

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE  
REGULAR SESSION, 2018  
TENTH DAY

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Charleston, West Virginia, Friday, January 19, 2018

The Senate met at 11:03 a.m.

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

Prayer was offered by the Reverend Dick Corbin, Director of Church Relations, Union Mission of West Virginia, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Tom Takubo, a senator from the seventeenth district.

Pending the reading of the Journal of Thursday, January 18, 2018,

At the request of Senator Jeffries, 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:

Hearing Aid Dealers Licensure Board (§30-1-12)

The Senate proceeded to the third order of business.

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

**Eng. House Bill 4005**—A Bill to amend and reenact §58-5-1 of the Code of West Virginia, 1931, as amended, relating to appeals as a matter of right in the West Virginia Supreme Court of Appeals; and providing that all appeals shall be afforded a full and meaningful review, an opportunity to be heard, and a written decision on the merits.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 37**, Equalizing penalty for entering without breaking regardless of time of day.

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

**Com. Sub. for Senate Bill 37** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-3-11 of the Code of West Virginia, 1931, as amended, relating to the crime of burglary; eliminating the offense of daytime burglary; making breaking and entering or entering without breaking into a dwelling or outbuilding thereof a felony regardless of time of day; and establishing the criminal penalty for burglary.

**Senate Bill 39**, Creating Sexual Assault Victims' Bill of Rights.

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

**Com. Sub. for Senate Bill 39** (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-11A-9, relating to creating the Sexual Assault Victims' Bill of Rights; declaring additional rights bestowed upon sexual assault survivors regarding medical forensic examinations, sexual assault evidence collection kits, and other similar topics; clarifying the right of a victim to be accompanied by a personal representative during certain proceedings; requiring sexual assault victims be informed or notified of certain rights; incorporating other rights contained in code; and defining terms.

And,

**Senate Bill 292**, Relating to Commission on Special Investigations.

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

**Com. Sub. for Senate Bill 292** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §4-5-1, §4-5-2, §4-5-3, §4-5-4, and §4-5-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §4-5-7 and §4-5-8, all relating to the Commission on Special Investigations; continuing the commission; clarifying composition and chairmanship of the commission; redefining what constitutes a quorum for voting procedures of the commission; clarifying contents of the commission's annual report; listing existing and necessary commission staff positions; granting power to conduct interviews and request production from agencies of the state and its political subdivisions of books, records, documents, papers, or any other tangible thing, computers, laptops, computer hard drives, electronic records including, but not limited to, emails, files, documents and metadata, or any other thing, in any form in which they may exist; requiring compliance with such requests; authorizing the director to issue subpoenas on the commission's behalf; granting authority to the commission to require an agency head to appear before the commission to answer questions regarding a failure to appear or produce requested or subpoenaed material or other related concerns including the basis for the failure to comply; authorizing the commission and director to order or direct that all or a portion of the information communicated to the commission at the commission's request, including the existence of the investigation, be confidential and not made

public; establishing requirements for the commission to enter into executive session; establishing procedures for conducting executive session; removing requirement that Joint Committee on Government and Finance approve expenses of the commission; establishing procedure for the commission's retention and disposal of records; establishing new offenses of impersonating a commission member or staff member and of threatening or otherwise obstructing a commission member or staff; establishing penalties; allowing the commission to award duty weapons to certain members on retirement; exempting the commission from the jurisdiction of the agency for surplus property within the Purchasing Division of the Department of Administration with respect to the disposal of the commission's primary and secondary duty weapons; and authorizing sale of surplus weapons to active and retired members of the commission's investigative staff.

With the recommendation that the three committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 75**, Relating to sale or transfer of video lottery locations.

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

**Com. Sub. for Senate Bill 75** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §29-22B-501 of the Code of West Virginia, 1931, as amended, relating to video lottery in general; providing that a limited video lottery retailer may sell or transfer ownership of one or more locations, including the limited video lottery retailer's license or permit associated with that location; providing that a purchaser or transferee shall satisfy the requirements for a limited video lottery retailer's license; providing that the state Lottery Commission be given prior written notice of the sale or transfer; and making technical corrections to internal citations.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 116**, Providing court costs collected under Second Chance Driver's License Program are not subject to 5 percent offset.

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

**Com. Sub. for Senate Bill 116** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §17B-7-5 and §17B-7-9 of the Code of West Virginia, 1931, as amended, all relating to the Second Chance Driver's License Program; providing that court's accounting of amounts due for crime victim restitution be separately identified; providing that any moneys for restitution that are not submitted in the accounting by the court may not be waived by the participant's completion of the program; and providing that amounts of court costs collected under the Second Chance Driver's License Program attributable to crime victim restitution are not subject to the five percent offset for use by the Director of the Division of Justice and Community Services in the administration of the program.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

The bill (Com. Sub. for S. B. 116), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration

**Com. Sub. for Senate Bill 134**, Authorizing Division of Homeland Security and Emergency Management to engage individuals for emergency response and recovery.

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

Respectfully submitted,

Craig Blair,  
*Chair.*

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

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

**Senate Bill 161**, DEP rule relating to surface mining reclamation.

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,

Randy E. Smith,  
*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 Energy, Industry, and Mining pending.

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 172**, Health Care Authority rule relating to financial disclosure.

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 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 173**, DHHR rule relating to child care centers licensing.

**Senate Bill 174**, DHHR rule relating to family child care facility licensing.

**Senate Bill 175**, DHHR rule relating to family child care home registration requirements.

**Senate Bill 177**, DHHR rule relating to informal and relative family child care home registration.

**Senate Bill 178**, DHHR rule relating to out-of-school-time child care center licensing.

And,

**Senate Bill 179**, DHHR rule relating to drug screening of applicants for cash assistance.

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

Respectfully submitted,

Tom Takubo,  
*Chair.*

The bills, under the original double committee references, were then referred to the Committee on the Judiciary.

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

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

**Senate Bill 228**, Office of Miners' Health, Safety and Training rule relating to operating diesel equipment in underground mines.

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

Respectfully submitted,

Randy E. Smith,  
*Chair.*

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

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

Your Committee on Finance has had under consideration

**Senate Bill 235**, Lottery Commission rule relating to state lottery rules.

**Senate Bill 236**, Racing Commission rule relating to thoroughbred racing.

**Senate Bill 238**, Tax Department rule relating to payment of taxes by electronic funds transfer.

**Senate Bill 239**, Tax Department rule relating to property tax transfer.

And,

**Senate Bill 240**, Tax Department rule relating to municipal sales and service and use tax administration.

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

Respectfully submitted,

Craig Blair,  
*Chair.*

The bills, under the original double committee references, were then referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration

**Senate Bill 237**, Tax Department rule relating to farm to food bank tax credit.

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,

Craig Blair,  
*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 Finance pending.

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

Your Committee on Government Organization has had under consideration

**Senate Bill 267**, Increasing salaries of certain state employees.

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

Respectfully submitted,

C. Edward Gaunch,  
*Chair.*

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

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 Weld:**

**Senate Bill 322**—A Bill to amend and reenact §19-1-3 of the Code of West Virginia, 1931, as amended, relating to employees of the Commissioner of Agriculture.

Referred to the Committee on Agriculture and Rural Development: and then to the Committee on Government Organization.

**By Senators Beach and Ojeda:**

**Senate Bill 323**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-1-15, relating to creating the Office of Outdoor Recreation;

authorizing the hiring of a director of the office and any other personnel necessary; setting forth the duties of the office; requiring an annual report to the Legislature; requiring collaboration with the West Virginia Development Office; requiring consultation with the outdoor recreation community; and authorizing the use of appropriated funds for a grant and loan program to further outdoor recreation in the state.

Referred to the Committee on Economic Development: and then to the Committee on Finance.

**By Senator Blair:**

**Senate Bill 324**—A Bill to amend and reenact §29-22-9 of the Code of West Virginia, 1931, as amended, relating to removing restrictions on where certain traditional lottery games may be played.

Referred to the Committee on Finance.

**By Senators Beach and Ojeda:**

**Senate Bill 325**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-17, relating to the creation of the County Home Rule Pilot Program; setting forth legislative findings; creating the pilot program; setting criteria for participating counties including a minimum population; extending the Municipal Home Rule Board to administer the County Home Rule Pilot Program; detailing powers and duties of the board; requiring a written plan, public hearing, and notice for counties that wish to participate; authorizing the board to approve up to four counties; setting forth powers and duties of counties; detailing restrictions on the types of ordinances that counties are prohibited from enacting; authorizing amendments to the county plan or ordinances; requiring certain reports be completed annually; and setting a termination date for the pilot program.

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

**By Senators Weld, Takubo, Cline, and Trump:**

**Senate Bill 326**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-19-1, relating to providing protection from civil liability for certain individuals for damage to an owner's motor vehicle when removing a domesticated animal from the locked and/or unattended motor vehicle under certain circumstances.

Referred to the Committee on the Judiciary.

**By Senators Weld, Boso, Gaunch, Cline, and Drennan:**

**Senate Bill 327**—A Bill to amend and reenact §61-2-13 of the Code of West Virginia, 1931, as amended, relating to the crime of extortion; and providing that extorting anything of value, including sexual contact and sexual intercourse, or an image of an intimate body part qualifies as extortion and subjects a person to a criminal penalty.

Referred to the Committee on the Judiciary.

**By Senators Weld, Boso, Cline, Ferns, and Blair:**

**Senate Bill 328**—A Bill to amend and reenact §60A-4-407 of the Code of West Virginia, 1931, as amended, relating to requiring participation in a drug court program, under certain



circumstances, before a conditional discharge for first offense of possession of a controlled substance may be granted.

Referred to the Committee on the Judiciary.

**By Senators Weld, Cline, Drennan, and Ferns:**

**Senate Bill 329**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-4G-1, §16-4G-2, §16-4G-3, §16-4G-4, and §16-4G-5, all relating to prescribing of opioids; defining terms; limiting the quantity of opioids prescribed in specified circumstances; setting out requirements for prescribing opioids for acute pain; setting forth requirements for subsequent prescribing of opioids; requiring patient counseling; allowing for a referral to a pain management clinic in certain circumstances; requiring accessing of the Controlled Substance Monitoring Database in certain instances; and providing for exceptions.

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

**By Senators Sypolt, Azinger, Karnes, Mann, Maynard, and Rucker:**

**Senate Bill 330**—A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18B-1-12; and to amend and reenact §21-1A-3 of said code, all relating to exemptions from mandated immunizations.

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

**By Senators Karnes, Boso, Cline, Drennan, Gaunch, Mann, Rucker, Swope, Sypolt, and Blair:**

**Senate Bill 331**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-56; and to amend said code by adding thereto a new section, designated §18-7A-17c, all relating to retirement and pension benefits of certain members of the West Virginia Public Employees Retirement System and the West Virginia Teachers Retirement System who serve in the Legislature or in other part-time positions; and providing that persons who first become members of the retirement system after December 1, 2018, through election, reelection or appointment to the Legislature, or certain other positions, shall receive one fourth of a year of service credit for each full year of service in the Legislature or other part-time position.

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

**By Senators Stollings, Ojeda, Palumbo, Takubo, and Plymale:**

**Senate Bill 332**—A Bill to amend and reenact §16-1-4 of the Code of West Virginia, 1931, as amended, relating to rule-making authority of the Secretary of the Department of Health and Human Resources; and requiring rules to regulate a local health department's operation and establishment of clean syringe exchange programs.

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

**By Senators Weld, Takubo, and Cline:**

**Senate Bill 333**—A Bill to amend and reenact §16-1-4 of the Code of West Virginia, 1931, as amended, relating to rule-making authority of the Secretary of the Department of Health and Human Resources; and requiring rules to regulate a local health department's operation and establishment of clean syringe exchange programs.

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

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

**Senate Resolution 11**—Designating January 19, 2018, as Southern West Virginia Day at the Capitol.

Whereas, Southern West Virginia has a long and proud history of supporting its state and country in times of peace and war; and

Whereas, Southern West Virginia provided much of the fuel which spurred the United States Industrial Revolution; and

Whereas, Southern West Virginia's people have mined coal for 100 years which supported the economy of the State of West Virginia; and

Whereas, Southern West Virginia has given more than \$67 million in the past seven years to the counties and cities across the state through the coal severance tax; and

Whereas, Southern West Virginia's counties of Wyoming, Mingo, Logan, Boone, and Lincoln, together with the Corridor G Regional Development Authority, have been dramatically affected by job losses in the coal mining and coal supply chain industries; and

Whereas, Southern West Virginia is uniquely positioned to create future economic development opportunities by leveraging its natural assets, an available workforce, development sites created by innovative land use planning, and a collaborative network of public/private partnerships into sustainable, job creating opportunities; and

Whereas, Southern West Virginia's counties are working together to improve their economies and the lives of its people through programs such as the Wyoming County Loan Program and Leadership Southern; and

Whereas, Southern West Virginia's successful implementation of Land Use Master Plans has facilitated enhanced transportation and utilities infrastructure necessary to support economic expansion; provided opportunities for industry diversification and smart economic growth; and enhanced quality of life by securing, transitioning, and repurposing land made available through coal mining activities into beneficial economic development assets; and

Whereas, Southern West Virginia, together with the Corridor G Regional Development Authority, intends to create a more vibrant economic future for coal-impacted communities by cultivating economic diversity, strengthening our regional collaborative efforts, and leveraging our region's existing assets through projects such as the Coalfields Expressway, Wood Products Industrial Park, and Rock Creek Development Park; and

Whereas, Southern West Virginia is a national leader in providing rural health care through providers such as Southern WV Health Systems, Williamson Health and Wellness Center, Boone Memorial Hospital, and Logan Regional Medical Center; and

Whereas, Southern West Virginia provides first class public transportation through Tri-River Transit allowing access to work, medical treatment, and education; and

Whereas, Southern West Virginia is home to an outstanding community college network; and

Whereas, Southern West Virginia offers world class career and technical education in high schools like the Boone, Lincoln, and Wyoming Career and Technical Centers, and Mingo Central High School; and

Whereas, Southern West Virginia offers an abundance of outdoor recreational activities and tourist attractions such as the Hatfield-McCoy Trail System, Guyandotte Water Trail, and the Coal River Trail; and

Whereas, This regional collaborative of Southern West Virginia counties recognizes, with great pride, the contributions of the coal mining and coal supply chain industries in providing good jobs, family stability, and community and economic prosperity for the past several decades; and

Whereas, This regional collaborative is committed to valuing Southern West Virginia's deeply rooted coal heritage while it also seeks to produce economic and workforce development outcomes that promote regional economic growth and diversification, new job creation, and re-employment opportunities for our workers, and especially our displaced coal miners; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates January 19, 2018, as Southern West Virginia Day at the Capitol; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Southern West Virginia Day at the Capitol.

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

Thereafter, at the request of Senator Plymale, and by unanimous consent, the remarks by Senator Stollings regarding Senate Resolution 11 were ordered extended in the Journal as follows:

SENATOR STOLLINGS: Thank you, Mr. President.

It gives me great pleasure to speak in favor of this resolution and speak in favor of the area from which has been my home and where I've made my living my entire life. The same area that has lost 40 percent of its economy—40 percent. John Deskins, you remember this report. After propping up this state in the form of coal severance tax for many, many years . . . . My county alone, since 1978, has given 1.3 billion, with a “b”, dollars to the state's General Revenue Fund. That goes to state parks, colleges, universities . . . . I remember the Senator from Pocahontas, our good friend Walt Helmick, saying that they blow a mountain top off in Boone County and send

the profits up to my county where I have six state parks. Boone County doesn't have a state park by the way. We have other great parks: Twin Falls and Chief Logan State Park, etc.

When I look at what's happened in Southern West Virginia and what the potential is, if we play our cards right, this place can come back as a shining star for the future of West Virginia. But we have to play our cards right. We have to invest in infrastructure, transportation—and I think we're doing that. We have to have good leadership—and I think, I introduced some really great leaders up here. And we have to have folks in Commerce and the Governor's office that understands of our potential.

Post-mine land use. I wish you all would write down how many times I've ever said post-mine land use up here. It really has the potential to transform our area. The Rock Creek project is one of many, you know, areas down there that absolutely has all the potential in the world.

So, time will tell if the switch from manufacturing and industrial development to military training and, perhaps, both those together how that works out. I'm hoping and praying it works out good. I'm promised it will work out good, that we're not really changing anything about the Rock Creek project except the ingress and egress.

At the same time, there's some people here that worry about if you're up there shooting a bunch of tanks, whether you're going to have industry sitting right beside it. Again, I hope, and I think only time will tell.

So, as we go forward in West Virginia, I think we ought to look at a loss of 40 percent of your economy in the southwest coalfield area as a real sense of highest urgency. And we need to focus on that. We need to, because otherwise, you know, we can all be an area instead of net giving but net taking. So, I think the people in the room and I think if you read this resolution carefully—and I hope you will—that we have a chance. We're sitting at a critical time in our life where we can truly grow and diversify and develop a new economy in Southern West Virginia and, thus, propping up the entire state again.

Urge adoption.

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At the request of Senator Prezioso, and by unanimous consent, the remarks by Senators Ojeda and Cline regarding the adoption of Senate Resolution 11 were ordered printed in the Appendix to the Journal.

On motion of Senator Ferns, at 11:25 a.m., the Senate recessed to present Senate Resolution 11.

The Senate reconvened at 11:27 a.m. today and proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 73**, Modifying crime of fleeing from scene of accident.

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, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda,

Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Beach and Romano—2.

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. 73) 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 154**, Department of Administration rule relating to parking.

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, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Beach and Romano—2.

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. 154) passed with its title.

Senator Ferns moved that the bill take effect from passage.

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

The nays were: None.

Absent: Beach and Romano—2.

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 S. B. 154) takes effect from passage.

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

**Eng. Senate Bill 296**, Relating to sale or transfer of surplus property.

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, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda,

Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Beach and Romano—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 296) 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 297**, Eliminating taxation on annuity considerations collected by life insurer.

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, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Beach and Romano—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 297) 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 298**, Authorizing county assessors make separate entries in landbooks when real property is partly used for exempt and partly for nonexempt purposes.

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, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Beach and Romano—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 298) 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 299**, Relating to mandatory insurance coverage for medical foods for amino acid-based formulas.

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, Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Beach and Romano—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 299) 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 301**, Removing limitation on amount collected by county via hotel occupancy tax used for medical or emergency services.

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 Senate Bill 301 pass?”

On the passage of the bill, the yeas were: Baldwin, Blair, Boley, Boso, Clements, Cline, Drennan, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Ojeda, Palumbo, Plymale, Prezioso, Smith, Stollings, Swope, Sypolt, Trump, Weld, Woelfel, and Carmichael (Mr. President)—26.

The nays were: Azinger, Maynard, Rucker, Takubo, and Unger—5.

Absent: Beach and Romano—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 301) passed with its title.

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

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 53**, Correcting code reference in regard to certain persons exempted from prohibitions against carrying concealed deadly weapons.

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

**Senate Bill 62**, Adjusting requirements for hiring school attendance directors.

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 98**, Creating incentives to consolidate local governments.

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 110**, Requiring certain licensees notify law enforcement or EMS of life-threatening emergency on premises.

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 133**, Exempting renewal of certain contracts entered into during declared state of emergency.

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

**Senate Bill 263**, Eliminating film tax credits.

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

**Senate Bill 300**, Creating five-year tax credits for businesses locating on post-coal mine sites.

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

On motion of Senators Stollings and Gaunch, the following amendment to the bill was reported by the Clerk:

On page two, section three, line seven, by striking out the words "of 50 percent".

Following discussion,

The question being on the adoption of the amendment offered by Senators Stollings and Gaunch to the bill, the same was put and prevailed.

The bill (S. B. 300), as amended, was then ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

**Com. Sub. for Senate Bill 146**, Correcting technical error within Solid Waste Management Act.

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 Senators Weld, Takubo, Smith, Woelfel, and Facemire.

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senators Weld, Smith, and Woelfel were ordered printed in the Appendix to the Journal.

At the request of Senator Ojeda, unanimous consent being granted, the remarks by Senator Facemire were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

Senator Carmichael (Mr. President) announced the appointment of Senator Boso as Vice Chair of the Committee on Finance; and the removal of Senator Boso from the Committee on Economic Development.

At the request of Senator Ferns, unanimous consent being granted, leaves of absence for the day were granted Senators Romano and Beach.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Ferns, at 12:24 p.m., the Senate adjourned until Monday, January 22, 2018, at 11 a.m.

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## **SENATE CALENDAR**

**Monday, January 22, 2018  
11:00 AM**

### **THIRD READING**

- Eng. Com. Sub. for S. B. 53 - Correcting code reference in regard to certain persons exempted from prohibitions against carrying concealed deadly weapons
- Eng. S. B. 62 - Adjusting requirements for hiring school attendance directors
- Eng. Com. Sub. for S. B. 98 - Creating incentives to consolidate local governments
- Eng. Com. Sub. for S. B. 110 - Requiring certain licensees notify law enforcement or EMS of life-threatening emergency on premises
- Eng. Com. Sub. for S. B. 133 - Exempting renewal of certain contracts entered into during declared state of emergency (original similar to HB 4034)
- Eng. S. B. 263 - Eliminating film tax credits (original similar to HB 4144)
- Eng. S. B. 300 - Creating five-year tax credits for businesses locating on post-coal mine sites (original similar to SB 12)

### **SECOND READING**

- Com. Sub. for S. B. 146 - Correcting technical error within Solid Waste Management Act

### **FIRST READING**

- Com. Sub. for S. B. 37 - Equalizing penalty for entering without breaking regardless of time of day
- Com. Sub. for S. B. 39 - Creating Sexual Assault Victims' Bill of Rights
- Com. Sub. for S. B. 75 - Relating to sale or transfer of video lottery locations
- Com. Sub. for S. B. 134 - Authorizing Division of Homeland Security and Emergency Management to engage individuals for emergency response and recovery (original similar to HB 4033)
- Com. Sub. for S. B. 292 - Relating to Commission on Special Investigations

**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2018**

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**Monday, January 22, 2018**

3 p.m.

Finance

(Room 451M)