures for Commission to follow if member state has defaulted; authorizing member state be terminated from Compact under certain conditions; setting terms of termination; authorizing appeal; authorizing mediation and binding dispute resolution between Commission and member state; authorizing enforcement of Compact by Commission; authorizing legal action; establishing venue; providing for venue in West Virginia; providing implementation date for compact; making any state joining after implementation subject to rules as they exist when Compact is adopted; authorizing member state withdraw from compact; maintaining member state authority to enter into licensure or cooperative agreements with nonmember state; authorizing amendment of compact; providing

for liberal construction; providing for severability of compact if compact found to violate constitution of member state; directing Emergency Medical Services Advisory Council review decisions of Commission; and authorizing Emergency Medical Services Advisory Council make recommendation to Legislature for withdrawal from Compact.

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

Respectfully submitted,

C. Edward Gaunch,  
*Chair.*

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 514) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 528**, Providing additional circuit judge for nineteenth judicial circuit.

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

**Com. Sub. for Senate Bill 528** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §51-2-1 of the Code of West Virginia, 1931, as amended, relating to providing for an additional circuit court judge for the nineteenth judicial circuit.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 528) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, ordered to second reading, and, 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

**Senate Bill 539**, Increasing limit for settling claims against DOH.

And reports the same back with the recommendation that it 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 555**, Providing director of corporation not personally liable for corporation's torts.

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

**Com. Sub. for Senate Bill 555** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §55-7C-3 of the Code of West Virginia, 1931, as amended, relating to liability for qualified directors of volunteer organizations and entities; and providing that a qualified director is not personally liable for the torts of a volunteer organization or entity, or the torts of the agents or employees of a volunteer organization or entity, unless he or she directed, sanctioned, or participated in the wrongful acts.

With the recommendation that the 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 545**, Relating to driving privileges and requirements for persons under 18.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

Your Committee on Agriculture and Rural Development has had under consideration

**Senate Bill 557**, Relating to Senior Farmers' Market Nutrition Program.

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,

Dave Sypolt,  
*Chair.*

At the request of Senator Sypolt, unanimous consent being granted, the bill (S. B. 557) contained in the preceding report from the Committee on Agriculture and Rural Development was taken up for immediate consideration, read a first time, and ordered to second reading.

On motion of Senator Sypolt, the bill was referred to the Committee on Finance.

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

Your Committee on Agriculture and Rural Development has had under consideration

**Senate Bill 572**, Creating Farm-to-School Grant Program.

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

**Com. Sub. for Senate Bill 572** (originating in the Committee on Agriculture and Rural Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-36-1, §19-36-2, §19-36-3, §19-36-4, §19-36-5, and §19-36-6, all relating to creation of the West Virginia Farm-to-School Grant Program; defining terms; providing method for allocating grants; limiting grants; authorizing rulemaking; and requiring program review and reports.

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

Respectfully submitted,

Dave Sypolt,  
*Chair.*

At the request of Senator Mann, as chair of the Committee on Education, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Agriculture and Rural Development.

At the request of Senator Sypolt, and by unanimous consent, the bill (Com. Sub. for S. B. 572) was taken up for immediate consideration, read a first time, and ordered to second reading.

On motion of Senator Sypolt, the bill was then referred to the Committee on Finance.

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

Your Committee on Education has had under consideration

**Senate Bill 573**, Relating generally to school calendars.

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

**Com. Sub. for Senate Bill 573** (originating in the Committee on Education)—A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating generally to allowing, after the primary statewide assessment program is administered, county superintendents of schools to reduce the instructional term for students by up to five days.

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

Respectfully submitted,

Robert Karnes,  
*Vice Chair.*

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

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 627** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §7-22-7a of the Code of West Virginia, 1931, as amended; and to amend and reenact §8-38-12 of said code, all relating to permitting local governments to access certain tax records related to local economic opportunity development projects; requiring a bond trustee to share certain tax information related to an economic opportunity development district with the county or municipality that established the district; requiring the Tax Commissioner to share certain tax information related to an economic opportunity development district with the county or municipality that established the district; and requiring the Tax Commissioner to share certain tax information related to a potential economic opportunity district within the county or municipality that submitted an application for the creation of the district.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

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

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,

Randy E. Smith,  
*Chair.*

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

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 6:03 p.m., the Senate adjourned until tomorrow, Thursday, February 22, 2018, at 11 a.m.

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## **SENATE CALENDAR**

**Thursday, February 22, 2018  
11:00 AM**

### **UNFINISHED BUSINESS**

S. C. R. 33 - William 'Bill' Thurman King Memorial Bridge

### **THIRD READING**

- Eng. Com. Sub. for S. B. 412 - Relating to authority of county litter control officers
- Eng. Com. Sub. for Com. Sub. for S. B. 474 - Requiring that certain documents filed pursuant to WV Jobs Act which include records of wages be considered confidential
- Eng. Com. Sub. for S. B. 522 - Relating generally to Administrative Procedures Act
- Eng. S. B. 523 - Relating to tax treatment of pollution control facilities and wind power projects (original similar to HB 4286, HB 4517, SB 150)
- Eng. Com. Sub. for S. B. 543 - Relating to confidentiality of medical records
- Eng. S. B. 626 - Relating generally to coal mining (original similar to HB 4340)

### **SECOND READING**

- Com. Sub. for S. B. 30 - Relating generally to hunting with dogs
- S. B. 112 - Clarifying that natural resources police officers' subsistence allowance is pensionable
- Com. Sub. for Com. Sub. for S. B. 307 - Declaring fundraising on state highway or roadway by volunteer fire department is not obstruction or nuisance
- Com. Sub. for S. B. 359 - Authorizing Supreme Court establish curricula for mental hygiene commissioners and certain magistrates
- Com. Sub. for S. B. 467 - Relating generally to Public Defender Services
- Com. Sub. for S. B. 490 - Relating to Revised Uniform Athlete Agents Act of 2015
- Com. Sub. for S. B. 491 - Establishing fee for expungement of certain criminal convictions
- Com. Sub. for S. B. 493 - Relating to guaranty associations
- Com. Sub. for S. B. 501 - Relating to accrued benefit of retirees in Deputy Sheriff Retirement System (original similar to HB4516)
- Com. Sub. for S. B. 521 - Requiring chief executive of municipal law-enforcement agency be certified law-enforcement officer (original similar to HB4526)



- Com. Sub. for S. B. 535 - Dedicating increased court fees in criminal cases to fund training programs for law-enforcement officers
- Com. Sub. for S. B. 549 - Creating felony offense of intimidation or harassment of certain persons that causes injury or loss to person or property (original similar to SB 533)
- S. B. 576 - Relating to Patient Injury Compensation Fund
- Eng. Com. Sub. for H. B. 4024 - Relating generally to direct cremation or direct burial expenses for indigent persons - (Com. amend. pending)
- Eng. Com. Sub. for H. B. 4142 - Providing certain employees of the Division of Corrections, Division of Juvenile Services, and West Virginia Regional Jail and Correctional Facility Authority a salary adjustment
- Eng. Com. Sub. for H. B. 4169 - Requiring certain establishments and facilities to post human trafficking assistance notices - (Com. amend. and title amend. pending)

### **FIRST READING**

- Com. Sub. for S. B. 275 - Relating to tax on purchases of intoxicating liquors
- Com. Sub. for S. B. 313 - Waiving occupational fees and licensing requirements for certain low-income individuals, military families, and young workers
- Com. Sub. for S. B. 420 - Transferring Safety and Treatment Program from DHHR to DMV
- Com. Sub. for S. B. 456 - Physical Therapy Licensure Compact Act
- Com. Sub. for S. B. 499 - Requiring one year of certain approved postgraduate clinical training for persons with foreign medical degrees
- Com. Sub. for S. B. 500 - Authorizing City of White Sulphur Springs to expend principal and interest from special interest-bearing fund
- S. B. 539 - Increasing limit for settling claims against DOH
- S. B. 545 - Relating to driving privileges and requirements for persons under 18 - (Com. amend. pending) (original similar to HB 3008)
- Com. Sub. for S. B. 555 - Providing director of corporation not personally liable for corporation's torts
- Com. Sub. for S. B. 562 - Allowing courts discretion to impose period of supervised release of defendant
- S. B. 566 - Relating to disability pensions of municipal employees
- Com. Sub. for S. B. 573 - Relating generally to school calendars

Com. Sub. for S. B. 574 -

Relating to crime of misrepresentation of military honors  
(original similar to SB608)

S. B. 627 -

Permitting local governments to access certain economic  
development project-related tax records

Eng. H. B. 4385 -

Making a supplementary appropriation to the Department of  
Health and Human Resources, Division of Human Services

**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2018**

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**Thursday, February 22, 2018**

9 a.m.	Workforce	(Room 208W)
9:30 a.m.	Finance	(Room 451M)
1 p.m.	Health & Human Resources	(Room 451M)
1 p.m.	Energy, Industry & Mining	(Room 208W)