

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE
REGULAR SESSION, 2017
THIRTY-EIGHTH DAY

Charleston, West Virginia, Friday, March 17, 2017

The Senate met at 11 a.m.

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

Prayer was offered by Chaplain Mark Hess, Mount Olive Correctional Complex, Mount Olive, West Virginia.

Kenneth Honey Rubenstein Juvenile Center Honor Guard Cadets from Davis, West Virginia, proceeded in the presenting of the Colors. The Honorable Patricia Puertas Rucker, a senator from the sixteenth district, then led the Senate in the recitation of the Pledge of Allegiance.

Pending the reading of the Journal of Thursday, March 16, 2017,

At the request of Senator Woelfel, 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.

On motion of Senator Ferns, the Senate recessed for five minutes to permit Alex Vance to address the Senate on behalf of the Frasure-Singleton Student Legislative Program.

Upon expiration of the recess, the Senate reconvened and 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 passage of, to take effect from passage, of

Eng. Com. Sub. for Senate Bill 301, Supplemental appropriation of federal funds from Treasury to State Board of Education, School Lunch Program.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Senate Bill 330, Relating to WV Workplace Freedom Act.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

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

ARTICLE 5G. WEST VIRGINIA WORKPLACE FREEDOM ACT.

§21-5G-1. Definitions.

As used in this article: ~~the following terms have the following definitions~~

~~(a)~~ (1) The term “person” means any individual, proprietorship, partnership, firm, association, corporation, labor organization or any other legal entity.

~~(b)~~ (2) The term “labor organization” means any organization, agency, union or employee representation committee of any kind that exists, in whole or in part, to assist employees in negotiating with employers concerning grievances, labor disputes, wages, rates of pay or other terms or conditions of employment.

~~(c)~~ (3) The term “employer” means any person employing at least one individual in the state or any agent of an employer employing at least one individual in the state.

~~(d) The term “state” means any officer, board, branch, commission, department, division, bureau, committee, agency, authority or other instrumentality of the State of West Virginia~~

§21-5G-7. Construction; Applicability; severability.

~~(a) Construction.—Except to the extent expressly prohibited by the provisions of this article, nothing in this article is intended, or should be construed, to change or affect any law~~

~~concerning collective bargaining or collective bargaining agreements in the building and construction industry~~

~~(b)~~ (a) Applicability.—This article applies to any written or oral contract or agreement entered into, modified, renewed or extended on or after July 1, 2016: Provided, That the provisions of this article ~~shall~~ do not otherwise apply to or abrogate a written or oral contract or agreement in effect on or before June 30, 2016.

~~(c)~~ (b) Severability.—If any provision of this ~~act~~ article or the application of any such provision of this article to any person or circumstance ~~should be~~ is held invalid by a court of competent jurisdiction, the remainder of this ~~act~~ article or the application of its provisions to persons or circumstances other than those to which it is held invalid ~~shall~~ is not be affected thereby.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Senate Bill 330—A Bill to amend and reenact §21-5G-1 and §21-5G-7 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Workplace Freedom Act; eliminating the term “state” from the definitions section; eliminating a provision regarding

construction of the act as it relates to the building and construction industry; and clarifying dates of applicability.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Senate Bill 330, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld and Carmichael (Mr. President)—21.

The nays were: Beach, Facemire, Jeffries, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger and Woelfel—12.

Absent: Mullins—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 330) passed with its House of Delegates amended title.

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

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments, as amended by the House of Delegates, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendment to the Senate amendments, as to

Eng. Com. Sub. for House Bill 2318, Relating generally to human trafficking.

On motion of Senator Ferns, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the Senate amendments to the bill was reported by the Clerk:

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for House Bill 2318—A Bill to repeal §61-2-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §15-9A-2 of said code; to amend and reenact §15-12-2 of said code; to amend and reenact §49-1-201 of said code; to amend said code by adding thereto a new article, designated §61-14-1, §61-14-2, §61-14-3, §61-14-4, §61-14-5, §61-14-6, §61-14-7, §61-14-8 and §61-14-9; and to amend and reenact §62-1D-8 of said code, all relating generally to human trafficking; designating the Division of Justice and Community Services to be the state administrative agency responsible for criminal justice and juvenile justice systems for the planning and development of state programs and grants relating to human trafficking; adding offenses that require registration under the Sex Offender Registration Act; adding human trafficking within the definition of an abused child; adding under the definition of sexual exploitation an act where a parent, guardian, or custodian knowingly maintains or makes available a child for the purpose of engaging the child in commercial sexual activity; defining terms; creating criminal felony offenses and penalties for human trafficking of an individual; creating criminal felony offenses and penalties for using victim of human trafficking in forced labor; creating criminal felony

offenses and penalties for using victim of human trafficking in debt bondage; creating criminal felony offenses and penalties for compelling a victim of human trafficking through coercion to engage in commercial sexual activity; creating a criminal felony offense and penalty for maintaining or making available a minor victim of human trafficking for the purpose of engaging in commercial sexual activity; clarifying that consent of minor and misbelief as to age are not defenses to prosecution for sexual servitude offenses; creating a criminal felony offense and penalty for knowingly patronizing an individual to engage in commercial sexual activity with knowledge that the individual is a victim of sexual servitude; creating a criminal felony offense and penalty for knowingly patronizing a minor to engage in commercial sexual activity with knowledge or having reason to know that the minor is a victim of sexual servitude; clarifying that each victim constitutes a separate offense; limiting ability for parole in circumstances where the court makes a finding of aggravated circumstances; defining aggravated circumstances; providing for restitution to victims and the enforcement of a judgment order for restitution; directing unclaimed restitution to be paid to the Crime Victims Compensation Fund; making victims of certain offenses eligible for compensation under the Crime Victims Compensation Fund; specifying the notification procedure to be followed by a law-enforcement officer upon encountering a child who appears to be a victim; providing for forfeiture of certain property; providing for debarment from state and local government contracts for persons or entities convicted of certain offenses; providing for immunity for offense of prostitution for minors; defining a minor victim of sex trafficking as an abused child and establishing a child's eligibility for services therefor; providing for expungement of prostitution conviction for victims of trafficking; and authorizing the use of wiretaps to conduct investigations.

On motion of Senator Ferns, the Senate concurred in the foregoing House of Delegates amendment to the Senate amendments to the bill.

Engrossed Committee Substitute for House Bill 2318, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, 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: Mullins—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2318) passed with its House of Delegates amended title.

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

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 2373—A Bill to amend and reenact §18-5-22c of the Code of West Virginia, 1931, as amended, all relating to the administration of epinephrine auto-injectors by a school nurse, a nonmedical personnel, or a school transportation personnel to a student or school personnel; authorizing school transportation personnel trained in administration of

epinephrine auto-injectors and designated and authorized by the school or county board to administer auto-injectors to a student or school personnel experiencing an anaphylactic reaction and excluding such school transportation personnel from chapter eighteen, article five, section twenty-two; adding the county board as an entity that can authorize and designate nonmedical school personnel to administer the epinephrine auto-injector; establishing that school transportation personnel are immune from liability for administration of an epinephrine auto-injector except in cases of gross negligence or willful misconduct; and requiring the State Board of Education to promulgate rules necessary to effectuate the provisions of this section.

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 2427—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5F-1-5, relating to requiring agencies listed in the online state phone directory to update certain employee information by July 1, 2017 or provide that information to the Office of Technology; requiring agencies to update directory information within 30 days of a personnel action or event, or provide that information to the Office of Technology; and requiring the Office of Technology to update directory information within 30 days of receipt of information from an agency.

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. House Bill 2446—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5F-1-5, relating to the requirement that all executive branch agencies maintain a website that contains specific information.

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. House Bill 2522—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-7F-1, §30-7F-2, §30-7F-3, §30-7F-4, §30-7F-5, §30-7F-6, §30-7F-7, §30-7F-8, §30-7F-9, §30-7F-10 and §30-7F-11, all relating to the establishment and operation of an interstate compact for licensure of nurses; setting forth findings; setting forth the purposes for the compact; defining terms; providing eligibility requirements; requiring a nurse to designate a state of principal license; providing licensure requirements; establishing a licensure process; providing for fees; providing requirements for renewal of a license; providing for joint investigation of nurses by member boards; establishing the effect of disciplinary actions; creating the commission to administer the compact; setting forth commission composition; establishing the authority of the commission; providing immunity; establishing commission rule making authority; providing for judicial review; providing for state enforcement; providing the commission may intervene in proceedings; providing for legal enforcement of compact rules and provisions; providing for termination or withdrawal of a member state; setting forth provisions for resolution of disputes; establishing provisions for state eligibility; setting forth the circumstances under which the compact will become effective; providing for amending the compact; setting forth procedures

for states to withdraw from the Compact; providing process to amend the Compact; and establishing provisions related to severability.

Referred to the Committee on Health and Human Resources; and then 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 2601—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §8-22-27a and §8-22-27b, all relating to municipal policemen's or municipal firemen's pension and relief funds; providing mechanism for the correction of errors; and providing criminal penalties.

Referred to the Committee on Pensions; and then 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 2603—A Bill to amend and reenact §8-22-20 of the Code of West Virginia, 1931, as amended, relating to municipal policemen's or firemen's pension and relief funds that are funded at one hundred and twenty-five percent or more; and authorizing certain costs not be paid.

Referred to the Committee on Pensions.

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 2631—A Bill to amend and reenact §30-1-5 of the Code of West Virginia, 1931, as amended, relating to providing notice of status report to the party filing the complaint and the Respondent by certified mail with a signed return receipt; requiring that in the event a board is unable to issue a final ruling within the statutory prescribed time, the board must issue a status report detailing the reasons it is unable to meet the prescribed time period and a new date for issuance of a final ruling; and prohibiting the new date for the issuance of a final ruling to be in excess of six (6) months from the date the final ruling was due.

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 2649—A Bill to amend and reenact §5-10A-2 of the Code of West Virginia, 1931, as amended, relating to adding violations of law upon which a public servant's retirement plan may be forfeited; changing the definition of less than honorable service; removing the exception of a misdemeanor from the definition of less than honorable service relating to impeachment and conviction of a participant or former participant under the Constitution; removing the exception for certain lesser included crimes to constitute less than honorable service; and adding additional violations of law which constitute less than honorable service.

Referred to the Committee on Pensions; and then 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 2683—A Bill to amend and reenact §33-26-2, §33-26-3, §33-26-4, §33-26-5, §33-26-8, §33-26-9, §33-26-10, §33-26-11, §33-26-12, §33-26-13, §33-26-14 and §33-26-18 of the Code of West Virginia, 1931, as amended, all relating to West Virginia Insurance Guaranty Association Act; modifying scope and construction of act; adding and amending definitions; clarifying and adding powers, duties and rights of association; modifying provisions concerning effect of paid claims, exhaustion of coverage, prevention of insolvencies and stay of proceedings; changing due date of annual financial report; limiting covered claims; expanding association's right to recover and be reimbursed; providing for confidentiality of financial information; and exempting certain reports and recommendations from Freedom of Information Act.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 2792—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §10-1-23, relating to requiring the Library Commission to survey the libraries of the state; requiring the Library Commission develop a status report and ten-year plan for public libraries; requiring a report to the Governor and the Legislature; and posting the report electronically.

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. House Bill 2796—A Bill to amend and reenact §15-1J-4 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Military Authority entering into contracts and subcontracts on behalf of the West Virginia National Guard for specialized technical services at a rate commensurate with industry standards as determined by the Adjutant General.

Referred to the Committee on Government Organization.

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

House Concurrent Resolution 15—Requesting Congress to fully support the National Park Service's recommendations to extend the Lewis and Clark National Historic Trail to include additional sites along the Expedition's Eastern Legacy.

Referred to the Committee on Natural Resources.

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

House Concurrent Resolution 24—Requesting the Division of Highways to name Bridge Number: 49-9-11.77 (49A133) (38.85693, -80.13636), locally known as Queens Spread Box Beam Bridge, carrying County Route 9 over Right Fork of Middle Fork River in Upshur County the “SGT. Eugene E. Arbogast Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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

House Concurrent Resolution 59—Requesting the Division Of Highways name the intersection Of Athens Road and Thorn Street (Rt 20 And Rt 104) In Athens, Mercer County, the “USMC LCPL Timothy J. Dunnigan Memorial Intersection”.

Referred to the Committee on Transportation and Infrastructure.

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

House Concurrent Resolution 82—Requesting the Division of Highways to name Bridge Number 31-7-16.86 (31A009) (39.71202, 80.16171), locally known as Pentress Bridge, carrying WV 7 over Dunkard Creek and County Route 7/13 in Monongalia county, the “U.S. Marine Sergeant David Paul McCord Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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

House Concurrent Resolution 83—Requesting the Division of Highways to name bridge number 31-7-13.09 (31A005) (39.71883, 80.21993), locally known as West Blacksville Bridge, carrying WV 7 over Dunkard Creek and Railroad in Monongalia County, the “U.S. Army SPC John R. Tennant Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

Executive Communications

The following communication from His Excellency, the Governor, was reported by the Clerk:

Jim Justice
Governor of West Virginia
March 16, 2017

The Honorable Mitch Carmichael
President of the Senate
State Capitol, Building 1, Room 229-M
Charleston, West Virginia 25305

The Honorable Tim Armstead
Speaker of the House of Delegates

State Capitol, Building 1, Room 228-M
Charleston, West Virginia 25305

Dear President Carmichael and Speaker Armstead:

After submission of my recommended FY 2018 Executive Budget on February 8, 2017, there have been a few areas that require adjustments.

These changes, in coordination with my revised revenue proposals, will result in a FY 2018 surplus in the General Revenue Fund of over \$54 million.

Therefore, pursuant to Section 51, Article VI of the Constitution of the State of West Virginia, I submit revisions to the FY 2018 Budget Bill for the TITLE II – APPROPRIATIONS as follows:

Section 1. Appropriations from general revenue.

Executive

Governor's Office, Fund 0101, Fiscal Year 2018, Org 0100

(To rename the Herbert Henderson Office of Minority Affairs per SB 425/HB 2724.)

- Rename appropriation 13400 "Herbert Henderson Office of Inclusion".
- Change the references in the directive language to reflect the renamed appropriation and special revenue fund.

Department of Commerce

Division of Forestry, Fund 0250, Fiscal Year 2018, Org 0305

(To allow for rehiring of previously laid off Forester positions.)

- Increase "Personal Services and Employee Benefits" Appropriation 00100 by \$550,000.

West Virginia Development Office, Fund 0256, Fiscal Year 2018, Org 0307

(To spread funding for the Save Our State program over three years.)

- Decrease "Save Our State (SOS)" Appropriation 05050 by \$70,505,000.

Division of Miners' Health, Safety and Training, Fund 0277, Fiscal Year 2018, Org 0314

(To realign funding to reflect departmental reorganization and to allow for rehiring of previously laid off Forester positions.)

- Decrease "Personal Services and Employee Benefits" Appropriation 00100 by \$605,000.

Department of Commerce – Office of the Secretary, Fund 0606, Fiscal Year 2018, Org 0327

(To realign funding to reflect departmental reorganization.)

- Increase "Personal Services and Employee Benefits" Appropriation 00100 by \$55,000.

Department of Education

State Board of Education – State Aid to Schools, Fund 0317, Fiscal Year 2018, Org 0402

(To adjust the State Aid Formula Teachers' Retirement System Unfunded Liability appropriation to reflect a smoothing methodology for actuarial gains and losses adopted by the Retirement Board.)

- Decrease “Retirement Systems – Unfunded Liability” Appropriation 77500 by \$43,213,000.
(To adjust School Aid Formula based on final local share numbers.)
- Increase “Less Local Share” line by \$703,080 from (\$453,783,878) to (\$454,486,958).

State Board of Education – Division of Education Performance Audits, Fund 0573, Fiscal Year 2018, Org 0402

- (To reflect elimination of the Office of Performance Audits per SB 420/HB 2711.)
- Delete fund 0573 in its entirety, a reduction of \$1,171,798.

Department of Education and the Arts

Educational Broadcasting Authority, Fund 0300, Fiscal Year 2018, Org 0439

(To restore funding for the Educational Broadcasting Authority to permit the agency to enter into a transition phase with a land-grant institution of higher education.)

- Add “Personal Services and Employee Benefits” Appropriation 00100 for \$4,245,141.
- Add “Current Expense” Appropriation 13000 for \$20,146.
- Add “Mountain Stage” Appropriation 24900 for \$300,000.
- Add “Capital Outlay and Maintenance” Appropriation 75500 for \$10,000.
- Add “BRIM Premium” Appropriation 91300 for \$45,283.

Department of Transportation

State Rail Authority, Fund 0506, Fiscal Year 2018, Org 0804

(To combine agencies into the Division of Multimodal Transportation per SB 414/HB 2717.)

- Delete fund 0506 in its entirety.

Aeronautics Commission, Fund 0582, Fiscal Year 2018, Org 0807

(To combine agencies into the Division of Multimodal Transportation per SB 414/HB 2717.)

- Delete fund 0582 in its entirety.

Division of Multimodal Transportation, Fund _____, Fiscal Year 2018, Org _____

(To create Division of Multimodal Transportation per SB 414/ HB 2717.)

- Add “Personal Services and Employee Benefits” Appropriation 00100 for \$525,832.
- Add “Current Expenses” Appropriation 13000 for \$998,946.
- Add “Repairs and Alterations” Appropriation 06400 for \$100.
- Add “Civil Air Patrol” Appropriation 23400 for \$129,219.
- Add “Other Assets” Appropriation 69000 for \$1,335,760.
- Add “BRIM Premium” Appropriation 91300 for \$192,504.
- Add the language, “Any unexpended balances remaining in the appropriations for Unclassified (fund 0582, appropriation 09900), Current Expenses (fund 0582, appropriation 13000), and Other Assets (fund 0506, appropriation 69000), at the close of the fiscal year 2017 are hereby reappropriated for expenditure during the fiscal year 2018, with the exception of fund 0506, fiscal year 2017, appropriation 69000 (\$32,483) which shall expire on June 30, 2017. The specified unexpended balances attributable to the former separate agencies combined into the Division of Multimodal Transportation shall be transferred and reassigned to the fund and organization number assigned to the Division of Multimodal Transportation. From the above appropriation for Current Expenses (fund _____, appropriation 13000), the sum of \$120,000 shall be distributed equally to each of the twelve local Civil Air Patrol Squadrons.”

Section 3. Appropriations from other funds.

Executive

Governor's Office – Minority Affairs Fund, Fund 1058, Fiscal Year 2018, Org 0100

(To rename the Herbert Henderson Office of Minority Affairs per SB 425/HB 2724.)

- Rename fund 1058 “Governor’s Office – Office of Inclusion”.

Department of Administration

Division of Information Services and Communications, Fund 2220, Fiscal Year 2018, Org 0210

(To combine the Office of Technology and Division of Information Services and Communications per SB 557/HB 2900.)

- Rename fund “Office of Technology – Information Services and Communication Fund”.
- Increase “Personal Services and Employee Benefits” Appropriation 00100 by \$399,911.
- Increase “Unclassified” Appropriation 09900 by \$6,949.
- Increase “Current Expenses” Appropriation 13000 by \$227,116.
- Increase “Repairs and Alterations” Appropriation 06400 by \$1,000.
- Increase “Equipment” Appropriation 07000 by \$50,000.
- Increase “Other Assets” Appropriation 69000 by \$10,000.

Office of Technology – Chief Technology Officer Administration Fund, Fund 2531, Fiscal Year 2018, Org 0231

(To combine the Office of Technology and Division of Information Services and Communications per SB 557/HB 2900.)

- Delete fund 2531 in its entirety.

Miscellaneous Boards and Commissions

WV Board of Examiners for Registered Professional Nurses – Registered Professional Nurses, Fund 8520, Fiscal Year 2018, Org 0907

(To correcting a drafting error.)

- Decrease “Directed Transfer” Appropriation 70000 by \$500,000.
- Delete the directive language following fund 8520.

Board of Medicine – Medical Licensing Board Fund, Fund 9070, Fiscal Year 2018, Org 0945

(To allow for hiring of an investigator and part-time attorney position.)

- Increase “Personal Services and Employee Benefits” Appropriation 00100 by \$140,000.

Section 4. Appropriations from lottery net profits.

Department of Commerce

West Virginia Development Office – Division of Tourism, Fund 3067, Fiscal Year 2018, Org 0304

(To rename the Division of Tourism per SB 535/HB 2899.)

- Rename fund 3067 “West Virginia Tourism Office”.

Section 6. Appropriations of federal funds.

Department of Transportation

Public Port Authority, Fund 8830, Fiscal Year 2018, Org 0806

(To combine agencies into the Division of Multimodal Transportation per SB 414/HB 2717.)

- Delete fund 8830 in its entirety.

Division of Multimodal Transportation, Fund _____, Fiscal Year 2018, Org _____

(To create Division of Multimodal Transportation per SB 414/ HB 2717.)

- Add "Current Expenses" Appropriation 13000 for \$200,000.

Miscellaneous Boards and Commissions

Public Service Commission – Motor Carrier Division, Fund 8743, Fiscal Year 2018, Org 0926

(To allow for expenditure of federal funds for equipment purchases.)

- Add "Equipment" Appropriation 07000 for \$750,000.

Thank you for your prompt attention of this matter. Your cooperation is always appreciated. Should you have any questions or require additional information, please call me at any time.

Sincerely,

Jim Justice
Governor

cc: The Honorable Mike Hall, Chairman
The Honorable Eric Nelson, Chairman
State Budget Office

In compliance with Article VI, Section 51 of the Constitution, the Senate consented to receive the foregoing amendments to the Budget Bill, which were referred to the Committee on Finance.

The Senate proceeded to the fourth order of business.

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

Com. Sub. for Senate Bill 27 (originating in the Committee on Agriculture and Rural Development), Relating to microprocessor permit.

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

Com. Sub. for Com. Sub. for Senate Bill 27 (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 §19-35-5, relating to microprocessor permit; establishing permit requirements and limitations; clarifying types of microprocessor kitchens; requiring percentage of produce from garden or farm of microprocessor; requiring recordkeeping and labeling; clarifying foods requiring permit and exempted foods; setting forth permit inspections and fees; allowing suspensions and recalls; limiting sales; and providing prohibitions.

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

Respectfully submitted,

Tom Takubo,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 36, Permitting school nurses to possess and administer opioid antagonists.

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

Com. Sub. for Senate Bill 36 (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 §18-5-22d, relating to opioid antagonists; allowing schools to voluntarily maintain and use opioid antagonist; providing for the administration of an antagonist by a school nurse or other trained and authorized nonmedical school personnel for emergency care or treatment of an adverse opioid event; setting forth notice requirements; setting forth immunity from liability for schools, school nurses and trained and authorized nonmedical school personnel; providing for data collection and reporting requirements; and setting forth rule-making authority to effectuate the provisions of the section.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Tom Takubo,
Chair.

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 38, Creating 5-year tax credit for new businesses locating on post-mine sites.

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

Com. Sub. for Senate Bill 38 (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 §11-28-1, §11-28-2 and §11-28-3, all relating to creating five-year tax credit for businesses locating on post coal mining sites; defining terms; setting eligibility requirements for credit; establishing amount of tax credit allowed; establishing how credit may be applied; and providing rule making ability.

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. 38), under the original double committee reference, was then referred to the Committee on Finance.

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 76, Creating WV Second Chance for Employment 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,

Michael J. Maroney,
Chair.

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

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 183, Transferring Division of Forestry from Department of Commerce to Department of Agriculture.

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

Com. Sub. for Senate Bill 183 (originating in the Committee on Agriculture and Rural Development)—A Bill to repeal §19-12A-1, §19-12A-2, §19-12A-3, §19-12A-4, §19-12A-5, §19-12A-6, §19-12A-7 and §19-12A-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §5B-1-2 of said code; to amend and reenact §5F-2-1 of said code; to amend and reenact §6-7-2a of said code; to amend said code by adding thereto a new section, designated §19-1-3b; to amend and reenact §19-1A-5 of said code; and to amend and reenact §19-1B-3 of said code, all relating to transferring the Division of Forestry from the Department of Commerce to the Department of Agriculture; transferring all authorities, powers, funds, duties and affiliated boards or commissions of the Division of Forestry to the division under the department; ensuring legislative rules remain in effect and transfer; permitting the commissioner to hire the director and set the director's salary; transferring Division of Forestry employees and director at hourly rate and salary and with benefits; making employees and director will and pleasure employees of the commissioner; requiring a transition plan be submitted to the Joint Committee on Government and Finance; and repealing outdated code sections.

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,

Dave Sypolt,
Chair.

At the request of Senator Blair, 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 Agriculture and Rural Development.

On motion of Senator Sypolt, the bill (Com. Sub. for S. B. 183) 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 216, Prohibiting exclusion, modifications or limitation of warranty or remedy in sale of used motor vehicles.

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

Com. Sub. for Senate Bill 216 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §46A-6-107 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §46A-6-107a and §46A-6-107b, all relating generally to warranties for used motor vehicles; providing that a consumer who purchases a used motor vehicle may waive a warranty as to a particular defect or malfunction which the merchant has disclosed in writing to the consumer; providing that a waiver of warranties is not effective unless the waiver satisfies certain requirements; providing that a used motor vehicle may only be sold “as is” under certain circumstances; providing certain disclosure requirements for “as is” sales of used motor vehicles; providing that a consumer shall sign and date the disclosure for an “as is” sale in order for the disclosure to be effective; providing that a merchant disclose in writing certain defects or malfunctions when selling a used motor vehicle “as is”; providing that the merchant shall provide the consumer a copy of a nationally recognized vehicle history report for the used motor vehicle; and providing that an “as is” sale of a used motor vehicle waives implied warranties but does not waive any express warranties.

And,

Senate Bill 548, Providing for specific escheat of US savings bonds.

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

Com. Sub. for Senate Bill 548 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §36-8-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §36-8-2a, all relating to providing for the specific escheat of United States savings bonds and all rights and legal title thereto; and defining terms.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Hall, 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 219 (originating in the Committee on the Judiciary), Relating to conspiracy to commit crimes under Uniform Controlled Substances Act.

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

Com. Sub. for Com. Sub. for Senate Bill 219 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-414, relating generally to conspiracy to commit violations of the Uniform Controlled Substances Act; creating the felony offense of conspiracy to violate controlled substances law; creating distinct felony offenses of conspiracy to manufacture, deliver or possess with intent to manufacture or deliver heroin, cocaine or cocaine base, phencyclidine, lysergic acid diethylamide and methamphetamine distinguished by the weight of the controlled substance; and providing criminal penalties.

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

Respectfully submitted,

Mike Hall,
Chair.

Senator Hall, 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 Economic Development), 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 Com. Sub. for Senate Bill 341 (originating in the Committee on Finance)—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; providing title; defining terms; establishing amount of credit allowed; transferability; certification of qualified equity investment; recapture of tax credits; notice of noncompliance; letter rulings; new capital requirement; and reporting.

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

Respectfully submitted,

Mike Hall,
Chair.

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

Your Committee on Government Organization has had under consideration

Senate Bill 453, Adding classification and base salaries of certain civilian employees of WV State Police Forensic Laboratory.

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

Com. Sub. for Senate Bill 453 (originating in the Committee on Government Organization)—A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to adding the classification and base salaries of certain civilian employees of the West Virginia State Police Forensic Laboratory as evidence technicians, forensic technicians, forensic analysts and forensic analysts supervisors.

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,

Craig Blair,
Chair.

The bill (Com. Sub. for S. B. 453), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration

Senate Bill 468, Removing restrictions on where traditional lottery games may be played.

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

Respectfully submitted,

Mike Hall,
Chair.

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

Your Committee on Government Organization has had under consideration

Senate Bill 480, Authorizing local government adopt energy efficiency partnership programs.

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

Com. Sub. for Senate Bill 480 (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 §5B-2I-1, §5B-2I-2, §5B-2I-3, §5B-2I-4, §5B-2I-5, §5B-2I-6 and §5B-2I-7, all relating to authorizing local units of government to adopt local energy efficiency partnership programs and to create districts to promote use of energy efficiency improvements by owners of certain real property; providing for financing of programs through voluntary property assessments, commercial lending and other means; authorizing local unit of government to issue bonds, notes and other evidences of indebtedness and to pay the cost of energy efficiency improvements from the proceeds thereof; providing for repayment of bonds, notes and other evidences of indebtedness; authorizing certain fees; prescribing the powers and duties of certain governmental officers and entities; and providing remedies.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

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

Your Committee on Finance has had under consideration

Senate Bill 547, Modifying fees paid to Secretary of State.

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

Respectfully submitted,

Mike Hall,
Chair.

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 501, Relating to WV Economic Development Authority.

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

Com. Sub. for Senate Bill 501 (originating in the Committee on Economic Development)—
A Bill to amend and reenact §31-15-3 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Economic Development Authority; and creating a minority economic development advisory council to assist the Director of the Economic Development Authority in developing and implementing a procedure to address employment and economic development problems of minority populations of West Virginia.

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,

Michael J. Maroney,
Chair.

The bill (Com. Sub. for S. B. 501), under the original double committee reference, was then referred to the Committee on Government Organization.

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

Your Committee on Government Organization has had under consideration

Senate Bill 564, Relating to Statewide Independent Living Council.

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

Respectfully submitted,

Craig Blair,
Chair.

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 614, Relating to expansion of broadband service.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

The bill, 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

Eng. House Bill 2300, Regulating step therapy protocols.

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

Respectfully submitted,

Tom Takubo,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Eng. Com. Sub. for House Bill 2509, Relating to the practice of telemedicine.

And has amended same.

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

Respectfully submitted,

Tom Takubo,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with an amendment from the Committee on Health and Human Resources pending.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2447, Renaming the Court of Claims the state Claims Commission.

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.

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 Palumbo, Jeffries and Takubo:

Senate Bill 631—A Bill to amend and reenact §8-12-13 and §8-12-16 of the Code of West Virginia, 1931, as amended, all relating to the process for prosecution of violations of municipal building code; clarifying the process by which municipal governments may abate unsafe,

unsanitary or dangerous dilapidated structures that are detrimental to the public safety or welfare; permitting complaints to be filed; establishing a procedure; requiring notice; granting hearings; permitting the recovery for costs for instituting an action; and defining terms.

Referred to the Committee on Government Organization.

By Senator Maynard:

Senate Bill 632—A Bill to amend and reenact §17A-4-10 of the Code of West Virginia, 1931, as amended, relating to the process to obtain a title for a reconstructed vehicle when no structural parts are replaced on a vehicle.

Referred to the Committee on Government Organization.

By Senators Maynard and Cline:

Senate Bill 633—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-16, relating to creating the West Virginia Motorsports Committee; setting forth who serves on the committee; setting forth its duties; requiring meetings and hearings; and requiring reports.

Referred to the Committee on Government Organization.

By Senators Plymale, Stollings, Sypolt, Takubo, Prezioso, Beach, Clements and Maroney:

Senate Bill 634—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-2-9a, relating generally to certain agreements between the Department of Health and Human Resources and the two largest state universities; exempting such agreements from the requirements of the State Purchasing Division.

Referred to the Committee on Government Organization.

By Senators Boso, Maynard and Cline:

Senate Bill 635—A Bill to amend and reenact §17C-17-9a of the Code of West Virginia, 1931, as amended, relating to increasing the maximum weight amount for trucks equipped with six axles and two additional brakes to ninety-seven thousand pounds.

Referred to the Committee on Transportation and Infrastructure.

By Senators Boso, Stollings, Maroney, Sypolt and Cline:

Senate Bill 636—A Bill to amend and reenact §29-3-5d of the Code of West Virginia, 1931, as amended, relating to authorizing the State Fire Commission to establish a pilot project program to address problems facing volunteer fire departments; and requiring annual reports.

Referred to the Committee on Government Organization.

By Senators Trump and Rucker:

Senate Bill 637—A Bill to amend and reenact §60-7-2 and §60-7-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-8-27 of said code, all relating to private club operations and dance hall requirements; permitting certain private club licensees that operate tourist destination and resort facilities to obtain one private resort license for the sale of alcoholic liquors throughout the licensed premises whether inside a building or outside in public view; permitting patrons seventeen years of age to enter the licensed premises unaccompanied

by a parent or legal guardian at private resorts, subject to certain conditions, and certain private clubs with designated nonalcohol areas.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 638—A Bill to amend and reenact §21-11-7 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Contractor Licensing Act; providing examination requirements for obtaining a license; and exempting applicant from taking the business and law portion of the examination.

Referred to the Committee on Government Organization.

By Senator Trump:

Senate Bill 639—A Bill to amend and reenact §21-5-1 of the Code of West Virginia, 1931, as amended, relating to authorized deductions for health care insurance; and expanding the types of insurance listed in the term deductions under the Wage Payment and Collection Act.

Referred to the Committee on the Judiciary.

By Senators Prezioso, Sypolt and Unger:

Senate Bill 640—A Bill to amend and reenact §18-8-3 of the Code of West Virginia, 1931, as amended, relating to school attendance directors; and adjusting requirements for hiring an attendance director.

Referred to the Committee on Education.

By Senators Jeffries, Beach, Miller, Ojeda, Plymale, Prezioso and Stollings:

Senate Bill 641—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-41-1 and §30-41-2, all relating to requiring welders working in the State of West Virginia to meet certain certification requirements and to conform to national welding standards.

Referred to the Committee on Government Organization.

By Senators Jeffries, Beach, Miller, Ojeda, Plymale, Prezioso, Stollings and Unger:

Senate Bill 642—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5I-1, §21-5I-2, §21-5I-3, §21-5I-4, §21-5I-5, §21-5I-6, §21-5I-7, §21-5I-8, §21-5I-9 and §21-5I-10, all relating to wages for veterans on state government contracts.

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

By Senators Jeffries, Beach, Miller, Ojeda, Plymale, Prezioso, Stollings and Unger:

Senate Bill 643—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5B-1, relating to construction of public improvements; creating a preference for state citizens in contracts for construction of public improvements; creating a secondary preference for citizens of the United States in contracts for construction of public improvements; requiring certain language appear in certain contracts; prohibiting violations

of this section; providing a process for addressing violations; authorizing certain civil actions with specified liquidated damages; and providing exceptions.

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

By Senators Jeffries, Beach, Miller, Ojeda, Prezioso and Stollings:

Senate Bill 644—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, §21-5A-4, §21-5A-5, §21-5A-6, §21-5A-7, §21-5A-8, §21-5A-9 and §21-5A-10, all relating to reestablishing prevailing wages for certain state government contracts; declaring policy; defining terms; requiring regular determinations of prevailing wage rates; providing for objection, hearing and judicial review of determinations of prevailing wages; requiring prevailing wage rates as an element of bid requests and public contracts; providing for posting of rates and recordkeeping; establishing criminal penalties; and providing for prospective application of this article.

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

By Senators Jeffries, Beach, Ojeda, Plymale, Prezioso, Stollings and Unger:

Senate Bill 645—A Bill to amend and reenact §21-5G-2 of the Code of West Virginia, 1931, as amended, relating to an employer's right to require training of employees; and clarifying that state law does not preclude an employer from requiring employee training as a condition of employment.

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

By Senators Jeffries, Beach, Miller, Ojeda, Plymale, Prezioso and Stollings:

Senate Bill 646—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-4-1, §5B-4-2, §5B-4-3, §5B-4-4, §5B-4-5, §5B-4-6, §5B-4-7, §5B-4-8, §5B-4-9, §5B-4-10, §5B-4-11, §5B-4-12, §5B-4-13, §5B-4-14, §5B-4-15, §5B-4-16, §5B-4-17 and §5B-4-18, relating to creating a public-private infrastructure facilities act.

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

By Senators Jeffries, Beach, Miller, Ojeda, Plymale, Prezioso and Stollings:

Senate Bill 647—A Bill to repeal §8A-12-21 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-22-2 of said code, all relating generally to additional county excise taxes on the privilege of transferring real property; repealing the additional county excise tax on the privilege of transferring real property in county's where the county commission has created a farmland protection program; authorizing an additional county excise tax on the privilege of transferring real property in counties where the county commission has created either a farmland protection program or a certified development community program; setting forth certain requirements; and authorizing a larger additional county excise tax in a county with both a farmland protection program and a certified development community program.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on Finance.

By Senators Jeffries, Beach, Miller, Ojeda, Plymale, Prezioso and Stollings:

Senate Bill 648—A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §21-1C-2, §21-1C-4 and §21-1C-6 of said code, all relating to West Virginia jobs on public construction projects; requiring bidders on construction projects to explicitly confirm they are in compliance with the West Virginians Jobs Act; amending terms; requiring employers working on certain public improvements to furnish employee residence information to confirm compliance; setting requirements for conduct if employer falls out of compliance; authorizing penalties at double the general amount in certain circumstances; clarifying what bodies may levy penalties; and making the penalty per person per violation.

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

Senators Boso, Beach, Plymale, Stollings, Takubo, Sypolt, Unger and Cline offered the following resolution:

Senate Resolution 40—Designating March 17, 2017, as Corrections Day at the Legislature.

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

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

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

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

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

Resolved by the Senate:

That the Senate hereby designates March 17, 2017, as Corrections Day at the Legislature; and be it

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

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

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senators Boso, Ojeda, Romano and Miller regarding the adoption of Senate Resolution 40 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, the Senate recessed for one minute.

Upon expiration of the recess, the Senate reconvened and resumed business under the sixth order.

Senators Cline, Beach, Plymale, Stollings, Mullins, Sypolt and Unger offered the following resolution:

Senate Resolution 41—Recognizing Pineville Middle School's Pineville Giving Tree project for its contributions to Pineville, Wyoming County, and the State of West Virginia.

Whereas, The Samsung Solve for Tomorrow Contest is a nationwide competition that challenges students to use STEAM (science, technology, engineering, arts and math) skills to improve their local communities; and

Whereas, Under the guidance of Ms. Mullins, a science teacher at Pineville Middle School, the Pineville Giving Tree project was created by her students with the mission of giving hope to their peers, their families and the people of Pineville, by providing clothes, shoes, jackets, toiletries and school supplies to those in need; and

Whereas, Pineville Middle School entered the Pineville Giving Tree project into the Samsung Solve for Tomorrow Contest, a contest that began with thousands of entries nationwide, narrowed to five state finalists for each state, then to a state winner, each of which are awarded \$50,000 in Samsung technology; and

Whereas, The Pineville Giving Tree won the West Virginia competition and will advance to the national contest in New York City, where they will compete for a grand prize of \$150,000 in Samsung technology; and

Whereas, The Pineville Giving Tree project at Pineville Middle School is a shining example to the world of West Virginians demonstrating that mountaineer spirit which abounds throughout the hills of West Virginia; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes Pineville Middle School's Pineville Giving Tree project for its contributions to Pineville, Wyoming County, and the State of West Virginia; and, be it

Further Resolved, That the Senate hereby extends its sincere appreciation and gratitude to Ms. Mullins and the students of Pineville Middle School for making a positive impact on their community and state; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Pineville Middle School.

At the request of Senator Cline, 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 Senator Cline regarding the adoption of Senate Resolution 41 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, the Senate recessed for one minute.

Upon expiration of the recess, the Senate reconvened and proceeded to the seventh order of business.

Senate Concurrent Resolution 42, Five Champ Brothers 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 Senate Bill 255, Relating to filling vacancies on county commissions and other county offices.

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 255 pass?”

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

The nays were: Beach, Facemire, Gaunch, Jeffries, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger and Woelfel—13.

Absent: Mullins—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. 255) 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 444, Establishing Court Advanced Technology Subscription 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: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: Facemire—1.

Absent: Mullins—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 444) 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 522, Relating to pharmacy audits.

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 522 pass?”

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, 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: Mullins—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. 522) 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 House Bill 2678, Changing the amounts of prejudgment and post-judgment interest to reflect today’s economic conditions.

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 House Bill 2678 pass?”

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Palumbo, Plymale, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld and Carmichael (Mr. President)—25.

The nays were: Beach, Facemire, Jeffries, Miller, Ojeda, Prezioso, Romano and Woelfel—8.

Absent: Mullins—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2678) passed with its title.

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

On this question, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Palumbo, Plymale, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld and Carmichael (Mr. President)—25.

The nays were: Beach, Facemire, Jeffries, Miller, Ojeda, Prezioso, Romano and Woelfel—8.

Absent: Mullins—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2678) takes effect January 1, 2018.

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

On motion of Senator Ferns, the Senate reconsidered the vote by which it adopted Senator Ferns motion that Engrossed Committee Substitute for House Bill 2678 take effect January 1, 2018.

The vote thereon having been reconsidered,

The question again being on the adoption of Senator Ferns' motion that the bill take effect January 1, 2018.

Thereafter, at the request of Senator Ferns, and by unanimous consent, his foregoing motion was withdrawn.

On motion of Senator Ferns, the Senate reconsidered the vote as to the passage of the bill.

The vote thereon having been reconsidered,

The question again being on the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Palumbo, Plymale, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—25.

The nays were: Beach, Facemire, Jeffries, Miller, Ojeda, Prezioso, Romano and Stollings—8.

Absent: Mullins—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2678) passed with its title.

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

On this question, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Palumbo, Plymale, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—25.

The nays were: Beach, Facemire, Jeffries, Miller, Ojeda, Prezioso, Romano and Stollings—8.

Absent: Mullins—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2678) takes effect January 1, 2018.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 16, Repealing section related to wind power projects.

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

On motion of Senator Palumbo, the following amendment to the bill was reported by the Clerk:

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

ARTICLE 6A. POLLUTION CONTROL FACILITIES TAX TREATMENT.

§1. Repeal of article related to salvage value of pollution control facilities.

§11-6A-1, §11-6A-2, §11-6A-3, §11-6A-4, §11-6A-5 and §11-6A-5a of the Code of West Virginia, 1931, as amended, are hereby repealed.

ARTICLE 6E. SPECIAL METHOD FOR VALUATION OF CERTAIN MANUFACTURING PRODUCTION PROPERTY.

§1. Repeal of article related to salvage value of specialized manufacturing production property.

§11-6E-1, §11-6E-2, §11-6E-3, §11-6E-4, §11-6E-5 and §11-6E-6 of the Code of West Virginia, 1931, as amended, are hereby repealed.

ARTICLE 6F. SPECIAL METHOD FOR APPRAISING QUALIFIED CAPITAL ADDITIONS TO MANUFACTURING FACILITIES.

§1. Repeal of article related to salvage value of qualified capital additions.

§11-6F-1, §11-6F-2, §11-6F-3, §11-6F-4, §11-6F-5 and §11-6F-6 of the Code of West Virginia, 1931, as amended, are hereby repealed.

ARTICLE 6H. VALUATION OF SPECIAL AIRCRAFT PROPERTY.

§1. Repeal of article related to salvage value of special aircraft property.

§11-6H-1, §11-6H-2, §11-6H-3, §11-6H-4, §11-6H-5, §11-6H-6 and §11-6H-7 of the Code of West Virginia, 1931, as amended, are hereby repealed.

ARTICLE 6J. SPECIAL METHOD FOR VALUATION OF CERTAIN HIGH-TECHNOLOGY PROPERTY.

§1. Repeal of article related to salvage value of certain high-technology property.

§11-6J-1, §11-6J-2, §11-6J-3, §11-6J-4, §11-6J-5, §11-6J-6 and §11-6J-7 of the Code of West Virginia, 1931, as amended, are hereby repealed.

Following discussion,

The question being on the adoption of Senator Palumbo's amendment to the bill, the same was put and did not prevail.

The bill (Com. Sub. for S. B. 16) was then ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill 308, Clarifying administrative and law-enforcement activities of DNR police officers are important to conservation and management of state's fish and wildlife.

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

Senate Bill 443, Establishing Adult Drug Court Participation Fund.

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 500, Relating to Medicaid fraud and abuse.

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

On motion of Senator Miller, the following amendment to the bill was reported by the Clerk:

On page three, section one, line thirty-one, after the word "benefits" by changing the period to a colon and inserting the following proviso: Provided, That notwithstanding the provisions of article six, chapter twenty-nine of this code, all employees of the Medicaid Fraud Control Unit that are classified service employees at the time of transfer shall remain classified service employees in the Office of the Attorney General.

Following discussion,

The question being on the adoption of Senator Miller's amendment to the bill, the same was put and did not prevail.

The bill (Com. Sub. for S. B. 500) was then ordered to engrossment and third reading.

Senate Bill 524, Relating to WV academic standards.

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

On motion of Senator Karnes, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On page one, section eleven, line nine by striking out "2017" and inserting in lieu thereof "2018";

And,

On page two, section eleven, lines eleven through twenty-six, by striking out all of subsections (d) and (e) and inserting in lieu thereof two new subsections, designated subsections (d) and (e), to read as follows:

(d) Prior to adopting academic standards, the West Virginia Board of Education shall allow West Virginia educators the opportunity to participate in the development of the academic standards.

(e) The West Virginia Board of Education shall provide by rule for a cyclical review, by West Virginia educators, of any academic standards that are adopted by the board.

Following discussion,

Senator Plymale requested unanimous consent that the bill (S. B. 524) lie over one day, retaining its place on the calendar with the amendments offered by Senator Karnes to the bill pending.

Which consent was not granted, Senator Rucker objecting.

Senator Plymale then moved that the bill lie over one day, retaining its place on the calendar with the amendments offered by Senator Karnes to the bill pending.

Thereafter, at the request of Senator Plymale, and by unanimous consent, his aforesaid motion was withdrawn.

The question now being on the adoption of the amendments offered by Senator Karnes to the bill, the same was put and prevailed.

The bill (S. B. 524), as amended, was then ordered to engrossment and third reading.

Senate Bill 554, Relating to false swearing in legislative proceeding.

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 559, Relating to limited video lottery.

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 581, Relating generally to administration of trusts.

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

Senate Bill 620, Relating to traffic regulations.

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 2028, Relating to the venue for suits and other actions against the state.

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

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

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

ARTICLE 2. CLAIMS AGAINST THE STATE.

§14-2-2. Venue for certain suits and actions.

(a) The following proceedings shall be brought and prosecuted only in the circuit court of Kanawha County:

(1) Any suit in which the Governor, any other state officer, or a state agency is made a party defendant, except as garnishee or suggestee; Provided, That, any suit for which insurance coverage administered by the state board of risk and insurance management under section twelve, article twenty-nine of this Code exists may be brought and prosecuted in the circuit court of any county where the acts or omissions giving rise to the suit occurred or in the circuit court of Kanawha County;

(2) Any suit attempting to enjoin or otherwise suspend or affect a judgment or decree on behalf of the state obtained in any circuit court.

(b) Any proceeding for injunctive or mandamus relief involving the taking, title, or collection for or prevention of damage to real property may be brought and presented in the circuit court of the county in which the real property affected is situate.

This section shall apply only to such proceedings as are not prohibited by the Constitutional immunity of the state from suit under section thirty-five, article six of the Constitution of the State.

Following discussion,

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

The bill (Eng. Com. Sub. for H. B. 2028), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

Com. Sub. for Com. Sub. for Senate Bill 290, Authorizing operators of distillery or mini-distillery offer for purchase and consumption of liquor on Sundays.

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

Senate Bill 608, Clarifying lawful business structures are unaffected by enactment of prohibitory legislation.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Maynard.

Thereafter, at the request of Senator Stollings, and by unanimous consent, the remarks by Senator Maynard were ordered printed in the Appendix to the Journal.

Pending announcement of meetings of standing and select committees of the Senate,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Saturday, March 18, 2017, at 9 a.m.

SENATE CALENDAR

**Saturday, March 18, 2017
9:00 AM**

THIRD READING

- Eng. Com. Sub. for S. B. 16 - Repealing section related to wind power projects
- Eng. Com. Sub. for Com. Sub. for S. B. 308 - Clarifying administrative and law-enforcement activities of DNR police officers are important to conservation and management of state's fish and wildlife
- Eng. S. B. 443 - Establishing Adult Drug Court Participation Fund (original similar to HB2766)
- Eng. Com. Sub. for S. B. 500 - Relating to Medicaid fraud and abuse
- Eng. S. B. 524 - Relating to WV academic standards
- Eng. S. B. 554 - Relating to false swearing in legislative proceeding
- Eng. Com. Sub. for S. B. 559 - Relating to limited video lottery
- Eng. Com. Sub. for S. B. 581 - Relating generally to administration of trusts (original similar to HB2978)
- Eng. S. B. 620 - Relating to traffic regulations
- Eng. Com. Sub. for H. B. 2028 - Relating to the venue for suits and other actions against the state - (Com. title amend. pending)

SECOND READING

- Com. Sub. for Com. Sub. for S. B. 290 - Authorizing operators of distillery or mini-distillery offer for purchase and consumption of liquor on Sundays
- S. B. 608 - Clarifying lawful business structures are unaffected by enactment of prohibitory legislation

FIRST READING

- Com. Sub. for Com. Sub. for S. B. 27 - Relating to microprocessor permit (original similar to HB2458)
- Com. Sub. for S. B. 36 - Permitting school nurses to possess and administer opioid antagonists
- Com. Sub. for S. B. 216 - Permitting exclusion, modification or limitation of warranties in sale of used motor vehicles (original similar to HB2578, SB217)
- Com. Sub. for Com. Sub. for S. B. 219 - Relating to conspiracy to commit crimes under Uniform Controlled Substances Act (original similar to HB2541)

Com. Sub. for Com. Sub. for S. B. 341 - Establishing WV business growth in low-income communities tax credit

S. B. 468 - Removing restrictions on where traditional lottery games may be played

Com. Sub. for S. B. 480 - Authorizing local government adopt energy efficiency partnership programs

S. B. 547 - Modifying fees paid to Secretary of State

Com. Sub. for S. B. 548 - Providing for specific escheat of US savings bonds

S. B. 564 - Relating to Statewide Independent Living Council

Eng. H. B. 2300 - Regulating step therapy protocols

Eng. Com. Sub. for H. B. 2447 - Renaming the Court of Claims the state Claims Commission - (Com. amend. and title amend. pending)

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2017

Saturday, March 18, 2017

11 a.m. or 30 Minutes Upon Adjournment	Education	(Room 451M)
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11 a.m. or 30 Minutes Upon Adjournment	Government Organization	(Room 208W)
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2 p.m. (Tentatively)	Finance	(Room 451M)
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Monday, March 20, 2017

9 a.m.	Select Committee on Tax Reform	(Room 451M)
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