

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE  
REGULAR SESSION, 2018  
SECOND DAY

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Charleston, West Virginia, Thursday, January 11, 2018

The Senate met at 11:16 a.m.

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

Prayer was offered by the Reverend Lauren A. Godwin, Grace United Methodist Church, Keyser, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Craig Blair, a senator from the fifteenth district.

Pending the reading of the Journal of Wednesday, January 10, 2018,

At the request of Senator Stollings, 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 Clerk presented the following communication from a state agency as required by the provisions of law:

Legislative Rule-Making Review Committee

The Senate proceeded to the sixth order of business.

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

**By Senator Maynard:**

**Senate Bill 153**—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to state-owned vehicles.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 154**—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to parking.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 155**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources.

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

**By Senator Maynard:**

**Senate Bill 156**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from combustion of solid waste.

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

**By Senator Maynard:**

**Senate Bill 157**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from municipal solid waste landfills.

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

**By Senator Maynard:**

**Senate Bill 158**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from hazardous waste treatment, storage and disposal facilities.

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

**By Senator Maynard:**

**Senate Bill 159**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants.

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

**By Senator Maynard:**

**Senate Bill 160**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards.

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

**By Senator Maynard:**

**Senate Bill 161**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to West Virginia surface mining reclamation.

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

**By Senator Maynard:**

**Senate Bill 162**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to voluntary remediation and redevelopment.

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

**By Senator Maynard:**

**Senate Bill 163**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to hazardous waste management system.

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

**By Senator Maynard:**

**Senate Bill 164**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to underground storage tanks.

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

**By Senator Maynard:**

**Senate Bill 165**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to hospital licensure.

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

**By Senator Maynard:**

**Senate Bill 166**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments.

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

**By Senator Maynard:**

**Senate Bill 167**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to public water systems.

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

**By Senator Maynard:**

**Senate Bill 168**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to emergency medical services.

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

**By Senator Maynard:**

**Senate Bill 169**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to West Virginia clearance for access: registry and employment screening.

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

**By Senator Maynard:**

**Senate Bill 170**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to development of methodologies to examine needs for substance use disorder treatment facilities within the state.

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

**By Senator Maynard:**

**Senate Bill 171**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to collection and exchange of data related to overdoses.

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

**By Senator Maynard:**

**Senate Bill 172**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Health Care Authority to promulgate a legislative rule relating to financial disclosure.

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

**By Senator Maynard:**

**Senate Bill 173**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to child care centers licensing.

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

**By Senator Maynard:**

**Senate Bill 174**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to family child care facility licensing requirements.

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

**By Senator Maynard:**

**Senate Bill 175**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to family child care home registration requirements.

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

**By Senator Maynard:**

**Senate Bill 176**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to child placing agencies licensure.

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

**By Senator Maynard:**

**Senate Bill 177**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to informal and relative family child care home registration requirements.

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

**By Senator Maynard:**

**Senate Bill 178**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to out-of-school-time child care center licensing requirements.

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

**By Senator Maynard:**

**Senate Bill 179**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to pilot program for drug screening of applicants for cash assistance.

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

**By Senator Maynard:**

**Senate Bill 180**—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Fire Commission to promulgate a legislative rule relating to electrician licensing.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 181**—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Fire Commission to promulgate a legislative rule relating to hazardous substance emergency response training programs.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 182**—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Governor's Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to law-enforcement training and certification standards.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 183**—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Governor's Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to protocol for law enforcement response to domestic violence.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 184**—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Highways to promulgate a legislative rule relating to disposal, lease and management of real property and appurtenant structures and relocation assistance.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 185**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Accountancy to promulgate a legislative rule relating to board rules and rules of professional conduct.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 186**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to animal disease control.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 187**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to auctioneers.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 188**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to noxious weeds.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 189**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to inspection of meat and poultry.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 190**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia apiary law.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 191**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to inspection of nontraditional, domesticated animals.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 192**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to schedule of charges for inspection services: fruit.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 193**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Athletic Commission to promulgate a legislative rule relating to administrative rules of the West Virginia State Athletic Commission.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 194**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Athletic Commission to promulgate a legislative rule relating to regulation of mixed martial arts.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 195**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Licensed Dietitians to promulgate a legislative rule relating to licensure and renewal requirements.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 196**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Hearing Aid Dealers to promulgate a legislative rule relating to rules governing the West Virginia Board of Hearing Aid Dealers.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 197**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to licensure, disciplinary and complaint procedures, continuing education, physician assistants.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 198**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to continuing education for physicians and podiatric physicians.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 199**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Optometry to promulgate a legislative rule relating to rules of the West Virginia Board of Optometry.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 200**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 201**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 202**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to pharmacist recovery networks.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 203**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to immunizations administered by pharmacists and pharmacy interns.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 204**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to centralized prescription processing.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 205**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to Uniform Controlled Substances Act.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 206**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to registration of pharmacy technicians.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 207**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to controlled substances monitoring program.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 208**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners of Psychologists to promulgate a legislative rule relating to fees.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 209**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners of Psychologists to promulgate a legislative rule relating to requirements for licensure as a psychologist and/or a school psychologist.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 210**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners of Psychologists to promulgate a legislative rule relating to code of conduct.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 211**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to requirements for licensure and certification.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 212**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Commission to promulgate a legislative rule relating to licensing real estate brokers, associate brokers and salespersons and the conduct of brokerage business.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 213**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Commission to promulgate a legislative rule relating to schedule of fees.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 214**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Commission to promulgate a legislative rule relating to requirements for real estate courses, course providers and instructors.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 215**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to procedures for canvassing elections.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 216**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to procedures for handling ballots and counting write-in votes in counties using optical scan ballots.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 217**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to vote by mail pilot project phase 2: voting by mail.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 218**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to organization and operation and licensing of veterinarians.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 219**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to certified animal euthanasia technicians.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 220**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to schedule of fees.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 221**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to Zipline and Canopy Tour Responsibility Act.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 222**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to bedding and upholstered furniture.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 223**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to Amusement Rides and Amusement Attractions Safety Act.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 224**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to Elevator Safety Act.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 225**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to employer wage bonds.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 226**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to registration of service persons and service agencies.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 227**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to registration of weighing and measuring devices used by businesses in commercial transactions.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 228**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners' Health, Safety and Training to promulgate a legislative rule relating to operating diesel equipment in underground mines in West Virginia.

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

**By Senator Maynard:**

**Senate Bill 229**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to hunting, fishing and other outfitters and guides.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 230**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to controlling the public land corporation's sale, lease, exchange or transfer of land or minerals.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 231**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to general hunting.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 232**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to special migratory game bird hunting.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 233**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to miscellaneous permits and licenses.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 234**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to wildlife disease management.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 235**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Lottery Commission to promulgate a legislative rule relating to state lottery rules.

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

**By Senator Maynard:**

**Senate Bill 236**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing.

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

**By Senator Maynard:**

**Senate Bill 237**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to farm to food bank tax credit.

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

**By Senator Maynard:**

**Senate Bill 238**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to payment of taxes by electronic funds transfer.

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

**By Senator Maynard:**

**Senate Bill 239**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to property transfer tax.

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

**By Senator Maynard:**

**Senate Bill 240**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to municipal sales and service and use tax administration.

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

**By Senators Trump and Blair:**

**Senate Bill 241**—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.

Referred to the Committee on the Judiciary.

**By Senators Trump, Blair, Maroney, and Rucker:**

**Senate Bill 242**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-6-38; to amend said code by adding thereto a new section, designated §33-15-4l; to amend said code by adding thereto a new section, designated §33-16-3x; and to amend said code by adding thereto a new section, designated §33-25A-8l, all relating to requiring health insurance providers to provide coverage for long-term antibiotic therapy for a patient with Lyme Disease.

Referred to the Committee on Health and Human Resources.

**By Senators Trump, Unger, Blair, and Rucker:**

**Senate Bill 243**—A Bill to amend and reenact §50-1-2 of the Code of West Virginia, 1931, as amended, relating to the number of magistrates in Berkeley County.

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

**By Senators Azinger and Rucker:**

**Senate Bill 244**—A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to specifying the conditions where and by whom it is unlawful to possess a firearm at school-sponsored functions; identifying the area of those functions; revising the

conditions when a retired law-enforcement officer may possess a firearm; prohibiting education officials from authorizing certain individuals; and providing where in a locked vehicle a firearm may be placed.

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

**By Senator Azinger:**

**Senate Bill 245**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-16-1, relating to making it a felony to use a communication facility to commit another felony; defining a term; and establishing penalties.

Referred to the Committee on the Judiciary.

**By Senators Azinger and Cline:**

**Senate Bill 246**—A Bill to amend and reenact §61-3-11 of the Code of West Virginia, 1931, as amended, relating to increasing the penalty for burglary if a crime against another person is committed during the burglary.

Referred to the Committee on the Judiciary.

**By Senators Azinger and Cline:**

**Senate Bill 247**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-7a, relating to making it a felony to attempt to kill another person; and establishing a penalty.

Referred to the Committee on the Judiciary.

**By Senators Azinger, Rucker, and Cline:**

**Senate Bill 248**—A Bill to amend and reenact §61-8B-7, §61-8B-9a, and §61-8B-9b of the Code of West Virginia, 1931, as amended, all relating to raising the age to 16 of children who are victims of certain sex offenses.

Referred to the Committee on the Judiciary.

**By Senators Azinger and Cline:**

**Senate Bill 249**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3-59, relating to making it a felony to possess a stolen firearm with an altered serial number; and establishing a penalty.

Referred to the Committee on the Judiciary.

**By Senators Azinger and Cline:**

**Senate Bill 250**—A Bill to amend and reenact §61-2-9 of the Code of West Virginia, 1931, as amended, relating to creating the crime of aggravated malicious wounding; making the crime a felony; and establishing a penalty.

Referred to the Committee on the Judiciary.

**By Senators Azinger and Cline:**

**Senate Bill 251**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-4C-24, relating to allowing initial responders to administer

Naloxone or other approved opioid antagonist in an emergency situation to an individual who has overdosed; making an individual who has received an opioid antagonist from an initial responder responsible for its cost; and defining terms.

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

**By Senators Azinger and Cline:**

**Senate Bill 252**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-9a, relating to requiring all schools provide an elective course on Hebrew Scriptures, Old Testament of the Bible, or New Testament of the Bible; stating a purpose; permitting students to use a translation of their choice; requiring teacher certification; and requiring federal and state laws be followed regarding religious neutrality while accommodating the diverse religious views of students.

Referred to the Committee on Education.

**By Senators Plymale, Unger, and Boso:**

**Senate Bill 253**—A Bill to amend and reenact §18-2-6 of the Code of West Virginia, 1931, as amended, relating generally to applied associate of science degrees that target workforce needs; authorizing certain schools to grant applied associate of science degrees that target workforce needs; requiring the West Virginia State Board of Education to promulgate rules setting the minimum standards for granting applied associate of science degrees that target workforce needs; and limiting the schools that grant applied associate of science degrees that target workforce needs to vocational-technical schools which are accredited by the appropriate nationally recognized accrediting agency or association approved by the United States Department of Education.

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

**By Senators Trump and Blair:**

**Senate Bill 254**—A Bill to amend and reenact §5-16-5a of the Code of West Virginia, 1931, as amended, relating to the expansion of the finance board's discretion to include in its financial plans subsidies from the Retirement Health Benefit Trust Fund for employees who meet four enumerated elements.

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

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

**Senate Resolution 4**—Honoring the life of Dr. Harry Warren Boggs (1927-2011) of Keyser, West Virginia, a dedicated public servant.

Whereas, Dr. Harry Warren Boggs, a life-long resident of Keyser, West Virginia, attended Keyser High School, Potomac State College, West Virginia University, and the Pennsylvania College of Optometry; and

Whereas, Dr. Harry Warren Boggs served as a Naval Aviator-Captain with the U. S. Navy and was a commanding officer in four major commands. He served two tours in the Pentagon Naval

Command Center and with the National Navy Reserve Policy Board. He accumulated 8,150 flight hours during 31 years of service while traveling to 50 foreign countries; and

Whereas, Dr. Harry Warren Boggs served as past president of the Mineral County Development Authority, the Mineral County Industrial Development Corporation, the Keyser Rotary Club, and the Mineral County Chamber of Commerce. He was the financial chairman of the Queens Meadow Point Cemetery Corporation and of the Mineral County Republican Club; and

Whereas, Dr. Harry Warren Boggs served on the United Board of Trustees of Davis and Elkins College in Elkins, West Virginia, and on the Board of Trustees for the Sunnyside Retirement Community in Harrisonburg, Virginia. Additionally, he was the director of the former National Bank of Keyser and of the Keyser Main Street Program; served as the American Field Service founding president in 1965; and as past chairman of the county United Way; and

Whereas, Dr. Harry Warren Boggs was a member of the WV Board of Optometry, WV Optometric Health System Memorial Board, Executive Board of Potomac Council Boy Scouts of America, Boyce Houser Post 41 American Legion, VFW Post 318 Nancy Hanks, WV Regional Jail and Prison Authority, Davis Lodge #51, and an active life-time member of the Keyser Presbyterian Church; and

Whereas, Dr. Harry Warren Boggs received the Distinguished West Virginian Award (the highest civilian award bestowed by the Governor of West Virginia); the Mineral County Citizen of the Year Award from the Keyser Kiwanis Club; the Distinguished Service Award from Potomac State College of WVU; the Silver Beaver Boy Scout Award; and was inducted into the Keyser High School Legion of Honor; and

Whereas, It is fitting that we honor Dr. Harry Warren Boggs for his everlasting contributions to Mineral County, the State of West Virginia and our great nation; therefore, be it

*Resolved by the Senate:*

That the Senate hereby honors the life of Dr. Harry Warren Boggs (1927-2011) of Keyser, West Virginia, a dedicated public servant; and, be it

*Further Resolved,* That the Senate extends its most sincere appreciation and gratitude to the family of Dr. Harry Warren Boggs for his dedicated public service; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the family of Dr. Harry Warren Boggs.

At the request of Senator Trump, 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 Trump, Sypolt, and Smith regarding the adoption of Senate Resolution 4 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:26 a.m., the Senate recessed to present Senate Resolution 4.

The Senate reconvened at 11:29 a.m. today and resumed business under the sixth order.

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

**Senate Resolution 5**—Recognizing the dedicated public service of Anne Palmer to Mineral County and the State of West Virginia.

Whereas, Anne Palmer has faithfully served as the Executive Director of the Mineral County Chamber of Commerce for the past 22 years; and

Whereas, Under the leadership of Anne Palmer, the mission of the Mineral County Chamber of Commerce is to stimulate and enhance the business environment and quality of life in Mineral County through the following goals: To be the most effective, prominent voice for the business community on issues affecting countywide business vitality; to be responsive to the needs and concerns of our members and our entire community, and to be a professional, creative resource and advocator addressing those needs; to be the most effective and respected advocate for sound government policies and effective governmental leadership, at the state and local levels, and at the federal level as appropriate; to promote cooperative efforts and public/private partnerships that will focus on social, economic, and political issues that affect the health and well-being of businesses and citizens of Mineral County; and

Whereas, Anne Palmer has organized Mineral County Day at the Legislature for the past 18 years, encouraging members of her organization and citizens of Mineral County to engage their legislators and participate in the legislative process, while showcasing the best of Mineral County; and

Whereas, Anne Palmer has worked tirelessly for more than two decades recruiting and attracting business to Mineral County for the betterment of the county and its citizens; and

Whereas, Anne Palmer has earned the respect of all people who have crossed her path and her successful career is a shining example to all West Virginians of what can be accomplished with dedication, commitment, and hard work; therefore, be it

*Resolved by the Senate:*

That the Senate hereby recognizes the dedicated public service of Anne Palmer to Mineral County and the State of West Virginia; and, be it

*Further Resolved,* That the Senate extends its most sincere appreciation and gratitude to Anne Palmer for her dedicated public service; and, be it

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

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, Trump, Smith and Blair regarding the adoption of Senate Resolution 5 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:36 a.m., the Senate recessed to present Senate Resolution 5.

The Senate reconvened at 11:39 a.m. today and resumed business under the sixth order.

### **Petitions**

Senators Trump and Blair presented a petition from Eric and Linda Pritchard and numerous fifteenth senatorial district residents, supporting **Senate Bill 242** (*Requiring health insurance providers provide coverage for certain Lyme disease treatment*).

Referred to the Committee on Health and Human Resources.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 1**, US Army SGT Denver E. Short Memorial Road.

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

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

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

**Senate Concurrent Resolution 3**, Michael Angiulli Memorial Bridge.

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

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

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

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

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, at 11:43 a.m., the Senate adjourned until tomorrow, Friday, January 11, 2018, at 11 a.m.

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