

JOURNAL of THE SENATE State of West Virginia

EIGHTY-THIRD LEGISLATURE

Regular Sixty-Day (and Extended) Session, 2017

First Extraordinary Session, 2017

Second Extraordinary Session, 2017

Third Extraordinary Session, 2017

VOLUME I



NOTE: The first volume of this four-volume Official Senate Journal starts with proceedings proper of the First Regular Session of the Eighty-Third Legislature from January 11, 2017, to April 9, 2017, ending with page 1352 of the Regular Session.

The Index of the Official Journal of 2017 is shown in Volume III.

JOURNAL of THE SENATE State of West Virginia

EIGHTY-THIRD LEGISLATURE

Regular Sixty-Day (and Extended) Session, 2016



NOTE: The First Regular Session of the Eighty-Third Legislature convened on January 11, 2017, and concluded the sixty-day constitutional session at midnight, April 8, 2017. However, by proclamation of the Governor, the session was extended for passage of the annual Budget Bill and final adjournment came on April 9, 2017.

This session 1,802 bills were introduced in the two houses.

Members of the Legislature, officers and standing committee membership lists precede the Official Regular Session Journal and are shown hereinafter.

PUBLISHED UNDER THE DIRECTION OF
CLARK S. BARNES, *Senate Clerk*

STAFF

Kristin Canterbury, *Deputy Clerk*

Lora Thompson, *Chief Desk Clerk*

Lori Nichols, *Journal Clerk*

Xris Hess, *Bill Clerk*

LEGISLATURE OF WEST VIRGINIA
MEMBERS, OFFICERS AND STANDING COMMITTEES

SENATE

REGULAR SESSION, 2017

OFFICERS

President: Mitch Carmichael, (R), Ripley
President pro Tempore: Donna J. Boley, (R), St. Marys
Clerk: Clark S. Barnes, (R), French Creek
Sergeant-at-Arms: Andrew Palmer, Charleston
Doorkeeper: Jeffrey L. Branham, Cross Lanes

District	Name	Address
First	Ryan J. Ferns, (R).....	Wheeling
	*Ryan W. Weld, (R).....	Wellsburg
Second	¹ Charles H. Clements, (R).....	New Martinsville
	*Michael J. Maroney, (R).....	Glen Dale
Third	² Michael T. Azinger, (R).....	Vienna
	*Donna J. Boley, (R).....	St. Marys
Fourth	*Mitch Carmichael, (R).....	Ripley
	Mike Hall, (R).....	Winfield
Fifth	*Robert H. Plymale, (D).....	Huntington
	Michael A. Woelfel, (D).....	Huntington
Sixth	Mark R. Maynard, (R).....	Genoa
	*Chandler Swope, (R).....	Bluefield
Seventh	*Richard N. Ojeda II, (D).....	Holden
	Ron D. Stollings, (D).....	Madison
Eighth	C. Edward Gaunch, (R).....	Charleston
	*Glenn D. Jeffries, (D).....	Red House
Ninth	*Sue Cline, (R).....	Brenton
	Jeff Mullins, (R).....	Shady Spring
Tenth	*Kenny Mann, (R).....	Ballard
	Ronald F. Miller, (D).....	Lewisburg
Eleventh	*Gregory L. Boso, (R).....	Summersville
	*Robert J. Karnes, (R).....	Tallmansville
Twelfth	*Douglas E. Facemire, (D).....	Sutton
	Michael J. Romano, (D).....	Clarksburg
Thirteenth	Robert D. Beach, (D).....	Morgantown
	*Roman W. Prezioso, Jr., (D).....	Fairmont
Fourteenth	*Randy E. Smith, (R).....	Davis
	Dave Sypolt, (R).....	Kingwood
Fifteenth	*Craig Blair, (R).....	Martinsburg
	Charles S. Trump IV, (R).....	Berkeley Springs
Sixteenth	*Patricia Puertas Rucker, (R).....	Harper's Ferry
	John R. Unger II, (D).....	Martinsburg
Seventeenth	*Corey Palumbo, (D).....	Charleston
	Tom Takubo, (R).....	South Charleston

* Elected in 2016 to full four-year term.

¹ Appointed January 28, 2017, to unexpired term of Kent Leonhardt, who resigned January 15, 2017.

² Elected in 2016 to unexpired two-year term of David C. Nohe, who resigned August 30, 2015.

Democrats	12
Republicans	<u>22</u>
Total	34

STANDING AND SELECT COMMITTEES OF THE SENATE
2017

AGRICULTURE AND RURAL DEVELOPMENT

Senators Sypolt (*Chair*), Rucker (*Vice Chair*), Clements, Cline, Mann, Maynard, Smith, Beach, Miller, Ojeda and Woelfel.

BANKING AND INSURANCE

Senators Gaunch (*Chair*), Azinger (*Vice Chair*), Clements, Hall, Mann, Maroney, Mullins, Swope, Facemire, Palumbo, Prezioso, Romano and Woelfel.

CONFIRMATIONS

Senators Boley (*Chair*), Ferns (*Vice Chair*), Azinger, Blair, Boso, Gaunch, Miller, Plymale and Prezioso.

ECONOMIC DEVELOPMENT

Senators Maroney (*Chair*), Maynard (*Vice Chair*), Blair, Boso, Cline, Mann, Smith, Swope, Takubo, Jeffries, Miller, Romano, Stollings and Woelfel.

EDUCATION

Senators Mann (*Chair*), Karnes (*Vice Chair*), Azinger, Boley, Hall, Maynard, Rucker, Swope, Trump, Beach, Plymale, Romano, Stollings and Unger.

ENERGY, INDUSTRY AND MINING

Senators Smith (*Chair*), Sypolt (*Vice Chair*), Blair, Boley, Cline, Ferns, Gaunch, Mullins, Swope, Facemire, Jeffries, Ojeda and Woelfel.

ENROLLED BILLS

Senators Maynard (*Chair*), Azinger, Gaunch, Palumbo and Prezioso.

SENATE COMMITTEES

FINANCE

Senators Hall (*Chair*), Mullins (*Vice Chair*), Blair, Boley, Boso, Ferns, Gaunch, Mann, Maroney, Sypolt, Takubo, Facemire, Palumbo, Plymale, Prezioso, Stollings and Unger.

GOVERNMENT ORGANIZATION

Senators Blair (*Chair*), Gaunch (*Vice Chair*), Boso, Clements, Maroney, Smith, Sypolt, Takubo, Weld, Facemire, Jeffries, Miller, Palumbo and Woelfel.

HEALTH AND HUMAN RESOURCES

Senators Takubo (*Chair*), Maroney (*Vice Chair*), Azinger, Clements, Karnes, Rucker, Trump, Weld, Palumbo, Plymale, Prezioso, Stollings and Unger.

INTERSTATE COOPERATION

Senators Cline (*Chair*), Azinger (*Vice Chair*), Maroney, Maynard, Sypolt, Palumbo and Unger.

JUDICIARY

Senators Trump (*Chair*), Weld (*Vice Chair*), Azinger, Clements, Cline, Ferns, Karnes, Maynard, Rucker, Smith, Swope, Beach, Jeffries, Miller, Ojeda, Romano and Woelfel.

MILITARY

Senators Weld (*Chair*), Boley (*Vice Chair*), Azinger, Clements, Cline, Sypolt, Facemire, Ojeda and Palumbo.

NATURAL RESOURCES

Senators Maynard (*Chair*), Mann (*Vice Chair*), Cline, Karnes, Rucker, Smith, Sypolt, Takubo, Beach, Facemire, Prezioso, Stollings and Woelfel.

PENSIONS

Senators Gaunch (*Chair*), Hall (*Vice Chair*), Maroney, Mullins, Weld, Plymale and Romano.

SENATE COMMITTEES

RULES

Senators Carmichael (*Chair*), Blair, Boley, Ferns, Hall, Sypolt, Trump, Palumbo, Plymale, Prezioso and Stollings.

SELECT COMMITTEE ON TAX REFORM

Senators Karnes (*Chair*), Blair (*Vice Chair*), Boso, Ferns, Gaunch, Jeffries and Plymale.

TRANSPORTATION AND INFRASTRUCTURE

Senators Boso (*Chair*), Swope (*Vice Chair*), Gaunch, Maroney, Maynard, Rucker, Beach, Jeffries and Plymale.

WORKFORCE

Senators Swope (*Chair*), Weld (*Vice Chair*), Boso, Karnes, Mullins, Rucker, Smith, Beach, Jeffries, Ojeda and Stollings.

JOINT COMMITTEES

GOVERNMENT AND FINANCE

Senators Carmichael (*Cochair*), Blair, Ferns, Hall, Trump, Plymale and Prezioso.

GOVERNMENT OPERATIONS

Senators Blair (*Cochair*), Gaunch (*Vice Cochair*), Weld, Jeffries and Palumbo.

LEGISLATIVE RULE-MAKING REVIEW

Senators Maynard (*Cochair*), Weld (*Vice Cochair*), Karnes, Sypolt, Jeffries, Miller and Carmichael (*ex officio*).

SENATE COMMITTEES

PENSIONS AND RETIREMENT

Senators Gaunch (*Cochair*), Hall (*Vice Cochair*), Boso, Mullins, Weld, Plymale and Unger.

RULES

Senators Carmichael (*Cochair*), Ferns and Prezioso.

STATUTORY LEGISLATIVE COMMISSIONS

COMMISSION ON ECONOMIC DEVELOPMENT

Senators Maroney (*Cochair*), Maynard (*Vice Cochair*), Boso, Hall, Mann, Swope, Takubo, Trump, Jeffries, Romano, Stollings and Woelfel.

COMMISSION ON INTERSTATE COOPERATION

Senators Cline, (*Cochair*), Azinger (*Vice Chair*), Maroney, Maynard, Sypolt, Palumbo and Unger.

COMMISSION ON SPECIAL INVESTIGATIONS

Senators Carmichael (*Cochair*), Ferns, Trump, Palumbo and Woelfel.

FOREST MANAGEMENT REVIEW COMMISSION

Senators Sypolt (*Cochair*), Karnes, Maynard, Miller and Ojeda.

LEGISLATIVE OVERSIGHT COMMISSION ON EDUCATION ACCOUNTABILITY

Senators Mann (*Cochair*), Karnes (*Vice Cochair*), Boley Cline, Hall, Plymale and Carmichael (*ex officio*).

LEGISLATIVE OVERSIGHT COMMISSION ON HEALTH AND HUMAN RESOURCES ACCOUNTABILITY

Senators Takubo (*Cochair*), Maroney, Rucker, Trump, Prezioso, Stollings and Carmichael (*ex officio*).

SENATE COMMITTEES

**LEGISLATIVE OVERSIGHT COMMISSION ON
STATE WATER RESOURCES**

Senators Smith (*Cochair*), Clements, Mullins, Miller and Palumbo.

**LEGISLATIVE OVERSIGHT COMMISSION ON
WORKFORCE INVESTMENT FOR
ECONOMIC DEVELOPMENT**

Senators Maroney (*Cochair*), Swope, Takubo and Jeffries.

**LEGISLATIVE OVERSIGHT COMMITTEE ON
THE REGIONAL JAIL AND
CORRECTIONAL FACILITY AUTHORITY**

Senators Clements (*Cochair*), Boso (*Vice Cochair*), Azinger, Miller and Romano.

HOUSE COMMITTEES

HOUSE OF DELEGATES

REGULAR SESSION, 2017

OFFICERS

Speaker: Tim Armstead, (R), Elkview

Clerk: Stephen J. Harrison, (R), Cross Lanes

Speaker pro Tempore: John Overington, (R), Martinsburg

Sergeant-at-Arms: Marshall Clay, (R), Fayetteville

Doorkeeper: Frank Larese, (R), Belle

District	Name	Address
First	Pat McGeehan, (R)	Chester
	Mark Zatezalo, (R)	Weirton
Second	Phillip Diserio, (D)	Follansbee
Third	Shawn Fluharty, (D)	Wheeling
	Erikka Storch, (R)	Wheeling
Fourth	Joe Canestraro, (D)	Benwood
	Michael T. Ferro, (D)	McMechen
Fifth	Dave Pethtel, (D)	Hundred
Sixth	Jason Harshbarger, (R)	Pullman
Seventh	Roger Romine, (R)	West Union
Eighth	Everette W. Anderson, Jr., (R)	Williamstown
Ninth	Ray Hollen, (R)	Elizabeth
Tenth	Vernon Criss, (R)	Parkersburg
	Frank Deem, (R)	Vienna
	John R. Kelly, (R)	Parkersburg
Eleventh	Martin Atkinson III, (R)	Reedy
Twelfth	Steve Westfall, (R)	Ripley
Thirteenth	Scott Brewer, (D)	New Haven
	Joshua Higginbotham, (R)	Poca
Fourteenth	Jim Butler, (R)	Henderson
Fifteenth	Geoff Foster, (R)	Winfield
Sixteenth	Sean Hornbuckle, (D)	Huntington
	Carol Miller, (R)	Huntington
	Chuck Romine, (R)	Huntington
Seventeenth	Chad Lovejoy, (D)	Huntington
	Matthew Rohrbach, (R)	Huntington
Eighteenth	Kelli Sobonya, (R)	Barboursville
Nineteenth	Kenneth Paul Hicks, (D)	Kenova
	Robert Thompson, (D)	Wayne
Twentieth	Justin J. Marcum, (D)	Williamson
Twenty-first	Mark Dean, (R)	Verner
Twenty-second	Jeff Eldridge, (D)	Alum Creek
	Zack Maynard, (R)	Harts
Twenty-third	Rodney Miller, (D)	Madison
Twenty-fourth	Rupert Phillips, Jr., (I)	Lorado
	Ralph Rodighiero, (D)	Logan
Twenty-fifth	Tony Paynter, (R)	Hanover
Twenty-sixth	Edward Evans, (D)	Welch
Twenty-seventh	Joe Ellington, (R)	Princeton
	Marty Gearheart, (R)	Bluefield
	John H. Shott, (R)	Bluefield
Twenty-eighth	Roy G. Cooper, (R)	Wayside
	John D. O'Neal IV, (R)	Beckley
Twenty-ninth	Rick Moye, (D)	Crab Orchard
Thirtieth	Mick Bates, (D)	Beckley

HOUSE OF DELEGATES

Thirty-first.....	Karen Arvon, (R)	Beckley
Thirty-second	Tom Fast, (R)	Fayetteville
	Kayla Kessinger, (R)	Mount Hope
	Shirley Love, (D)	Oak Hill
Thirty-third.....	Roger Hanshaw, (R)	Wallback
Thirty-fourth	Brent Boggs, (D).....	Gassaway
Thirty-fifth	Andrew D. Byrd, (D)	South Charleston
	Moore Capito, (R).....	Charleston
	Charlotte Lane, (R)	Charleston
	Eric Nelson, (R)	Charleston
Thirty-sixth	Andrew Robinson, (D).....	Charleston
	Larry L. Rowe, (D)	Charleston
	Brad White, (R)	Charleston
Thirty-seventh	Mike Pushkin, (D).....	Charleston
Thirty-eighth	Nancy Reagan Foster, (R).....	Scott Depot
Thirty-ninth	Ron Walters, (R).....	Charleston
Fortieth.....	Tim Armstead, (R).....	Elkview
Forty-first	Jordan Hill, (R)	Summersville
Forty-second	George Ambler, (R).....	Fort Springs
	Stephen J. Baldwin, (D).....	Ronceverte
Forty-third.....	William G. Hartman, (D).....	Elkins
	Phil Isner, (D)	Elkins
Forty-fourth.....	Dana L. Lynch, (D).....	Webster Springs
Forty-fifth.....	Bill Hamilton, (R).....	Buckhannon
Forty-sixth.....	Patrick Martin, (R).....	Weston
Forty-seventh	Danny Wagner, (R).....	Philippi
Forty-eighth.....	Danny Hamrick, (R)	Clarksburg
	Richard Iaquina, (D)	Clarksburg
	Tim Miley, (D).....	Bridgeport
	Ben Queen, (R)	Bridgeport
Forty-ninth	Amy Summers, (R)	Flemington
Fiftieth.....	Mike Caputo, (D).....	Fairmont
	Linda Longstreth, (D)	Fairmont
	Guy Ward, (R)	White Hall
Fifty-first.....	Barbara Evans Fleischauer, (D)	Morgantown
	Cindy Frich, (R).....	Morgantown
	Rodney Pyles, (D).....	Morgantown
	John Williams, (D).....	Morgantown
	Joe Statler, (R)	Core
Fifty-second	Terri Funk Sypolt, (T).....	Kingwood
Fifty-third.....	Tony Lewis, (R).....	Egion
Fifty-fourth.....	Allen V. Evans, (R).....	Petersburg
Fifty-fifth	Isaac Sponaugle, (D).....	Franklin
Fifty-sixth.....	Gary G. Howell, (R)	Keyser
Fifty-seventh	Ruth Rowan, (R).....	Points
Fifty-eighth	Darryl E. Cowles, (R)	Berkeley Springs
Fifty-ninth	Saira Blair, (R).....	Martinsburg
Sixtieth.....	S. Marshall Wilson, (R).....	Hedgesville
Sixty-first	Jason Barrett, (D).....	Martinsburg
Sixty-second.....	John Overington, (R)	Martinsburg
Sixty-third	Michael Folk, (R).....	Martinsburg
Sixty-fourth.....	Eric L. Householder, (R).....	Martinsburg
Sixty-fifth.....	Jill Upson, (R).....	Charles Town
Sixty-sixth.....	Paul Espinosa, (R).....	Charles Town
Sixty-seventh.....	Riley Moore, (R).....	Harpers Ferry

Democrats	36
Republicans	64
Total	100

HOUSE COMMITTEES

STANDING AND SELECT COMMITTEES OF THE HOUSE OF DELEGATES

2017

AGRICULTURE AND NATURAL RESOURCES

Delegates A. Evans (*Chair of Agriculture*), R. Romine (*Vice Chair of Agriculture*), Hamilton (*Chair of Natural Resources*), Ambler (*Vice Chair of Natural Resources*), Anderson, Atkinson, Cooper, Folk, Hanshaw, Harshbarger, Lewis, C. Miller, Moore, Overington, Summers, Wagner, Sponaule (*Minority Chair of Agriculture*), Thompson (*Minority Vice Chair of Agriculture*), Rodighiero (*Minority Chair of Natural Resources*), Hicks (*Minority Chair of Natural Resources*), Baldwin, Brewer, Eldridge, Love and Lynch.

BANKING AND INSURANCE

Delegates Frich (*Chair of Banking*), Upson (*Vice Chair of Banking*), Westfall (*Chair of Insurance*), White (*Vice Chair of Insurance*), Arvon, Capito, Criss, Deem, A. Evans, Householder, McGeehan, Nelson, O'Neal, C. Romine, Shott, Walters, Marcum (*Minority Chair of Banking*), Lovejoy (*Minority Vice Chair of Banking*), Hartman (*Minority Chair of Insurance*), Robinson (*Minority Vice Chair of Insurance*), Bates, Iaquina, Isner, Rowe and Sponaule.

EDUCATION

Delegates Espinosa (*Chair*), Statler (*Vice Chair*), Blair, Cooper, Dean, Folk, Harshbarger, Higginbotham, Kelly, R. Romine, Rowan, Rohrbach, Upson, Wagner, Westfall, Wilson, Moye (*Minority Chair*), Hornbuckle (*Minority Vice Chair*), Baldwin, E. Evans, Hicks, Pyles, Rodighiero, Rowe and Thompson.

ENERGY

Delegates Anderson (*Chair*), Kelly, (*Vice Chair of Oil and Gas*), Zatezalo (*Vice Chair of Coal*) Hamilton, Harshbarger,

HOUSE COMMITTEES

Higginbotham, Kessinger, Martin, Maynard, Paynter, R. Romine, Statler, Storch, Sypolt, Upson, Ward, Pethtel (*Minority Chair*), Eldridge (*Minority Vice Chair*), Boggs, Caputo, Hicks, Lynch, Marcum and R. Phillips.

FINANCE

Delegates E. Nelson (*Chair*), Householder (*Vice Chair*), Ambler, Anderson, Butler, Cowles, Ellington, Espinosa, A. Evans, Frich, Gearheart, Hamilton, C. Miller, Storch, Walters, Westfall, Boggs (*Minority Chair*), Bates (*Minority Vice Chair*), Barrett, Hartman, Longstreth, Moye, Pethtel, Rowe and Sponaugle.

GOVERNMENT ORGANIZATION

Delegates Howell (*Chair*), Arvon (*Vice Chair*), Atkinson, Criss, Hamrick, Lewis, Martin, Maynard, McGeehan, Paynter, Queen, C. Romine, Sypolt, Ward, Ferro (*Minority Chair*), Diserio (*Minority Vice Chair*), Brewer, Caputo, Eldridge, Iaquinta, Lynch, Marcum, Pyles and Williams.

HEALTH AND HUMAN RESOURCES

Delegates Ellington (*Chair*), Summers (*Vice Chair*), Arvon, Atkinson, Baldwin, Butler, Cooper, Criss, Dean, Hill, Hollen, Householder, Queen, Rohrbach, Rowan, Sobonya, White, Longstreth (*Minority Chair*), Pushkin (*Minority Vice Chair*), Bates, Fleischauer, Fluharty, Iaquinta, Love and Rodighiero.

INDUSTRY AND LABOR

Delegates Fast (*Chair*), Foster (*Vice Chair*), Blair, Cowles, Dean, Ellington, N. Foster, Harshbarger, Hill, Householder, Overington, Shott, Sobonya, Statler, Ward, White, Brewer (*Minority Chair*), Isner (*Minority Vice Chair*), Caputo, Diserio, Fluharty, Ferro, Hicks, R. Miller, Pushkin.

INTERSTATE COOPERATION

Delegates Storch (*Chair*), Hamrick (*Vice Chair*), Ellington, Higginbotham, R. Romine, Barrett and Ferro.

HOUSE COMMITTEES

JUDICIARY

Delegates Shott (*Chair*), Hanshaw (*Vice Chair*), Capito, Deem, Fast, G. Foster, N. Foster, Hollen, Kessinger, Lane, Moore, O’Neal, Overington, Sobonya, Summers, Zatezalo, Fleischauer (*Minority Chair*), Fluharty (*Minority Vice Chair*), Byrd, Canestraro, Isner, Lovejoy, R. Miller, Pushkin and Robinson.

PENSIONS AND RETIREMENT

Delegates Walters (*Chair*), Folk (*Vice Chair*), Anderson, Hamilton, O’Neal, E. Evans and Pethtel.

POLITICAL SUBDIVISIONS

Delegates Storch (*Chair*), Blair (*Vice Chair*), Anderson, Cowles, Folk, G. Foster, Gearheart, Hamrick, Hanshaw, Householder, Lane, Queen, Rohrbach, Statler, Summers, R. Miller (*Minority Chair*), Williams (*Minority Vice Chair*), Barrett, Byrd, Canestraro, Longstreth, Moye, Pyles, Robinson and Rowe.

ROADS AND TRANSPORTATION

Delegates Gearheart (*Chair*), Hamrick (*Vice Chair*), Ambler, Butler, Criss, Dean, Espinosa, Fast, Howell, Lane, Maynard, Paynter, Rohrbach, Statler, Wagner, Capito, Caputo (*Minority Chair*), E. Evans (*Minority Vice Chair*), Boggs, Canestraro, Diserio, Hartman, Moye, Williams and R. Phillips.

RULES

Delegates Armstead (*Chair*), Anderson, Cowles, Ellington Espinosa, Hanshaw, Howell, C. Miller, Nelson, O’Neal, Overington, Shott, Sobonya, Boggs, Caputo, Ferro, Fleischauer, Miley, Moore and Pethtel.

SELECT COMMITTEE ON PREVENTION AND TREATMENT OF SUBSTANCE ABUSE

Delegates Ellington (*Chair*), Kessinger (*Vice Chair*), Frich, Hollen, Sobonya, Storch, Upson, Baldwin, Bates, Boggs and Hornbuckle.

HOUSE COMMITTEES

SENIOR CITIZEN ISSUES

Delegates Rowan (*Chair*), Rohrbach (*Vice Chair*), A. Evans, Lewis, Martin, Maynard, Paynter, Kelly, Queen, C. Romine, R. Romine, Sypolt, Walters, White, Zatezalo, Lynch (*Minority Chair*), Pyles (*Minority Vice Chair*), Boggs, Eldridge, Ferro, Fleischauer, Love, Lovejoy, Moye and Pethel.

SMALL BUSINESS, ENTREPRENEURSHIP AND ECONOMIC DEVELOPMENT

Delegates Hill (*Chair*), Atkinson (*Vice Chair*), Blair, Espinosa, N. Foster, Higginbotham, Kelly, Kessinger, Martin, Moore, C. Miller, Storch, Ward, Wilson Westfall, Zatezalo, Rowe (*Minority Chair*), Barrett (*Minority Vice Chair*), Bates, Byrd, Marcum, Miley, Sponaugle, Thompson and R. Phillips.

VETERANS AFFAIRS AND HOMELAND SECURITY

Delegates Cooper (*Chair of Veterans Affairs*), Wagner (*Vice Chair of Veterans Affairs*), Butler (*Chair of Homeland Security*), McGeehan (*Vice Chair of Homeland Security*), Arvon, Higginbotham, Hollen, Howell, Kelly, Kessinger, Lewis, Paynter, Rowan, Sypolt, Upson, Wilson, Iaquinta (*Minority Chair of Veterans Affairs*), Canestraro (*Minority Vice Chair of Veterans Affairs*), Byrd (*Minority Chair of Homeland Security*), Baldwin (*Minority Vice Chair of Homeland Security*), Ferro, Fleischauer, Longstreth, Lynch and Pushkin.

JOINT COMMITTEES

GOVERNMENT AND FINANCE

Delegates Armstead (*Cochair*), Cowles, C. Miller, Nelson, Shott, Boggs and Miley.

GOVERNMENT OPERATIONS

Delegates Howell (*Cochair*), Arvon, Maynard, Iaquinta and Sponaugle.

HOUSE COMMITTEES

LEGISLATIVE RULE-MAKING REVIEW

Delegates Sobonya (*Cochair*), Frich (*Vice Cochair*), G. Foster, Hanshaw, Fleischauer and Rowe.

PENSIONS AND RETIREMENT

Delegates Walters (*Cochair*), Anderson (*Vice Cochair*), Hamilton, O'Neal, E. Evans and Pethtel.

RULES

Delegates Armstead (*Cochair*), Cowles and Miley.

SELECT COMMITTEE ON TAX REFORM

Delegates Nelson (*Cochair*), Anderson, Householder, O'Neal, Bates, Pethtel and R. Phillips.

STATUTORY LEGISLATIVE COMMISSIONS

COMMISSION ON ECONOMIC DEVELOPMENT

Delegates Atkinson (*Cochair*), Ellington, Espinosa, Hamilton, C. Miller, Nelson, Shott, Walters, Byrd, Hicks, Thompson and R. Phillips.

COMMISSION ON INTERSTATE COOPERATION

Delegates Storch (*Cochair*), Hamrick (*Vice Cochair*), Ellington, Higginbotham, R. Romine, Barrett and Ferro.

COMMISSION ON SPECIAL INVESTIGATIONS

Delegates Armstead (*Cochair*), Nelson, Shott, Bates and Miley.

FOREST MANAGEMENT REVIEW COMMISSION

Delegates Overington (*Cochair*), A. Evans, R. Romine, Hartman and Lynch.

HOUSE COMMITTEES

LEGISLATIVE OVERSIGHT COMMISSION ON EDUCATION ACCOUNTABILITY

Delegates Espinosa (*Cochair*), Anderson, Statler, Upson, Moye and Armstead (*ex officio*).

LEGISLATIVE OVERSIGHT COMMISSION ON HEALTH AND HUMAN RESOURCES ACCOUNTABILITY

Delegates Ellington (*Cochair*), Householder, Rohrbach, Sobonya, Summers, Longstreth and Fleischauer (*nonvoting*).

LEGISLATIVE OVERSIGHT COMMISSION ON STATE WATER RESOURCES

Delegates Ambler (*Cochair*), White, Zatezalo, Brewer and Rowe.

LEGISLATIVE OVERSIGHT COMMISSION ON WORKFORCE INVESTMENT FOR ECONOMIC DEVELOPMENT

Delegates Atkinson (*Cochair*), C. Miller, Walters and Hicks.

LEGISLATIVE OVERSIGHT COMMITTEE ON THE REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

Delegates Fast (*Cochair*), C. Romine, Shott, Love and R. Miller.

WEST VIRGINIA LEGISLATURE
SENATE JOURNAL
EIGHTY-THIRD LEGISLATURE
REGULAR AND EXTENDED SESSION, 2017

WEDNESDAY, JANUARY 11, 2017

Pursuant to section eighteen, article six of the Constitution of the State of West Virginia, which prescribes that the Legislature shall convene annually on the second Wednesday in January, the Legislature assembled in the state capitol in the City of Charleston on this the eleventh day of January, two thousand seventeen, for the first annual session of the eighty-third Legislature.

The Senate met in its chamber at 12 o'clock Noon.

Pending organization of the Senate by the election of a President, under the provisions of section twenty-four, article six of the Constitution, the Senate was called to order by the Honorable Donna J. Boley, a senator from the third senatorial district, being the oldest member present in point of continuous service.

Prayer was offered by the Reverend Dr. Ken Krimmel, West Virginia Conference, United Methodist Church.

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

The Honorable Natalie E. Tennant, Secretary of State, appeared at the bar of the Senate and presented the official returns of the election held on the eighth day of November, two thousand sixteen, for members of the Senate for the State of West Virginia.

**CANDIDATES FOR STATE SENATOR
FOR THE STATE OF WEST VIRGINIA
APPEARING TO HAVE BEEN ELECTED
NOVEMBER 8, 2016**

First Senatorial District: Ryan W. Weld, of the County of Brooke;

Second Senatorial District: Michael J. Maroney, of the County of Marshall;

Third Senatorial District: Donna J. Boley, of the County of Pleasants;

Third Senatorial District: Michael T. Azinger, of the County of Wood;

Fourth Senatorial District: Mitch Carmichael, of the County of Jackson;

Fifth Senatorial District: Robert H. Plymale, of the County of Wayne;

Sixth Senatorial District: Chandler Swope, of the County of Mercer;

Seventh Senatorial District: Richard N. Ojeda II, of the County of Logan;

Eighth Senatorial District: Glenn D. Jeffries, of the County of Putnam;

Ninth Senatorial District: Sue Cline, of the County of Wyoming;

Tenth Senatorial District: Kenny Mann, of the County of Monroe;

Eleventh Senatorial District: Gregory L. Boso, of the County of Nicholas;

Twelfth Senatorial District: Douglas E. Facemire, of the County of Braxton;

Thirteenth Senatorial District: Roman W. Prezioso, Jr., of the County of Marion;

Fourteenth Senatorial District: Randy E. Smith, of the County of Tucker;

Fifteenth Senatorial District: Craig Blair, of the County of Berkeley;

Sixteenth Senatorial District: Patricia Puertas Rucker, of the County of Jefferson;

Seventeenth Senatorial District: Corey Palumbo, of the County of Kanawha.

From the foregoing official returns of the election of members of the Senate, it appears that the persons therein named were elected to the Senate at the election held on the Tuesday next after the first Monday in November, two thousand sixteen.

Whereupon,

On the call of the roll of the Senate, the following members and members-elect answered to their names:

Azinger, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Leonhardt, Mann, Maroney, Maynard, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld and Woelfel.

Thirty-two present and prospective members having answered to their names, the Chair declared the presence of a quorum.

The following members-elect came forward to the Clerk's desk, taking and subscribing to the several oaths of office prescribed by the Constitution, which oaths were administered by the Honorable Allen H. Loughry II, Chief Justice of the Supreme Court of Appeals of West Virginia: Ryan W. Weld, of the County

of Brooke; Michael J. Maroney, of the County of Marshall; Donna J. Boley, of the County of Pleasants; Michael T. Azinger, of the County of Wood; Mitch Carmichael, of the County of Jackson; Robert H. Plymale, of the County of Wayne; Chandler Swope, of the County of Mercer; Richard N. Ojeda II, of the County of Logan; Glenn D. Jeffries, of the County of Putnam; Sue Cline, of the County of Wyoming; Kenny Mann, of the County of Monroe; Gregory L. Boso, of the County of Nicholas; Douglas E. Facemire, of the County of Braxton; Roman W. Prezioso, Jr., of the County of Marion; Randy E. Smith, of the County of Tucker; Craig Blair, of the County of Berkeley; Patricia Puertas Rucker, of the County of Jefferson; and Corey Palumbo, of the County of Kanawha.

The Senate then proceeded to its biennial organization.

The first order of business in the organization of the Senate being the election of a President,

For that office, Senator Blair nominated the Honorable Mitch Carmichael, of the County of Jackson; seconded by Senator Trump.

On motion of Senator Prezioso, nominations for the office of President were closed.

On motion of Senator Ferns, Senator Carmichael was elected President of the Senate by acclamation.

Whereupon, the Chair appointed Senators Ferns, Blair and Prezioso a committee to escort the President-elect to the Chair.

A standing ovation was then accorded the President-elect, as he proceeded to the rostrum accompanied by the foregoing select committee.

Whereupon, Senator Carmichael qualified as President, by taking the several oaths of office prescribed by law and administered by the Honorable Allen H. Loughry II, Chief Justice of the Supreme Court of Appeals of West Virginia.

Senator Carmichael (Mr. President) assumed the Chair and addressed the Senate as follows:

MR. PRESIDENT: Thank you, thank you for granting me the privilege of serving you in the state's most renowned, deliberative body, the West Virginia Senate. I am truly honored. I am deeply humbled. And I am inspired to assist you in your efforts to revolutionize West Virginia.

President John F. Kennedy said, "Change is the law of life. And those who look only to the past are certain to miss the future." We can learn much from these words. Our time as lawmakers is limited. If we spend these precious moments we have during this 60-day session dwelling on the past, we will miss our chance to define West Virginia's future. With a historic election, the citizens of West Virginia have firmly secured a two-party system for this great state. They have overwhelmingly validated a bold, pro-growth agenda. The voters chose quite clearly to trust in a new direction and to take the next step toward prosperity. All of us agree that citizens want, need and deserve jobs in a growing economy. This important goal deserves our full effort and our attention. So, let us not focus on matters that separate and divide us into categories. For united – we will succeed in bringing prosperity to our citizens. And divided – our efforts will fail.

I see in this Senate a unique opportunity for a new beginning. For each senator gathered in this chamber today, there are thousands of people depending on you to shape a brighter future. We must never forget that the people we should serve the most are sometimes the people society has served the least. We must take care of our children. We must protect our seniors. And we must honor our veterans.

Abraham Lincoln once said, "You cannot escape the responsibility of tomorrow by evading it today." And perhaps no group of senators in our state's history has more responsibility on its shoulders than does this group today. My fellow senators, our state is in trouble. There is no way to sugar coat it or to make it sound less unpleasant. Our citizens have the lowest per capita

income in America and are among the poorest in the country; West Virginia does have the lowest workforce participation rate in our nation; our coal industry has been decimated; and a drug abuse crisis of epic proportion is destroying families and killing our young people. We are the only state to have lost population over the last 50 years. These and other failing statistics portray a state in desperate need of a new direction. Now, all of that sounds pretty hopeless, doesn't it? However, as Dale Carnegie said, "Most of the important things in the world have been accomplished by people who have kept on trying when there seemed to be no hope at all."

And I am asking you today to keep on trying for West Virginia. Our citizens and this state are worth the fight. The problems that confront us transcend partisan solutions. And I believe that each of you chose to become a senator because you want to chart a course for progress and to do the right thing. And, while by the very nature of the political system we may differ on what is meant by "the right thing", I have no doubt that whether you are a Republican or whether you are a Democrat, you are here because your love of the State of West Virginia and serving its people is your guiding star.

In his State of the Union address in 1985, President Ronald Reagan said, "We believe faith and freedom must be our guiding stars, for they show us truth, they make us brave, give us hope, and leave us wiser than we were." Ladies and gentlemen, the work we undertake this legislative session will not be for the faint of heart. It will display our bravery. And fellow senators, when we see the benefits of our work in more jobs, better schools and a stronger economy, it will give people hope. The experiences we share as we work together to make these changes will bind us as brothers and sisters and leave us wiser than we were.

We, in this room, in this Senate, in this year, can change the course of history for the families and precious citizens of West Virginia.

And so, against the voices that seek to weaken our resolve through threats of special-interest groups, let us remember the

unemployed worker striving for the dignity of wages to feed his family – and gain our strength.

And against those who wish to slow our pace with the burden of the status quo, let us imagine the hopelessness of a person who is addicted to drugs – in need of a goal with a positive future – and gain our strength.

And against those seeking to dampen our spirits and concerns about the next election, let us realize that doing the right thing carries its own reward; that a clear conscience is priceless – and gain our strength.

Ladies and gentlemen of the Senate and honored guests, each new Legislature begins with an optimistic vision for crafting the policies that will launch this state on an exciting path of progress and prosperity. Perhaps now, more than ever before, does the bright sunshine of opportunity pervade the halls of our state capitol. I firmly believe that the Eighty-Third West Virginia Senate, of which each of you are such a vital part, offers the best potential in more than 80 years to correct the fundamental problems that cause our economy to be stagnant, jobs to be scarce and our population to decline.

These are exciting times to be a West Virginian. A new President of the United States is poised to lift the heavy boot of federal over-regulation from the neck of West Virginia, which will enable our workers to again provide necessary energy resources and their by-products to our state, nation and world. Our new Governor-Elect is committed to jobs. And my hope is that every citizen of our great state will seize this moment with unbridled enthusiasm and an immediate sense of urgency. This is an incredible time for our state with amazing progress just beyond the horizon.

My fellow senators, the theme of this Eighty-Third West Virginia Senate must be jobs. There is a value to a job that goes beyond a paycheck. There is dignity. There is honor. And the self-worth of contributing to the good of society and setting an example

for one's children. People engaged in careers with responsibility and goals will ultimately solve our budget crisis and many of our social ills.

So our primary task is to structure a system that enables the private sector creation of jobs. To accomplish this goal, we have much to do in a limited timeframe. The precious citizens of West Virginia desperately await our action.

You are not here by accident. Each of you has been blessed with a unique mix of talent and ability that is perfectly suited for this moment in history. Poets capture moments such as this with words that make our hearts soar. And for me, a verse from a poem by Edwin Markham perfectly captures the beginning of this Eighty-Third West Virginia Legislature with these words: The task given to each one, no other can do, so the errand has waited; it's waited through the ages for you, and now you appear; and the hushed ones are turning their gaze, to see what you will do with your chance in the chamber of days.

My fellow senators, these are our days. My fellow senators, this is our moment. This is our chamber. The errand is waiting – West Virginia needs jobs, opportunity, hope and progress. And millions of people are turning their gaze to see what you will do with this once-in-a-lifetime chance. Ours is a destiny that makes us brothers and sisters. None of us goes this way alone. Into these fateful days, we journey together.

May God bless each of you and grant that our efforts are worthy of his calling. And may God bless the precious State of West Virginia.

Thank you.

At the request of Senator Ferns, and by unanimous consent, the foregoing acceptance remarks by Senator Carmichael (Mr. President) were ordered extended in the Journal.

The next order of business being the election of a Clerk,

For that office, Senator Sypolt nominated the Honorable Clark S. Barnes, of the County of Randolph; seconded by Senator Prezioso.

On motions of Senator Prezioso, severally made, nominations were closed and the President was authorized to cast the unanimous vote of the Senate for the election of Mr. Barnes.

The President then announced the vote and declared that Mr. Barnes, having received all the votes cast, had been unanimously reelected Clerk of the Senate.

Whereupon, Mr. Barnes qualified as Clerk, by taking the several oaths of office prescribed by law and administered by the Honorable Allen H. Loughry II, Chief Justice of the Supreme Court of Appeals of West Virginia.

The next order of business being the election of a Sergeant at Arms,

For that office, Senator Ferns nominated Andrew Palmer, of the County of Kanawha; seconded by Senator Palumbo.

On motions of Senator Prezioso, severally made, nominations were closed and the President was authorized to cast the unanimous vote of the Senate for the election of Mr. Palmer.

The President then announced the vote and declared that Mr. Palmer, having received all the votes cast, had been unanimously elected Sergeant at Arms of the Senate.

Whereupon, Mr. Palmer qualified as Sergeant at Arms, by taking the several oaths of office prescribed by law and administered by the Honorable Allen H. Loughry II, Chief Justice of the Supreme Court of Appeals of West Virginia.

The last order of business in the biennial organization of the Senate being the election of a Doorkeeper,

For that office, Senator Gaunch nominated the Honorable Jeffrey L. Branham, of the County of Kanawha; seconded by Senator Boso.

On motions of Senator Prezioso, severally made, nominations were closed and the President was authorized to cast the unanimous vote of the Senate for the election of Mr. Branham.

The President then announced the vote and declared that Mr. Branham, having received all the votes cast, had been unanimously elected Doorkeeper of the Senate.

Whereupon, Mr. Branham qualified as Doorkeeper, by taking the several oaths of office prescribed by law and administered by the Honorable Allen H. Loughry II, Chief Justice of the Supreme Court of Appeals of West Virginia.

With the completion of organization of the Senate, by the election of officers for the eighty-third Legislature,

The first organizing resolution was then offered, Senator Ferns submitting the following:

Senate Resolution 1—Adopting rules of the Senate.

Resolved by the Senate:

That the rules of the Senate be adopted as follows and shall govern the proceedings of the Senate during the eighty-third Legislature, subject to amendment as provided in the rules:

RULES OF THE SENATE

QUORUM

1. A majority of the members elected to the Senate shall constitute a quorum and a quorum shall be necessary to proceed to business, but two members may adjourn, and three members may order a call of the Senate, send for absentees and make any order for their censure or discharge. On a call of the Senate, the doors shall not be closed against any member until his or her name shall have been twice called.

2. In case a less number than a quorum of the Senate shall convene, the members present are hereby authorized to send the Sergeant at Arms, or any other person or persons by them authorized, for any and all absent members as the majority of such members shall agree, at the expense of such absent members, respectively, unless such excuse for nonattendance shall be made as the Senate, when a quorum is convened, shall judge sufficient; and, in that case, the expense shall be paid out of the contingent fund of the Senate. This rule shall apply, as well to the first meeting of the Senate at the legal time of meeting, as to each day of the session, after the hour has arrived to which the Senate stood adjourned.

OFFICERS

3. The Senate, at the commencement of each new Legislature, shall elect as its officers a President, Clerk, Sergeant at Arms and Doorkeeper. If at any time the President is obligated to act as Governor pursuant to Article VII, Section 16 of the Constitution of West Virginia, the Senate shall immediately elect one of its remaining members to serve as Acting President. The Acting President shall act and serve at all times when the duly elected President is acting as Governor and shall perform all of the duties of the office of Senate President without limitation, including any duties imposed by the Constitution of West Virginia, any statute, the Senate Rules and any adopted Joint Rules of the Senate and House of Delegates, and he or she shall receive the compensation and expenses of the President of the Senate as provided in article two-a, chapter four of the Code of West Virginia. The Acting President shall not be in the line of succession to act as Governor under the provisions of Article VII, Section 16 of the Constitution of West Virginia. The majority vote of all the members elected to the Senate shall be necessary for the election of these officers and the vote shall be by voice vote and be recorded in the Journal.

4. The President of the Senate or Acting President shall appoint a President *pro Tempore*, who, during the absence of the President or Acting President, if any, shall preside and perform all the duties of the President.

5. The presiding officer may call a member to the chair who shall perform the duties of the chair until the presiding officer returns to the chair, but no member by virtue of such appointment shall preside for a longer period than three consecutive legislative days.

6. The Clerk of the Senate shall not allow any records or papers to be taken from the table or out of his or her custody except by a chair of a committee to which they may have been referred and then only upon a proper receipt therefor and except as required by these rules or by the Joint Rules of the Senate and House of Delegates.

ORDER OF BUSINESS AND PROCEDURE

7. The order of business of the Senate shall be:

1. To read, correct and approve the Journal.
2. Introduction of guests.
3. To dispose of communications from the House of Delegates and the Executive.
4. To receive reports from standing committees.
5. To receive reports from select committees.
6. To receive bills, resolutions, motions and petitions.
7. To act upon unfinished business of the preceding day and resolutions lying over from the previous day, and no resolution shall lose its place on the calendar by not being acted upon on the day following that on which it was offered.
8. Senate and House bills and joint resolutions on third reading.
9. Senate and House bills and joint resolutions on second reading.

10. Senate and House bills and joint resolutions on first reading.
11. Introduction of guests.
12. Remarks by members of the Senate.
13. Miscellaneous business.

8. Every member desiring to speak shall stand in his or her own place, address the presiding officer and, upon being recognized, shall proceed, confining oneself to the question under debate, avoiding all indecorous or disrespectful language. The presiding officer may recognize the member by name; but no member in debate or remarks shall designate another by name.

~~9. If the question in debate contains several points, any member may have the same divided.~~ Any member may call for a division of any question before the vote thereon is taken, if it comprehend propositions so distinct in substance that, one being taken away, a substantive proposition will remain for the decision of the Senate, but the member calling for the division of a question shall state in what manner it shall be divided. ~~On~~ A motion to strike out and insert, it shall not be in order to move for a division of the question is not divisible.

10. The rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition and shall not prevent a subsequent motion to simply strike out. The rejection of a motion simply to strike out shall not prevent a subsequent motion to strike out and insert.

11. No question shall be debated until it has been propounded by the presiding officer. The presiding officer, after calling a member to assume the chair, the mover of the question, the chair of the committee that reported the matter or the sponsor of the bill or resolution, in that order of preference, shall have the right to explain his or her views in preference to any other member.

12. No member shall speak more than twice upon the same question without leave of the Senate or more than once until every

member choosing to speak shall have spoken, except that the mover of the question shall have the right to close the debate thereon.

13. While the presiding officer is putting the question, any member who has not spoken before to the matter may speak to the question before the negative is put.

BILLS AND RESOLUTIONS

14. No Senate bill, other than a Senate supplementary appropriation bill, and no Senate joint resolution shall be introduced in the Senate after the forty-first day of a regular session unless permission to introduce the bill or the joint resolution be given by a Senate resolution, setting out the title to the bill or the joint resolution and adopted by two-thirds vote of the members present. When permission is requested to introduce a bill or joint resolution under the provisions of this rule, duplicate copies of the bill or the joint resolution shall accompany the resolution when introduced and all such bills or joint resolutions shall be filed electronically with the Clerk's office.

Standing and select committees of the Senate may originate a bill or joint resolution and report the same after the forty-first day.

The forty-first day of the regular session held in the year one thousand nine hundred seventy-seven and every fourth year thereafter shall be computed from and include the second Wednesday of February of such years.

15. Each bill or resolution for introduction shall be presented in duplicate and electronically, bearing the name of the member or members by whom it is to be introduced, and shall be filed with the Clerk not later than twelve o'clock meridian on the legislative day next preceding its introduction: *Provided*, That the pre-filing requirement shall not apply to the first day of any session of the Legislature. A bill may be introduced by request. All bills introduced by request shall bear the words "By Request", following the designation of the name or names of the bill sponsor or sponsors.

The Clerk shall designate one copy of a bill or resolution the official copy and it shall constitute the official bill or resolution for use of committees and for the permanent files of the Senate. One copy shall be used for printing.

Each bill or resolution shall be numbered, edited and corrected as to form by the Clerk and reported by the Clerk to the Senate on the next legislative day, under the sixth order of business. In case of urgency, on motion for leave agreed to by a majority of the members present, a member may introduce a bill or resolution from the floor.

15a. Prior to any committee reporting a bill to the floor, any bill which either increases or decreases the revenue or fiscal liability of the State or any county, municipality or other subdivision of the State or in any manner changes or modifies any existing tax or rate of taxation, such bill shall have attached thereto a fiscal note, if available.

It shall be the responsibility of the legislator introducing a bill to obtain such note when required, which shall conform to the requirements as to form and content as prescribed by the Clerk.

The jackets of all measures with fiscal notes attached or requiring such notes shall have the words "Fiscal Note" or the initials "FN" clearly stamped or endorsed thereon.

15b. Upon the introduction of any legislation which has a potential impact on the state's economy, the presiding officer may request from any institution under the authority of the West Virginia Higher Education Policy Commission, including, but not limited to, West Virginia University and Marshall University, a review of the proposed legislation for purposes of preparing a "Jobs and Wages Impact Statement". Any such statement shall be based on generally accepted methodology and shall conform to the requirements as to form and content as prescribed by the Clerk: *Provided*, That the Clerk shall prescribe that all Jobs and Wages Impact Statements shall include an analysis of both the jobs that are projected to be gained or lost if the legislation is adopted and any wage impact associated with the projected job changes,

including wage increases or decreases in existing jobs, wages of jobs lost, wages of new jobs and the net impact on wages.

The phrase “Jobs and Wages Impact Statement” or the initials “JWS” must be clearly stamped or endorsed on the jackets of all bills that have statements attached to them. No act is void or voidable if it does not contain a “Jobs and Wages Impact Statement” even when requested.

16. All concurrent and simple resolutions when introduced shall lie on the table at least one day, and then be referred to the appropriate committee unless the Senate directs otherwise by majority vote of the members present.

It is hereby declared to be the policy of the Senate that concurrent resolutions be limited to the general purposes of expressing the sentiments of the Legislature, for authorizing expenditures incidental to the sessions and business of the Legislature, for agreeing upon adjournments beyond the constitutional limitation, for creating special joint committees, for raising a joint assembly and other inferior and incidental purposes of legislation, and such other purposes as the Legislature may deem proper. The adoption of such resolutions must be concurred in by both houses.

Concurrent resolutions shall be restricted to expressions of sentiments and actions having a bearing upon matters incident to legislative business and the functioning of the legislative process insofar as possible.

Concurrent resolutions shall not embrace congratulatory expressions to individuals, organizations, associations or other entities having no relation to the Legislature or public affairs generally, athletic events, scholastic contests, or any other matter not related to the scope and areas of legislative business: *Provided*, That this rule shall not bar the introduction of resolutions memorializing deceased members of the Legislature and public officials or commending or congratulating public officials on actions in connection with governmental affairs.

17. Unless otherwise directed by the Committee on Rules all bills, resolutions or business originating in the Senate shall be considered at the appropriate order of business in the order in which they are introduced, and all bills and resolutions received from the House of Delegates shall be introduced in the order in which they are received and shall be considered at the appropriate order of business in their numerical order.

18. All bills and joint resolutions introduced shall be read by their titles and referred to the appropriate committee and shall be treated in committee as resolutions of inquiry. If the committee reports a bill or resolution different, either by amendment or substitution, from the one introduced, it shall be received and treated by the Senate as the original bill or resolution. All Senate bills and joint resolutions reported by a committee shall be made available, with the proposed committee amendments on the foot thereof, and shall be then read a first time, unless in any of the aforesaid cases the Senate directs otherwise by majority vote of the members present. All bills and resolutions passed or adopted by and reported from the House of Delegates shall be read by their titles and referred to the appropriate committee unless the Senate directs otherwise by majority vote of the members present.

18a. Any bill, resolution or business which does not follow the procedures of Rule Nos. 17 and 18 shall remain in the possession of the Committee on Rules.

19. All bills shall be read on three different days, unless in case of urgency, by four-fifths vote of the members present, taken by yeas and nays, on each bill, this rule be dispensed with. Joint resolutions proposing amendments to the Constitution of West Virginia shall be read on three different days which readings shall not be suspended.

20. All engrossed bills shall be fully and distinctly read when put upon their passage.

21. On each reading of the bill the Clerk shall state whether it is the first, second or third reading of such bill, but no bill shall be put upon its second reading until the same shall have been made

available to the members of the Senate at least one day previous to such reading, unless the Senate directs otherwise by majority vote of the members present.

21a. Upon motion of any member, on any legislative day or the day preceding, the Senate may, by two-thirds vote of those present, establish a period of time known as “Bill Reading Docket”.

Such motion shall state each bill to be read, the time and order for such bill reading docket to commence and to conclude, and may provide for the adjournment or recess of the Senate for not more than one legislative day, during which reading of the docket no motion, except a motion to postpone the reading of the bills, by two-thirds vote of those elected, shall be heard. A quorum shall not be required during the reading of the docket. Any and all members requesting that a bill be read shall be present at all times in the Chamber during its reading.

All bills read on the bill reading docket shall be considered as having been read fully and distinctly.

22. On the first reading of a bill, a motion to reject the bill shall be in order.

23. If a committee shall have reported adversely to a bill or resolution, the presiding officer immediately after the report of said committee is read shall put the question, “Shall the bill be rejected?” or “Shall the resolution be rejected?” which question shall have precedence over all motions, except a motion to adjourn.

24. A bill or joint resolution shall be amended only on second reading: *Provided*, That after the passage of a bill or adoption of a joint resolution, amendments to its title may be offered. When a bill or joint resolution is being read for amendment, it shall be read section by section on the demand of any two members. When the amendments which may be moved shall be disposed of, the question shall be taken on ordering a Senate bill or joint resolution to be engrossed and ordered to third reading and on ordering a House bill or joint resolution to third reading. If a Senate bill or joint resolution should be ordered to its engrossment and third

reading, and amendments thereto have been made, the bill or joint resolution shall be changed to conform to the amendments and become the engrossed bill or joint resolution. If no amendments are made, the original bill or joint resolution may be ordered to its third reading and shall become the engrossed bill or joint resolution. All Senate bills or joint resolutions so ordered shall be jacketed, endorsed with their number, title, by whom introduced, and if the bill or joint resolution is finally passed or adopted, the date of its passage or adoption and the signature of the Clerk. If a Senate bill or joint resolution should be passed or adopted by the House and returned to the Senate without amendments, or if amended, and the amendments should be agreed to, the bill or joint resolution shall be enrolled by the Clerk. Enrolled Senate bills shall be delivered to the Joint Committee on Enrolled Bills. In the case of a House bill or joint resolution on second reading if the same be amended, the amendment or amendments shall be noted in full and attached to the bill or joint resolution at the proper place by the Clerk before the bill or joint resolution is returned to the House, and all amendments shall appear in the Senate Journal.

25. When a bill or joint resolution is put upon its passage or adoption, respectively, the presiding officer shall propound the question, "Shall the bill pass?" or "Shall the resolution be adopted?" On the passage or adoption, respectively, of every bill or joint resolution, the vote shall be taken by yeas and nays.

26. When a Senate bill or Senate joint resolution passed by the Senate shall be amended by the House of Delegates, the question on agreeing to the bill or joint resolution, as amended, shall be again voted on by yeas and nays in the Senate. In all such cases the affirmative majority vote of all the members elected to the Senate shall be necessary.

COMMITTEES

27. At the commencement of each Legislature, the following standing committees shall be appointed and shall consist of the number of members indicated in the parentheses following the name of the committee:

1. On Agriculture and Rural Development (11).
2. On Banking and Insurance (13).
3. On Confirmations (9).
4. On Economic Development (14).
5. On Education (14).
6. On Energy, Industry and Mining (13).
7. On Enrolled Bills (5).
8. On Finance (17).
9. On Government Organization (14).
10. On Health and Human Resources (13).
11. On Interstate Cooperation (7).
12. On the Judiciary (17).
13. On ~~Labor~~ the Workforce (11).
14. On Military (9).
15. On Natural Resources (13).
16. On Pensions (7).
17. On Rules (11); (the presiding officer of the Senate is to be ex officio chair).
18. On Transportation and Infrastructure (9).

28. All standing committees shall be appointed by the President. The President shall designate the chair of each standing committee and may also designate a vice chair of any standing committee.

The chair of each standing committee of the Senate shall cause a record to be kept of every meeting of such committee, wherein shall be entered:

(a) The time and place of each committee meeting and every hearing had before the committee.

(b) The attendance of members of the committee at each meeting thereof.

(c) The name of any person appearing before the committee and the interest represented by him or her.

(d) The vote of each member of the committee when a yea and nay vote is taken.

Any member of such standing committee may cause a notation to be made upon the record aforesaid of the reason for his or her absence at any former meeting of the committee; and, in the absence of any such explanatory note, the presumption shall be that his or her absence was without reasonable cause.

The chair of each standing committee shall, upon request, make the record of any yea and nay vote taken, in open or executive session, available for public inspection no later than the next legislative day after the close of the standing committee meeting at which such yea and nay vote was taken.

The several standing committees may report bills, resolutions, amendments, or any proposal originating therein, as well as committee substitutes for Senate bills, resolutions, or other proposals, which may be referred to additional committees. A committee substitute, with the consent of the original sponsor, shall carry the name of the original sponsor. Reports of committees shall be advisory only. All committees shall submit their reports to the Senate in writing and the same shall be recorded in the Journal.

On the adjournment of each session of the Legislature, the chair of the respective committees shall deliver to the Clerk of the Senate the record book herein provided for, and it shall be the duty of such Clerk to preserve the same among the archives of his or her office.

28a. Every committee shall have authority, upon its own motion adopted by a majority of the members present and voting, to administer oaths to any witness appearing before the committee. If any witness to whom an oath has been administered shall refuse to answer a question put to such witness by any member of the committee, the committee may report such refusal to the Senate, and the Senate may cause to be issued a subpoena to compel such witness to appear before the committee to give testimony. Upon appearance pursuant to subpoena, the witness may be questioned by the chairman and members of the committee. The Clerk of the Senate, the chairman of the committee and, in the absence of the chairman, any member of the committee may administer the oath to the witness and may require that such oath be subscribed to by the witness.

29. The presiding officer shall refer bills and resolutions introduced, and such other matters as the presiding officer shall deem appropriate, to standing or select committees.

30. Select committees shall consist of not less than three nor more than five members, unless the Senate directs otherwise by majority vote of the members present.

31. The Committee on Rules shall examine the oaths taken by each member and the evidence of their election and report to the Senate.

The Committee on Rules shall report in all cases of privileges and contested elections, the principles and reasons on which their resolutions are founded.

The Committee on Rules shall see that all papers belonging to the Clerk's Office are properly labeled and filed and that the books belonging to the office are chronologically arranged.

32. All meetings of Senate standing committees, other than executive sessions, shall be open to the public, and an executive session may be held only by majority vote of the members present.

33. When the Senate shall resolve itself into the Committee of the Whole, the presiding officer shall leave the chair and appoint a member to preside in the committee.

The Committee of the Whole shall consider and report on such subjects as may be committed to it by the Senate. The Rules of the Senate shall be observed in the Committee of the Whole, so far as they are applicable, except the rules limiting the number of times speaking, concerning the previous question and taking the yeas and nays. The proceedings in the Committee of the Whole shall not be recorded in the Journal of the Senate, except so far as reported to the Senate by the chair of the committee.

34. Any bill, resolution or business may, by majority vote of the members present, be withdrawn from the committee to which it had been referred or be taken from the table, and placed upon the calendar of the Senate in such order of business as the Senate may direct: *Provided*, That those bills, resolutions or business referred to the Committee on Rules under authority of Rule No. 17 may by two-thirds vote of the members present be withdrawn from the Committee on Rules.

DECORUM AND DEBATE

35. If a member be called to order for words spoken in debate, the person calling the member to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to the censure of the Senate, for words spoken in debate if any other member has spoken or other business has intervened after the words spoken and before the exception to them was taken.

36. While the presiding officer is reporting or putting a question, no one shall entertain private discourse or walk into, out of or across the Chamber. When a member is addressing the presiding officer, no one shall entertain private discourse or pass between the member and the presiding officer.

37. No member or other person except the Clerk and the Clerk's assistants shall visit or remain by the Clerk's table while the yeas and nays are being taken.

38. During any debate, any Senator, though he or she has spoken to the matter, may arise and speak to the orders of the Senate, if they be transgressed, in case the presiding officer does not.

38a. Smoking and the use of other tobacco products shall be prohibited in the Chamber.

38b. The use of electronic devices in the Chamber shall be limited to official legislative business when at all possible and any such devices shall be muted at all times.

38c. Proper business dress attire shall be worn by all those admitted to the floor of the Chamber while the Senate is in session, which includes a coat and tie for men.

MOTIONS

39. When a question is pending, no motion shall be received except:

1. To adjourn.
2. To lay on the table.
3. For the previous question.
4. To postpone the question to a different day.
5. To commit.
6. To amend.
7. To postpone indefinitely.

These several motions shall have precedence in order in which they are arranged.

40. The following motions shall be decided without debate, and shall not be amended:

1. To adjourn.
2. To fix the time to which the Senate shall adjourn.
3. To lay on the table.
4. For the previous question.
5. To suspend the constitutional rule requiring bills to be read on three different days.
6. To recess.

41. There shall be a motion for the previous question, which being ordered by a majority of the members present, shall have the effect to cut off all debate and bring the Senate to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions, or may be made to embrace all authorized motions or amendments and include the bill to its engrossment and third reading and then, on renewal and second of said motion, to its passage or rejection. It shall be in order, pending a motion for, or after the previous question shall have been ordered on its passage, for the presiding officer to entertain and submit a motion to commit with or without instructions to a standing or select committee. A motion to lay upon the table pending a motion for the previous question shall be in order only when the previous question has been moved on the second or third reading of a bill.

A call of the Senate shall not be in order after the previous question is ordered, unless it shall appear upon an actual count by the presiding officer that a quorum is not present.

All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

RECONSIDERATION OF VOTE

42. After any question has been decided in the affirmative or in the negative, it shall be in order for any member who voted with the prevailing side to move for a reconsideration of the vote thereon at any time on the same day or the next succeeding day of actual session. Any member may make the motion to reconsider, when the yeas and nays have not been taken. If the Senate refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order. No vote shall be reconsidered upon motions to adjourn, to lay on the table, to take from the table or for the previous question.

The motion to reconsider may be put and acted upon when made. If seconded, it shall take precedence of all other questions, except the consideration of a conference report and the motion to adjourn, and unless by motion postponed until some future date be acted upon at once. When a motion to reconsider is made and not acted upon at the time, it shall be placed upon the calendar, under unfinished business, and be acted upon the next succeeding day of actual session. A motion to reconsider shall not be withdrawn without leave of the Senate.

No bill, resolution, message, report, amendment or motion, upon which a motion is pending to reconsider the vote thereon, shall be taken out of the possession of the Senate until final disposition of the motion to reconsider. No motion for reconsideration of the vote on any question, which has gone out of the possession of the Senate, shall be in order unless subsequently recalled by vote of the Senate and in possession of the Clerk.

When a motion to reconsider has been adopted, its effect shall be to place before the Senate the original question in the exact position it occupied before it was voted upon.

VOTING

43. Every member within the Chamber, when a question is put, shall vote unless he or she is immediately and particularly interested therein, meaning an interest that affects the member

directly and not as one of a class, or the Senate excuses him or her. A member may raise an inquiry to the presiding officer regarding whether he or she should not vote or should be excused from voting on a particular matter, but the member may still be required to vote. All motions to excuse a member from voting must be made by the member requesting to be excused before the Senate divides, or before the call of the yeas and nays is commenced, and it shall be decided without debate, except that the member making the motion to be excused from voting may briefly state the reason why it ought to be adopted. No members may pair on any question.

44. The yeas and nays shall be taken on motions to dispense with the constitutional rule requiring a bill to be fully and distinctly read on three different days; on setting the effective date of an act of the Legislature; on agreeing to a joint resolution proposing an amendment to the Constitution of West Virginia; on the passage of a bill notwithstanding the objections of the Governor; on the passage of a supplementary appropriation bill; on the passage of a Senate bill or Senate joint resolution amended by the House; on all questions where a specific vote is required by the Constitution of West Virginia, the Joint Rules of the Senate and House of Delegates, or by these rules; on the passage of a bill; and on quorum calls: *Provided*, That the yeas and nays shall be taken on demand of any member on any question unless another member objects. Upon any such objection the presiding officer shall inquire of the membership if the demand for the yeas and nays is sustained. If the demand is so sustained by one tenth of the members present, the yeas and nays shall be taken, and, if the demand is not sustained by one tenth of the members present, then the yeas and nays shall not be taken.

The result of all votes taken by yeas and nays shall be recorded in the Journal. When the yeas and nays are recorded in the Journal, the result of the vote as to total yeas, nays and absentees shall be recorded, with the names of the Senators voting yea or nay, and those absent.

When the yeas and nays are ordered, or a call of the Senate is directed, the names of the members shall be called in alphabetical

order; excepting, however, the name of the presiding officer, which shall be called last.

After completion of a roll call vote, no member shall speak to explain his or her vote. A member's vote explanation shall not be recorded in the daily Journal. A member may have his or her vote explanation recorded in the bound Journal provided the member obtains the floor and makes this request immediately following announcement of the results of the roll call vote and disposition of the matter and delivers his or her written vote explanation to the Clerk within three legislative days during the session or, if there are less than three legislative days remaining in the session, within seventy-two hours after adjournment *sine die*. The Clerk shall note on the daily Journal for the day of the roll call vote that the member has reserved the privilege of having his or her vote explanation recorded later in the bound Journal.

45. On all roll calls of the yeas and nays when the voting machine is not used, and before the result is announced, the Clerk shall at the request of any member read either the names of those who voted yea or of those who voted nay, whichever is the smaller number, and the names of those absent and not voting, if any, and shall announce that all others voted either yea or nay, whichever is the larger number. In the event of a tie vote, the Clerk shall upon such request read the names of those who voted yea and the names of those absent and not voting, if any, and shall announce that all others voted nay. At that time any member shall have the right to correct any mistake committed in enrolling his or her name. The vote then shall be announced and the count recorded in the Journal.

45a. The voting machine may be used in taking the yeas and nays on any question, including quorum calls. When the machine is used for quorum calls, a member shall indicate "present" by use of the green "yea" button.

When using the voting machine, the presiding officer shall announce the question to be voted upon and direct the Clerk to prepare the machine. The presiding officer shall then state, "The members will now vote." After reasonable time has been given for all members to vote, the presiding officer shall ask, "Have all

members voted?" The presiding officer shall then direct the Clerk to close the machine and ascertain the result. The presiding officer shall promptly announce the result. Voting shall be continuous and shall be permitted until the result thereof is announced by the presiding officer: *Provided*, That any vote cast after the machine has been closed shall be stated by the presiding officer as having been cast and such shall be recorded in the Journal: *Provided, however*, That no vote may be cast after the vote has been announced.

While the members are voting and before the machine is closed, the wall display boards shall continuously display the vote of each member and the total pending vote.

Under no circumstance shall a member or nonmember vote on behalf of another member.

All other rules governing voting and the taking of the yeas and nays, insofar as applicable, shall apply to taking votes by means of the voting machine.

MESSAGES

46. The Clerk of the Senate may interchange messages with the Clerk of the House of Delegates at any time.

47. Messages may be received in any stage of business except when the presiding officer is reporting or putting a question or while the yeas and nays are being taken. Messages and reports received by the Clerk, which do not require action by the Senate, shall be considered received by the Senate and filed with the Clerk and shall be recorded in the Journal.

48. When a bill or resolution of the House of Delegates is passed or rejected by the Senate, the fact of its passage or rejection, with the bill or resolution shall be communicated to the House of Delegates.

JOURNAL

49. The Journal of the Senate shall be daily prepared by the Clerk and shall be read, corrected and approved the succeeding day. It shall be published under the supervision of the Clerk and

made available to the members without delay. After the Journal has been approved and fully marked for corrections, regular bound volumes of the Journal from the type so corrected shall be printed. In addition thereto six copies shall be printed with a certificate at the end thereof signed by the presiding officer and Clerk of the Senate certifying that the same is the Official Journal of the Senate. They shall be bound and bear the imprint on the back, "Official Journal of the Senate of West Virginia", with designation of regular or extraordinary session and the year. After being signed by the proper officers, two of these copies shall be retained in the office of the Clerk, one copy shall be lodged in the office of the Governor, one with the Secretary of State, one with the Division of Archives and History and one with the Clerk of the House of Delegates.

ABSENCE OF MEMBERS

50. No member shall absent himself or herself from the service of the Senate during its sittings without leave of the Senate, except in case of his or her sickness or other unavoidable cause which may prevent his or her attendance.

POWER OVER MEMBERS

51. No Senator shall be taken into custody by the Sergeant at Arms on any question of complaint of breach of privilege until the matter is examined by the Committee on Rules and reported to the Senate, unless by order of the presiding officer.

52. The Senate may punish its own members for disorderly behavior, and, with the concurrence of two thirds of the members elected thereto, expel a member, but not twice for the same offense.

POWER OVER OTHERS

53. The Senate may punish by imprisonment any person not a member for disrespectful behavior in its presence, for obstructing any of its officers in the discharge of their duties, or for any assault, threat or abuse of any member for words spoken in debate, but such imprisonment shall not extend beyond the termination of the session.

GUESTS AND PRIVILEGE OF THE FLOOR

54. No person except members of the House of Delegates, former members of the West Virginia Legislature who are not lobbyists, duly accredited representatives of the press, radio and television and legislative officers, employees and interns engaged in the proper discharge of their duties shall be admitted to the floor of the Chamber while the Senate is in session. The rear or east balcony of the Chamber shall be reserved for guests of the members of the Senate, and admission thereto shall be by pass signed by the presiding officer and the member seeking admission of the guest.

LOBBYING

55. No person, not a member of the Senate, shall, when the Senate is in session, seek in any manner whatsoever, including electronic communications, to influence the vote or opinion of any Senator on any subject of legislative consideration, under penalty of disbarment from the Chamber for the remainder of the legislative session. No employee of the Senate shall, at any time, engage in such activity, under penalty of immediate dismissal by the Committee on Rules.

NOMINATIONS AND CONFIRMATIONS

56. Unless the Senate directs otherwise by majority vote of the members present, when nominations shall be made in writing to the Senate, a future day shall be assigned for taking them into consideration and the nominations shall be referred to the Committee on Confirmations.

When considering and acting on the nominations the Senate shall be in open session. The voting on each nomination shall be by yeas and nays. The result of Senate action upon any nomination shall be forthwith certified in a formal communication signed by the presiding officer and attested by the Clerk.

57. The phrase "next meeting of the Senate" contained in Article VII, Section 9 of the Constitution of West Virginia means any time the full Senate is convened and includes, but is not limited

to, any regular session, any extraordinary session called during any recess or adjournment of the Legislature, during any impeachment proceeding or any time the Senate is convened for the purpose of electing a presiding officer.

CONSTITUTIONAL AMENDMENT

58. When an amendment to be proposed to the Constitution of West Virginia is under consideration, the majority vote of the members present shall be sufficient to decide an amendment thereto or any collateral or incidental questions. A proposed amendment to the Constitution of West Virginia, to be adopted, shall be agreed to by two-thirds vote of the members elected to the Senate. When an amendment to be proposed to the Constitution of West Virginia is under consideration, the majority vote of the members present shall be sufficient to decide an amendment thereto or any collateral or incidental questions. A proposed amendment to the Constitution of West Virginia, to be adopted, shall be agreed to by two-thirds vote of the members elected to the Senate.

ADJOURNMENT

59. When the Senate adjourns each day, it shall stand adjourned to 11 o'clock A.M. the next day, unless the Senate directs otherwise by majority vote of the members present, and every member shall keep his or her seat until the presiding officer leaves the chair.

AMENDING RULES

60. All propositions to amend these standing rules or any order of the Senate shall be by resolution and be at once referred, without debate, to the Committee on Rules and shall be reported therefrom within seven legislative days. Any such resolution may be adopted by majority vote.

SUSPENSION OF RULES OR ORDERS

61. Unless there be unanimous consent, no standing rule or order of the Senate shall be suspended except by two-thirds vote of the members present.

PARLIAMENTARY PROCEDURE

62. In all cases not provided for by the Rules of the Senate or any adopted Joint Rules of the Senate and House of Delegates, the Senate shall be governed by *Jefferson's Manual and Rules of the House of Representatives of the United States Congress* and practices thereunder.

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

On motion of Senator Ferns, the Senate recessed for five minutes for the purpose of making introductions.

Upon expiration of the recess, the Senate reconvened.

At the request of Senator Ferns, and by unanimous consent, the provisions of rule number fifty-four of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to permit the Senators to have members of their families as guests during today's session.

Senator Ferns then offered the following resolution:

Senate Resolution 2—Raising a committee to notify the House of Delegates the Senate has assembled and completed its organization.

Resolved by the Senate:

That a committee of three be appointed by the President to inform the House of Delegates that the Senate has assembled, with a quorum present, organized by the election of the Honorable Mitch Carmichael as President and Mr. Clark S. Barnes as Clerk, and is ready to proceed with the business of this regular session.

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

Whereupon, the President appointed as members of such committee, the following:

Senators Azinger, Smith and Woelfel.

Subsequently, Senator Azinger reported that the committee had performed the duty assigned to it.

The first message this session from the House of Delegates, by

Delegates Sobonya, Arvon and Moye, announced that the House of Delegates has assembled, with a quorum present, organized by the reelection of the Honorable Tim Armstead as Speaker, and Mr. Stephen J. Harrison as Clerk, and is ready to proceed with the business of this first regular session of the eighty-third Legislature.

Senator Ferns then offered the following resolution:

Senate Resolution 3—Raising a committee to inform the Governor that the Legislature is organized.

Resolved by the Senate:

That a committee of three on the part of the Senate, to join with a committee on the part of the House of Delegates, be appointed by the President to notify His Excellency, the Governor, that the Legislature has assembled in regular session and organized by the election of officers as required by the Constitution and is ready, with a quorum of each house present, to proceed with the business of this session and to receive any communication or message he may desire to present.

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

Whereupon, the President appointed as members of such committee, the following:

Senators Weld, Rucker and Palumbo.

A message from the House of Delegates, by

Delegates Atkinson, Rowan and Rowe, announced that the Speaker had appointed them a committee of three to join with the similar committee on the part of the Senate under the provisions of Senate Resolution 3 to wait upon the Governor. Senate and House members of this select committee then proceeded to the executive offices.

Subsequently, Senator Weld reported that the joint Senate and House committee had performed the duty assigned to it.

Senator Hall offered the following resolution:

Senate Resolution 4—Relating to the mailing of bills and journals.

Resolved by the Senate:

That during the regular and any extraordinary sessions of the eighty-third Legislature the Clerk of the Senate is hereby authorized to have mailed from the Senate document room copies of bills and daily journals of the Senate; the expenses of such mailing, including postage, to be paid out of the contingent fund of the Senate by the Auditor of West Virginia, in advance of the appropriation therefor, under requisition drawn by the Clerk of the Senate.

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

Senator Hall offered the following resolution:

Senate Resolution 5—Authorizing the appointment of permanent and per diem employees for the First Regular Session of the Eighty-Third Legislature and payment of their compensation.

Resolved by the Senate:

That the Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate is hereby authorized to appoint employees to receive the per diem compensation, as herein provided, during this regular sixty-day session of the Eighty-third Legislature, and any extension thereof as follows:

Up to Thirty Class I secretaries at a rate of seventy dollars per diem to one hundred dollars per diem;

Three Class II secretaries at a rate of seventy-five dollars per diem to one hundred dollars per diem;

Five legislative analysts at a rate of seventy-five dollars per diem to two hundred dollars per diem;

Up to ten legal counselors at a rate of two hundred dollars per diem to two hundred eighty dollars per diem; assignments and salary to be determined by the presiding officer of the Senate;

One bill and journal clerk to the Senate Clerk at a rate of seventy dollars per diem to one hundred dollars per diem;

Four proofreaders at a rate of seventy-five dollars per diem to one hundred dollars per diem;

One Sergeant at Arms at a rate not to exceed one hundred fifty dollars per diem;

Two assistants to the Sergeant at Arms at a rate of sixty-five dollars per diem to one hundred dollars per diem;

One Doorkeeper at a rate not to exceed one hundred fifty dollars per diem;

Five assistants to the Doorkeeper at a rate of sixty-five dollars per diem to one hundred dollars per diem;

Three mail clerks at a rate of sixty dollars per diem to one hundred dollars per diem;

One night custodian at a rate of sixty-five dollars per diem to seventy-five dollars per diem;

The Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such per diem staff personnel during any session of the Legislature as shall be needed in addition to staff personnel authorized by this Senate resolution adopted during any such session. The Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such staff personnel between sessions of the Legislature as shall be needed, the compensation of all staff personnel during and between sessions of the Legislature, notwithstanding any such Senate resolution, to be fixed by the presiding officer of the Senate. In all such cases, the Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to supervise and dismiss such staff personnel; and, be it

Further Resolved, That the appointment of salaried full-time employees of the Senate for the year two thousand seventeen and their compensation, at the following amounts per month, for such periods of time as they are employed in the positions designated, is hereby authorized, as follows:

Clerk	7,416.67
Assistant Clerk.....	5,416.67
Executive Secretary to Clerk	3,000.00
Fiscal Officer	5,075.00
Fiscal Officer	5,075.00
Technical Support.....	4,416.67
Deputy Clerk.....	4,419.10
Chief Desk Clerk	4,998.79
Chief Journal Clerk.....	4,331.60
Bill Clerk	2,916.67
Clerk to Minor Committees	3,071.60
Counsel to Minor Committees.....	6,666.67
Counsel to President	8,750.00
Executive Assistant to President.....	3,250.00
Legislative Analyst to President	3,412.50

Secretary to President	2,500.00
Director of Communications	6,212.50
Counsel to Majority Leader	7,291.67
Parliamentarian	4,750.00
Analyst to Majority Leader.....	3,041.67
Counsel to Minority Leader.....	6,666.67
Counsel to Education Committee	7,288.67
Budget-Policy Analyst to Finance Committee	6,081.60
Budget Analyst to Finance Committee.....	3,587.50
Assistant to Finance Chairman/Clerk	3,281.60
Counsel to Government Organization	6,500.00
Clerk to Government Organization Committee.....	3,062.50
Secretary to Government Organization Committee.....	3,387.48
Counsel to Health and Human Resources Committee.....	6,803.25
Clerk to Health and Human Resources Committee	2,666.67
Counsel to Judiciary Committee.....	7,291.67
Clerk/Analyst to Judiciary Committee	3,000.00
Assistant to Judiciary Committee	3,062.50
Secretary/Clerk to Energy, Industry and Mining.....	2,916.67
Supervisor, Materials & Supplies	4,299.16
Purchasing & Procurement Clerk	3,563.35
Custodian	2,187.85

The Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such full-time staff personnel during any session of the Legislature as shall be needed in addition to staff personnel authorized by this Senate resolution adopted during any such session. The Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such staff personnel between sessions of the Legislature as shall be needed, the compensation of all staff personnel during and between sessions of the Legislature, notwithstanding any such Senate resolution, to be fixed by the presiding officer of the Senate. In all such cases, the Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to supervise and dismiss such staff personnel.

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

Senators Carmichael (Mr. President), Ferns and Prezioso offered the following resolution:

Senate Concurrent Resolution 1—Adopting joint rules of the Senate and House of Delegates.

Resolved by the Legislature of West Virginia:

That the joint rules of the Senate and House of Delegates to be adopted as follows and shall govern the proceedings of the eighty-third Legislature, subject to amendment as provided in the standing rules of the Senate and the House of Delegates:

Joint Assembly

1. Whenever there shall be a joint assembly of the two houses, a brief account of the proceedings shall be entered upon the Journal of each house, except in the joint assembly for counting votes for state officers.

Joint Assembly to Open and Publish Election Returns

2. As soon as the Senate, being organized, is informed that the House of Delegates is ready to proceed, as provided by Article VII, Section 3 of the Constitution of West Virginia, to open and publish the returns of the election for state officers, the Senate, preceded by its presiding officer and other officers, shall repair in a body to the hall of the House of Delegates. Upon their arrival the Sergeant at Arms of the House of Delegates shall announce the presence of the Senate. The presiding officer of the Senate shall then address the Speaker of the House, stating that a majority of the Senate has assembled in the hall of the House of Delegates to be present at the opening and publishing of the returns of the elections for State officers, held on the _____ day of _____. The Speaker of the House of Delegates shall invite the presiding officer of the Senate to a seat upon his right, and the other members of the Senate and officers thereof to take seats assigned to them, and after

announcing that a majority of the House of Delegates is present, shall then open and publish the returns of said election, proceeding by counties in alphabetical order, the Clerks of the two houses each taking down the returns as announced by the Speaker, to be entered upon the Journal of the House, and when completed and tabulated the Speaker shall announce the votes received by each person voted for, for each of said offices, and those receiving the largest number of votes, shall be by him declared duly elected; and the Senate shall then return to its hall, and if any two or more candidates for any of said offices have an equal and the highest number of votes for the same office, the two houses shall immediately proceed to choose one of such persons for said office by a joint vote, as provided by Article VII, Section 3 of the Constitution of West Virginia.

Disagreement and Conference

3. (a) Whenever a measure of one house is amended in the other and the house in which it originated shall refuse to concur in the amendment, the house amending the measure may either insist or recede therefrom. But when a measure originating in one house is amended in the other, the house in which it originated may amend such amendment and a motion therefor shall take precedence of a motion to concur. If said house refuses to concur, the other house may either recede from or insist upon its amendment, and a motion to recede shall take precedence of a motion to insist. The motion to lay on the table or to postpone indefinitely shall not be in order in respect to the motion to recede from or to insist.

A motion to recede having failed shall be equivalent to the adoption of a motion to insist and shall be so entered upon the Journal. A motion to insist being decided in the negative shall be equivalent to the adoption of a motion to recede and shall be so entered upon the Journal. If the motion to insist prevails, the house so insisting shall request a committee of conference on the subject of disagreement and shall appoint a committee therefor. The other house may thereupon appoint such committee. Unless a different number is agreed upon, such conference committee shall consist of five members from each house.

Such committee shall consider and report upon only the subject matter of the amendment or amendments which were in disagreement, with necessary consequential changes. The committee shall meet at a convenient time, to be agreed upon by their Chairs, and upon notifying all conferees of the time and place of any such meeting, and having conferred freely, shall report to their respective houses the result of the conference. In case of agreement, the report shall be first made, with the papers referred accompanying it, to the house which refused to concur, and there acted upon; and such action, with the papers referred, shall be immediately reported by the Clerk to the other house. In case of disagreement, the papers shall remain with the house in which the measure originated. If an agreement is reached, the report shall be made and signed in duplicate by at least a majority of the conferees from each house, one of the duplicates being retained by the conferees of each house.

(b) With respect to any conference agreed to within the first fifty-one days of a regular session, the conference committee shall report to each house within seven days of agreement to conference or be discharged, except that upon a concurrent resolution duly adopted by a majority of those present and voting in each house, the presiding officer of each house may extend the conference not to exceed an additional three days. In no event shall a conference committee report to each house later than 8:00 P.M. on the sixtieth day.

With respect to any conference agreed to after the fifty-first day of a regular session, or any time during any extraordinary session, the conference committee shall report to each house within three days after agreement to conference or be discharged, except that such conference may be extended by concurrent resolution duly adopted by a majority of those present and voting in each house, for a period not to exceed one additional day. In no event shall a conference committee report to each house later than 8:00 P.M. on the sixtieth day.

Any conference committee which fails to report within the time limits established by this rule shall be deemed to be discharged,

and the papers referred shall remain with the house in which the measure originated.

Any conference report shall, upon recognition by the presiding officer, be communicated to each house by its Clerk and made available to members of each house. Each house shall designate a location or office where copies of such report shall be made available. The Clerk shall communicate availability of conference reports by an announcement to the members of said house during session. Such announcement can be made at any time upon recognition by the presiding officer, and the Clerk shall duly note the time of said announcement. Except as provided herein, the conference report shall lie over one day and shall not be considered in either house until at least the next day following, but thereafter it shall be proper to take up consideration of the conference report at any time otherwise permitted by the rules of such house whether or not such house met on the preceding day: *Provided*, That after the fifty-ninth day of any regular session or on any day of any extraordinary session a conference committee report may be considered the same day if availability of written copies of such report is communicated to that house while in session at least two hours prior to any consideration: *Provided, however*, That the conference report may be taken up for immediate consideration at any time by a two-thirds vote of the members of that house present.

Nothing herein shall affect the right of the presiding officer of either house to appoint or discharge any conference committee as heretofore provided, such right to appoint and discharge such committee being subject to the rules of each respective house.

The provisions of subsection (b) above shall not apply to the Budget Bill.

Messages Between the Houses

4. When a message is sent by one house to the other, it shall be communicated by the Clerk thereof to the Clerk of the house to which it is sent, but no message shall be received during a call of the roll. The Clerk of one house may communicate a message to the Clerk of the other at any time, ~~and any message so sent shall be~~

~~received by the house to which it is sent whenever it may be in session.~~

Bill Processing

5. (a) Legislation recommended by the Governor or by executive departments or agencies is requested to be filed in the respective Clerks' offices, and a copy sent to Legislative Services, no later than the tenth day of each regular session of a Legislature.

(b) No bill or joint resolution shall be considered on third reading in its house of origin after the fiftieth day, unless authorization shall be granted by a concurrent resolution adopted by a two-thirds vote of the members present of both houses: *Provided*, That the Budget Bill, or any salary or supplementary appropriation bills, may be considered at any time.

(c) This rule may be suspended by adopting a concurrent resolution approved by a two-thirds majority of those present and voting in each house. A house desiring to suspend this rule may adopt a concurrent resolution and proceed as if the concurrent resolution had been adopted in both houses and the rule suspended. Any bill or joint resolution passed pursuant to such concurrent resolution may be communicated to the other house with the concurrent resolution or at any time after the concurrent resolution has been communicated to the other house. The other house may proceed to consider such bill or joint resolution only after adopting the concurrent resolution. The provisions of this rule shall not apply to any extended regular session or to any extraordinary session.

Processing of Bills Authorizing the Promulgation of Proposed Legislative Rules; Duplication and Distribution of Proposed Legislative Rules

5a. A "bill authorizing the promulgation of proposed legislative rules" or a "bill of authorization" is a measure intended to be enacted as general law, which incorporates by reference a proposed legislative rule, with or without amendments or substitutions set forth in the bill, and which authorizes the promulgation and

implementation of the proposed legislative rule. The processing of bills authorizing the promulgation of proposed legislative rules shall be governed by the standing rules of the Senate and the House of Delegates, which are supplemented by the provisions of this joint rule. In the case of any conflict between this rule and a standing rule of the Senate or the House of Delegates, the provisions of this rule shall control.

(1) The requirement of either house that bills shall be presented in duplicate applies to bills authorizing the promulgation of proposed legislative rules, but does not apply to the proposed legislative rule which the bill incorporates by reference. Of the duplicate copies, only the designated original copy shall have appended thereto the full text of the proposed legislative rule as finally approved by the agency seeking permission for its promulgation. Other copies of the full text of the proposed legislative rule shall be made available to members of the Legislature as hereinafter provided.

(2) Copies of the full text of each proposed legislative rule shall be reproduced by printing or duplication by the Clerk prior to, or as soon as is reasonably practicable after, the introduction of the bill which would authorize by law the promulgation of the proposed legislative rule. Prior to such printing or duplication, a notation shall be affixed to the proposed legislative rule which identifies the bill number of the introduced bill which would authorize its promulgation and which also identifies the committee or committees of the house to which the bill is to be referred by the presiding officer following its introduction. Otherwise, the copies printed or duplicated shall conform to the copy of the proposed legislative rule appended to the original bill, so as to facilitate the consideration and amendment of the rule throughout the legislative process.

(3) The Clerk shall furnish to any member, upon his or her request, without cost, one copy of the full text of a proposed legislative rule as reproduced by the Clerk in accordance with the provisions of subsection (2) of this Joint Rule. For any request for an additional copy or copies of the proposed legislative rule, the member requesting the copy or copies shall pay to the Clerk, in

advance, a charge which the Clerk has reasonably determined to be adequate to cover the actual cost of the printing or duplication: *Provided*, That the provisions herein for the Clerk to furnish a member with an additional copy or copies, with a cost charged, may not interfere with or delay the prompt and otherwise timely consideration of bills of authorization by the house or its committees or subcommittees.

(4) Whenever the standing rules of either house require the printing or reprinting of a bill, the rules apply to bills authorizing the promulgation of a proposed legislative rule with the same force and effect as they apply to other bills. However, no printing or reprinting of the proposed legislative rule which is incorporated by reference in the bill of authorization shall be required, other than the printing required by subsection (2) of this Joint Rule.

(5) Whenever the standing rules of either house require a bill to be read, or fully and distinctly read, the rules apply to bills authorizing the promulgation of a proposed legislative rule with the same force and effect as they apply to other bills. However, no reading of the proposed legislative rule which is incorporated by reference in the bill of authorization shall be required.

One House to Notify Other of Rejection of Bill

6. When a bill or resolution passed in one house is rejected in the other, notice thereof shall be sent to the house in which the same shall have been passed.

Record of Bills and Resolutions

7. The Clerks of the two houses shall keep separate records or registers, in which shall be recorded every action taken by the Senate and House on each bill and resolution.

Clerks to Endorse Bills or Resolutions

8. The Clerks of the two houses shall endorse on each bill or resolution a statement of any action taken by their respective bodies.

Messages to be in Writing

9. Messages to either house of the action of the other shall be in writing, signed by the Clerk of the house sending the message.

Each House to Have Control of Own Printing

10. Each house may order the printing of documents without the consent of the other.

Joint Committees

11. Joint standing committees of the Senate and House shall be appointed as follows:

(1) *Joint Committee on Enrolled Bills* — To consist of five members from each house.

(2) *Joint Committee on Joint Rules* — To consist of the presiding officers and two members of each house, to be appointed by the presiding officers.

(3) *Joint Committee on Pensions and Retirement* —

(a) The Joint Committee on Pensions and Retirement shall continually study and investigate public retirement systems. All pension and retirement related legislation introduced in the Legislature shall be referred to the committee in addition to any other reference the presiding officer may designate. Upon reference of any pension or retirement related legislation, the committee shall forward such legislation to the actuary of the Consolidated Public Retirement Board or other actuary or actuarial firm who shall return an actuarial letter or note to the committee prior to the committee's consideration of such legislation.

(b) The committee shall consist of seven members of the Senate to be appointed by the presiding officer of the Senate and seven members of the House of Delegates to be appointed by the presiding officer of the House of Delegates. If possible, no more than five of the seven members appointed by the presiding officers of the Senate and the House of Delegates, respectively, may be members of the same political party.

(c) The committee shall make a continuing study and investigation of retirement benefit plans applicable to nonfederal government employees in this state. The powers and duties of the committee include, but are not limited to, the following:

(1) Studying retirement benefit plans applicable to nonfederal government employees in the State of West Virginia, including, without limitation, federal plans available to such employees;

(2) Making recommendations within the scope of the study with particular attention to financing of the various pension funds and financing of accrued liabilities;

(3) Considering all aspects of pension planning and operation, and making recommendations designed to establish and maintain sound pension policy as to all funds;

(4) Filing a report to each regular session of the Legislature concerning activities conducted between sessions;

(5) Analyzing each item of proposed pension and retirement legislation, including amendments thereto, with particular reference to analysis as to cost, actuarial soundness and adherence to sound pension policy, and reporting of its findings in regard thereto to the Legislature; and

(6) Maintaining reference materials concerning pension and retirement matters, including, without limitation, information as to laws and systems in other states.

(d) The committee shall hold meetings at such times and places as it may designate. The presiding officer of each house shall appoint a cochair of the committee. When the Legislature is not in session, the committee shall meet and conduct its business as a joint committee.

When the Legislature is in session, in addition to joint meetings, the members of either house may meet separately from members of the other house to conduct committee business concerning pension and retirement related legislation introduced or originated in that house. When the members meet separately, they may function as other committees of that house. As far as practicable, relevant information, including actuarial letters or

notes, gathered by members meeting separately from the other house shall be sent to the cochair of the other house if it is considering the same or similar legislation.

12. Other joint committees may be created by concurrent resolution or by approval of the presiding officers of each house.

Engrossed Bills to Be Filed with Clerk of the House

13. All engrossed bills passed by, and joint and concurrent resolutions adopted by, both houses shall be filed with the Clerk of the House of Delegates to be kept with the rolls of the Legislature and to be used in printing and publishing the Acts of the Legislature.

Joint Committee on Enrolled Bills

14. The Joint Committee on Enrolled Bills shall consist of five members of the Senate and five members of the House of Delegates, to be appointed by the presiding officer of each house, whose duty it shall be to compare carefully all bills and joint resolutions passed by both houses, with the enrollment thereof, and to correct any errors or omissions they may discover and to make reports to their respective houses, from time to time, of the correctly enrolled bills or joint resolutions. It shall be in order for the Joint Committee on Enrolled Bills to report at any time.

Printing Enrolled Bills

15. After a bill has been passed by both houses, the text from which it was originally printed shall be corrected as to any typographical errors that may not previously have been corrected and to include any amendments that may have been made by either house since the last printing of the bill. After the text has been so corrected, not less than fifty copies of the bill shall be printed. One of the copies, when properly authenticated, shall become the Enrolled Bill. In the case of enrolled bills authorizing the promulgation of a proposed legislative rule, a copy of the full text of the proposed legislative rule which the bill incorporates by reference shall be appended to the bill which has been properly authenticated and designated to be the Enrolled Bill. The copy

appended to the Enrolled Bill shall conform to the copy of the full text of the proposed legislative rule appended to the introduced bill. Copies of the proposed legislative rule are not to be appended to the additional copies of the Enrolled Bill. Following action by the Governor, or the failure or refusal of the Governor to approve or disapprove a bill of authorization, the copy of the Enrolled Bill with the proposed legislative rule appended is the copy of the bill filed with the Secretary of State in accordance with the provisions of Rule 19 of these Joint Rules.

Authentication of Enrolled Bills

16. Enrolled Bills shall be authenticated by the signature of the Chair of the House Committee and the Chair of the Senate Committee, composing such Joint Committee on Enrolled Bills, but in the absence of such Chair another member of the committee may act in his stead, and they shall require all bills and joint resolutions before such authentication to be free from interlineations or erasures and destroy any previous enrollment containing any interlineations or erasures. A certificate, showing in which house the bill originated and when it takes effect, signed by the Clerks of the two houses, shall be endorsed on the bill. After enrolled bills and joint resolutions are authenticated as aforesaid, they shall be signed by the presiding officer of each house.

Presenting Enrolled Bills to Governor

17. After a bill shall have thus been signed in each house, it shall be presented by the Joint Committee on Enrolled Bills to the Governor, for his approval. The said committee shall report the day of presentation to the Governor, which time shall be entered on the Journal of each house.

Record of Enrolled Bills

18. It shall be the duty of the Clerk of the House of Delegates, as Keeper of the Rolls of the Legislature, to keep a record book of all bills presented to the Governor for his approval. The title and number of each bill presented to the Governor shall be entered in this book, and when a bill is presented to the Governor, the date

presented and the signature of the Governor, showing receipt of same, shall be entered at the side of each title.

Action of Governor on Bills

19. When the Legislature is in session, any bill, including an appropriation bill or any part thereof, disapproved by the Governor shall be returned to the house in which it originated, with objections thereto, within five days after receipt thereof, Sundays excepted, or become a law. If the Legislature, by adjournment, prevents the return of a disapproved bill, other than an appropriation bill, within such time, it shall be filed by the Governor in the office of the Secretary of State with objections within fifteen days, Sundays excepted, after adjournment, or become a law. If the Legislature, by adjournment, prevents the return of a disapproved appropriation bill or any part thereof, it shall be filed by the Governor in the office of the Secretary of State with objections within five days after adjournment, or become a law. When any bill, including an appropriation bill or any part thereof, is disapproved after adjournment of the Legislature and such bill with the Governor's objections is filed in the office of the Secretary of State within the prescribed time as aforesaid, the Governor shall notify the house in which the bill originated.

Every bill approved by the Governor shall, within the prescribed time after it is presented, as aforesaid, be filed by the Governor in the office of the Secretary of State and the fact of such approval communicated by the Governor to the house in which said bill originated.

Any bill which shall be neither approved nor disapproved by the Governor shall immediately, after the expiration of the time fixed by the Constitution of West Virginia in which he may disapprove the same, be filed in the office of the Secretary of State, who shall forthwith engross thereon a certificate to the following effect: "I certify that the foregoing act, having been presented to the Governor for approval, and not having been returned to the house of the Legislature in which it originated within the time prescribed by the Constitution of the State, has become a law without approval." and shall date and sign the same. The Governor

shall notify the house in which the bill originated of each bill becoming a law without his approval.

When a bill is returned to either house of the Legislature with the objections of the Governor, proceedings thereon shall be governed by Article VII, Section 14 of the Constitution of West Virginia. In such cases the Clerk of the Senate and the Clerk of the House of Delegates shall engross the action, if any, of their respective houses on the reconsideration of the bill and sign the same.

The action of the Governor on all bills presented shall be appropriately noted in the Journals of the two houses.

Joint Meetings of Committees

20. Whenever any bill has been referred by the Senate to one of its standing committees, and the same or like bill has been referred by the House to one of its committees, the Chairs of the respective committees, when in their judgment the interest of legislation or the expedition of business will be better served thereby, may arrange for a joint meeting of their committees for the consideration of such bill. All joint committee meetings shall be presided over by the Chair of the Senate committee.

What Shall Be Printed in the Journal

21. The following shall always be printed in the Journal of each house:

(a) Messages from the Governor and messages from the other house, the titles of all bills and the title and text of all resolutions.

(b) A record of all votes taken by yeas and nays as required by the Constitution of West Virginia, the rules of the respective houses and these rules; and a brief statement of the contents of each petition, memorial or paper presented to each house.

(c) A true and accurate account of the proceedings of each house.

Manner of Printing the Journal and Bills

22. In printing the daily Journal of the proceedings of each house there shall be printed at the top of each page, except the first, the date of the Journal; and on the last page of each day's Journal shall be printed the calendar for the next day.

At the top of the first page of each bill, preceding the title and number thereof, there shall be printed the name of the person by whom, or the committee by which, it was introduced and the date of introduction; and at the top of each page, except the first, shall be printed the number of the bill.

Regulation and Use of Legislative Offices, Chambers, Halls, Stairways and Corridors

23. The presiding officer of each house shall have power to assign and regulate the office space in the portions of the Capitol used by their respective houses and to grant permission for the use of such space and the legislative Chambers for other than legislative purposes. They shall also have jurisdiction over all halls, stairways and corridors in the areas used by their respective houses. The presiding officers may submit any question or request arising under the foregoing provisions of this rule to the Committee on Rules of their respective houses for determination and action.

The area on the second floor between the legislative Chambers and surrounding the rotunda on the second floor shall be under the jurisdiction of the Joint Committee on Rules. It shall be the duty of this committee to maintain and preserve the aesthetic features of this area of the Capitol. No display or exhibition of any material or objects in this area shall be permitted without approval of the committee.

Attaching pictures, posters, cards or placards on the walls in any manner whatsoever in the halls, stairways and corridors in the areas used by the respective houses and in the area between the legislative Chambers surrounding and to the east and west of the rotunda is prohibited.

Resolutions

24. Resolutions requiring concurrent action may originate in either house and shall be of two kinds, namely:

Joint Resolutions: These resolutions shall be used for proposing amendments to the Constitution of West Virginia and for ratifying amendments to the Constitution of the United States. Joint resolutions proposing amendments to the Constitution of West Virginia shall be adopted as provided in Article XIV, Section 2 of said Constitution.

Concurrent Resolutions: Such resolutions shall be used for all purposes not covered by joint resolutions as defined above.

Suspension of Joint Rules

25. Joint Rules may only be suspended by a two-thirds vote of each house taken by yeas and nays, or by unanimous consent.

Transfer of Appropriations Between Items

26. The Clerk of the Senate, with the approval of the presiding officer, is authorized to make written request to the State Auditor for the transfer of amounts between items of the total appropriations for the Senate in order to protect or increase the efficiency of the service. Upon receipt of such written request, the State Auditor shall transfer the amounts as requested.

27. The Clerk of the House of Delegates, with the approval of the presiding officer, is authorized to make written request to the State Auditor for the transfer of amounts between items of the total appropriations for the House of Delegates in order to protect or increase the efficiency of the service. Upon receipt of such written request, the State Auditor shall transfer the amounts as requested.

28. The Clerk of the Senate and the Clerk of the House of Delegates, with the approval of the presiding officers, are authorized to make a joint written request to the State Auditor for the transfer of amounts between items of the total appropriations for joint expenses of the Legislature in order to protect or increase

the efficiency of the service. Upon receipt of such written request, the State Auditor shall transfer the amounts as requested.

Governing Powers

29. The presiding officers of each house, as selected in accordance with the Constitution of West Virginia, the Rules of the Senate, the Rules of the House of Delegates, respectively, these Joint Rules and laws of the State, shall have the power to and are hereby authorized to act on behalf of the Legislature as required by the business and legal affairs of the Legislature unless otherwise directed by a majority vote of both houses while the Legislature is in session or by the majority vote of the Joint Committee on Government and Finance while the Legislature is not in session.

Receipt of Constitutional Petitions and Resolutions

30. Any application from a county commission or a verified petition from the voters of a county seeking to reform, alter or modify a county commission pursuant to Article IX, Section 13 of the Constitution of West Virginia and any related documents that may be subsequently submitted shall be filed with the Clerk of the Senate and the Clerk of the House of Delegates. The Clerk of the Senate and the Clerk of the House of Delegates shall verify that the application, petition or related document has been properly submitted to the other Clerk before processing it in his or her respective house. Such applications, petitions and related documents not submitted to both the Clerk of the Senate and the Clerk of the House of Delegates will not be submitted to either house for processing or consideration by the Legislature.

When the Legislature is not sitting in regular session, upon receipt of an application, petition or related document from a county commission by the Clerk of the Senate and the Clerk of the House of Delegates, it shall be processed as a regular order of business at the next regular session following receipt of the application, petition or related document.

An application or petition to reform, alter or modify a county commission filed with the Legislature on or after the tenth day of a

regular legislative session may not be processed or considered by the Legislature until the next regular legislative session.

An application or petition to reform, alter or modify a county commission filed with the Legislature is only valid for the session in which it was processed and such application or petition not acted upon during that session is null and void.

If an application or petition to reform, alter or modify a county commission filed with the Legislature is determined by the Legislature to have an unconstitutional provision, then the Legislature may: (a) Request that the application or petition be corrected and resubmitted; or (b) make changes necessary to meet the constitutional objection. A corrected application or petition may be processed by the Legislature if there is sufficient time remaining in the session for full consideration. If any request by the Legislature to correct an application or petition prevents full consideration of that application or petition during the session in which it would have been considered, the Senate and the House of Delegates may process the corrected application or petition at the next regular session.

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

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

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

Senators Carmichael (Mr. President), Hall and Prezioso offered the following resolution:

Senate Concurrent Resolution 2—Relating to the payment of bills for supplies, services and printing and authorized contingent and other expenses of the eighty-third Legislature.

Resolved by the Legislature of West Virginia:

That for the regular and any extraordinary session of the eighty-third Legislature, the Auditor of West Virginia, in advance of the appropriation for such purposes, is hereby authorized, upon proper requisition of the Clerk of the Senate and the Clerk of the House of Delegates, to pay bills for supplies and for services furnished to the Legislature preparatory to the beginning of, during and following the adjournment of sessions, including contingent expenses of the respective houses; the per diem of officers, other than the President of the Senate and the Speaker of the House of Delegates, and employees of the Senate and of the House of Delegates; travel expenses of members as authorized by law; bills for legislative printing as the accounts for same become due; and any other authorized contingent and other expenses of the Legislature or the respective houses.

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

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

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

The Senate proceeded to the third order of business.

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 1—Raising a Joint Assembly to open and publish election returns.

Resolved by the Legislature of West Virginia:

That the two houses of the Legislature convene in Joint Assembly in the Hall of the House of Delegates at 1:45 o'clock postmeridian, this day, that the Speaker of the House of Delegates may, in the presence of the Senate, open and publish the returns of the election held throughout the State on the 8th day of November.

At the request of Senator Ferns, and by unanimous consent, the resolution was taken up for immediate consideration and reference to a committee dispensed with.

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

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

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 2—Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor.

Whereas, His Excellency, the Governor, has advised that he will be pleased to address a Joint Assembly of the Senate and House of Delegates at the convenience of the two houses; therefore, be it

Resolved by the Legislature of West Virginia:

That His Excellency, the Governor, be hereby invited to address a Joint Assembly of the Legislature at 2:00 o'clock postmeridian this day; and, be it

Further Resolved, That the President of the Senate and the Speaker of the House of Delegates appoint three members of each of the respective houses of the Legislature as a committee to wait upon His Excellency, the Governor, and escort him into the Hall of the House of Delegates at the time herein appointed for hearing the address.

The message further announced the appointment of the following committee on the part of the House of Delegates:

Delegates Sobonya, Arvon and Moye.

At the request of Senator Ferns, and by unanimous consent, the resolution was taken up for immediate consideration and reference to a committee dispensed with.

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

Whereupon, the President appointed as Senate members of such committee, authorized by the foregoing resolution, the following:

Senators Ferns, Boley and Prezioso.

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 adoption by that body and requested the concurrence of the Senate in the adoption of

House Concurrent Resolution 3—Providing for an adjournment of the Legislature until February 8, 2017.

Whereas, The first regular session of the 83rd Legislature assembled on this date, the second Wednesday in January, 2017, organized by the election of officers of the two houses, and the two houses in joint assembly opened and published the returns of the election of state officers held on the 8th day of November, 2016, all as prescribed by Section 18, Article VI of the Constitution of the State; and the two houses adopted rules to govern their proceedings and separately and concurrently acted on certain other matters incident to organization; therefore, be it

Resolved by the Legislature of West Virginia:

That having complied with the provisions of said section of the Constitution, when adjournment is taken by the two houses this day, such adjournment shall be until February 8, 2017, at 12 o'clock meridian.

At the request of Senator Ferns, and by unanimous consent, the resolution was taken up for immediate consideration and reference to a committee dispensed with.

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

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

Senator Carmichael (Mr. President) announced appointment of the standing committees of the Senate for this first session of the eighty-third Legislature and, at the request of Senator Ferns, and by unanimous consent, the complete list was ordered printed in the Journal as follows:

STANDING COMMITTEES OF THE SENATE

2017

AGRICULTURE AND RURAL DEVELOPMENT

Senators Sypolt (*Chair*), Rucker (*Vice Chair*), Cline, Leonhardt, Mann, Maynard, Smith, Beach, Miller, Ojeda and Woelfel.

BANKING AND INSURANCE

Senators Gaunch (*Chair*), Azinger (*Vice Chair*), Hall, Leonhardt, Mann, Maroney, Mullins, Swope, Facemire, Palumbo, Prezioso, Romano and Woelfel.

CONFIRMATIONS

Senators Boley (*Chair*), Ferns (*Vice Chair*), Azinger, Blair, Boso, Gaunch, Miller, Plymale and Prezioso.

ECONOMIC DEVELOPMENT

Senators Maroney (*Chair*), Maynard (*Vice Chair*), Blair, Boso, Cline, Mann, Smith, Swope, Takubo, Jeffries, Miller, Romano, Stollings and Woelfel.

EDUCATION

Senators Mann (*Chair*), Karnes (*Vice Chair*), Azinger, Boley, Hall, Maynard, Rucker, Swope, Trump, Beach, Plymale, Romano, Stollings and Unger.

ENERGY, INDUSTRY AND MINING

Senators Smith (*Chair*), Sypolt (*Vice Chair*), Blair, Boley, Boso, Cline, Gaunch, Mullins, Swope, Facemire, Jeffries, Ojeda and Woelfel.

ENROLLED BILLS

Senators Maynard (*Chair*), Azinger, Gaunch, Palumbo and Prezioso.

FINANCE

Senators Hall (*Chair*), Mullins (*Vice Chair*), Blair, Boley, Boso, Ferns, Gaunch, Mann, Maroney, Sypolt, Takubo, Facemire, Palumbo, Plymale, Prezioso, Stollings and Unger.

GOVERNMENT ORGANIZATION

Senators Blair (*Chair*), Gaunch (*Vice Chair*), Boso, Leonhardt, Maroney, Smith, Sypolt, Takubo, Weld, Facemire, Jeffries, Miller, Palumbo and Woelfel.

HEALTH AND HUMAN RESOURCES

Senators Takubo (*Chair*), Maroney (*Vice Chair*), Azinger, Karnes, Leonhardt, Rucker, Trump, Weld, Palumbo, Plymale, Prezioso, Stollings and Unger.

INTERSTATE COOPERATION

Senators Cline (*Chair*), Azinger (*Vice Chair*), Maroney, Maynard, Sypolt, Palumbo and Unger.

JUDICIARY

Senators Trump (*Chair*), Weld (*Vice Chair*), Azinger, Cline, Ferns, Karnes, Leonhardt, Maynard, Rucker, Smith, Swope, Beach, Jeffries, Miller, Ojeda, Romano and Woelfel.

MILITARY

Senators Weld (*Chair*), Boley (*Vice Chair*), Azinger, Cline, Leonhardt, Sypolt, Facemire, Ojeda and Palumbo.

NATURAL RESOURCES

Senators Maynard (*Chair*), Boso (*Vice Chair*), Cline, Karnes, Rucker, Smith, Sypolt, Takubo, Beach, Facemire, Prezioso, Stollings and Woelfel.

PENSIONS

Senators Gaunch (*Chair*), Hall (*Vice Chair*), Boso, Mullins, Weld, Plymale and Unger.

RULES

Senators Carmichael (*Chair*), Blair, Boley, Ferns, Hall, Sypolt, Trump, Palumbo, Plymale, Prezioso and Stollings.

TRANSPORTATION AND INFRASTRUCTURE

Senators Boso (*Chair*), Swope (*Vice Chair*), Gaunch, Maroney, Maynard, Rucker, Beach, Jeffries and Plymale.

WORKFORCE

Senators Swope (*Chair*), Weld (*Vice Chair*), Boso, Karnes, Mullins, Rucker, Smith, Beach, Jeffries, Ojeda and Stollings.

The President then announced the appointment of Senator Ferns, of the County of Ohio, as the majority leader of the Senate;

Senator Prezioso, of the County of Marion, as the minority leader of the Senate;

Senator Blair, of the County of Berkeley, as the majority whip of the Senate;

Senator Palumbo, of the County of Kanawha, as the minority whip of the Senate;

And,

Senator Boley, of the County of Pleasants, as President *pro Tempore* of the Senate.

The hour of 1:45 p.m. having arrived, that being the time set for the joint assembly to open and publish state election returns (under the provisions of H. C. R. 1, previously adopted by the Senate) and to hear the address of His Excellency, the Governor.

On motion of Senator Ferns, the Senate recessed until five minutes after adjournment of the joint assembly. Members of the Senate then repaired in a body to the hall of the House of Delegates.

The address of His Excellency, the Governor, the Honorable Earl Ray Tomblin, delivered in the joint assembly, was as follows, as provided electronically by the Governor's office:

**GOVERNOR TOMBLIN'S MESSAGE TO THE FIRST
ANNUAL SIXTY-DAY SESSION OF THE EIGHTY-THIRD
LEGISLATURE, 2017**

Mr. Speaker, Mr. President, members of the Board of Public Works, justices of the Supreme Court of Appeals, members of the Legislature, distinguished guests, and my fellow West Virginians.

I stand before you today, after six years in the Governor's office and 42 years in this grand statehouse, with a deep sense of

gratitude and reflection and an equally profound hope for West Virginia's future.

Public service has anchored my life's work—from a young 22-year-old in this very House chamber, to a desk across the hall in the State Senate, the Senate President's podium for 17 years and now as your 35th Governor.

It has been the greatest honor—and the greatest reward—to serve the people of this state that we all love. Together, we have put West Virginia first and moved our state forward—even in the midst of tough times, including far-reaching economic shifts, budgetary challenges and historic natural disasters.

West Virginians are strongest in the toughest times. We come together. We lift each other up. And we don't just hope for a better future; we fight for it.

ECONOMIC DIVERSIFICATION & JOB CREATION

Working hard is exactly what we've done over the past six years to create new economic opportunities for the Mountain State.

We have all seen the dramatic impact of the coal industry's decline in our state. We've seen thousands of jobs lost. Families and communities struggling. People beginning to lose hope.

But I believe in—and have fought to reach—the light around the corner.

Shortly after becoming Governor, I pledged to go anywhere and meet with anyone to grow our state's economy. Across West Virginia, the country and the globe, we have succeeded.

Last year, global giant Procter & Gamble announced it would build its first U.S. manufacturing facility since the 1970s right here in West Virginia in the Eastern Panhandle. This will ultimately be a half-billion dollar investment in the Mountain State and result in hundreds of new jobs.

P&G chose our state after an exhaustive search of many others. And as numerous companies have discovered, I know they will find it to be the best decision they've ever made.

Toyota Motor Manufacturing West Virginia, which recently celebrated its 20th anniversary, has expanded continuously—nine times, in fact.

Today, Toyota employs more than 1,600 people. And the company has invested \$1.4 billion since 1996.

Manufacturing jobs, like those at P&G in Martinsburg and Toyota in Buffalo, will be among the most critical to our state's economic future.

In my time as your Governor, I have fought for jobs like these and many more. From Amazon in Huntington and Macy's in Berkeley County, to Bombardier Aerospace manufacturing in Harrison County—which just in November announced an expansion of 150 jobs.

Companies are finding that when they invest in West Virginia, it pays off.

In fact, since 2011, West Virginia has seen more than \$15 billion in new investments, spanning 275 projects. We have welcomed more than 60 new companies and secured 215 competitive expansion projects.

Over the past six years, investment projects have reached 22 industries and provided West Virginians with more than 12,000 good-paying jobs.

Right here in the Kanawha Valley, we have one of the best examples of that remarkable progress.

Gestamp has grown beyond the bounds of any of our expectations. Since opening in 2013, Gestamp has tripled production and more than doubled its workforce, now employing nearly 900 West Virginians.

I know that one of the fundamental reasons behind their growth has been our ability to transform workforce training in West Virginia for the better.

STRENGTHENING WORKFORCE TRAINING & EDUCATION

For example, the Learn and Earn program which we launched in 2012, gives our community and technical college students classroom instruction and hands-on work experience simultaneously. These students earn a competitive salary while giving employers a cost-effective way to recruit and train new employees.

Joe Atha is one of these students. A former coal miner, Joe is now a student at BridgeValley Community and Technical College where he is also supporting his family by earning a wage through the Learn and Earn program at Gestamp.

Joe is here today with his wife, Rita. Please stand to be recognized . . . along with Dr. Sarah Tucker, Chancellor of our Community and Technical College System.

Through forward-thinking programs like this, we can make a real, lasting difference for West Virginians.

That's why I personally convened the West Virginia Workforce Planning Council, which has helped us break down bureaucratic silos and better align classroom learning with the workforce needs of our businesses and industries.

We've even started that process in high schools through the Simulated Workplace program.

Today, our career technical education classrooms have been transformed into businesses. Medical classes are now clinics. Hospitality programs are now catering businesses and restaurants.

And instead of just going to a welding or carpentry class, our students are now part of a construction company, complete with job foremen and safety inspectors.

Just last month, we celebrated a heartwarming moment as a result of the hard work of more than 2,000 of these students from 12 high schools across the state.

Together with the Department of Education's Career Technical Education division, the West Virginia National Guard and our Voluntary Organizations Active in Disaster, we presented keys to tiny homes that were designed and built by these students for survivors of the historic floods that hit our state last June.

REBUILDING FROM NATURAL DISASTERS

Time and again, in the aftermath of this tragic flooding we have seen the selflessness of West Virginians make a difference for one another.

The "Big Hearts Give Tiny Homes" project was a shining example of that West Virginia spirit—one that made an overwhelming difference for 15 families impacted by the flooding, including Brenda Rivers from Nicholas County, whose home was a total loss in the flooding. Brenda now lives in a new tiny home built by students, including Chance Ballard from Spring Valley High School in Wayne County.

Please join me in welcoming Brenda and Chance . . . along with Dr. Kathy D'Antoni . . . whose visionary leadership at the Department of Education has made Simulated Workplace the success it is today.

Working hand-in-hand with the federal government and local officials, our immediate response to the flooding was quick and effective. We were able to expedite federal assistance to our communities and families in need. And over the past seven months, we have been able to shift our focus to long-term recovery.

Through a public-private approach, we launched the RISE West Virginia program, which in total has provided nearly \$2 million to 230 small businesses in the flood-impacted counties—funding that is helping them reopen or continue operations and keep fueling our local economies.

I would like to thank, once again, West Virginia native and champion Brad Smith—the CEO of Intuit, one of the world’s leading financial software companies—and his wife Alys for their family donation of \$500,000, which gave the RISE program its first, needed boost.

West Virginia has experienced more than its share of disasters during my time as your Governor—this historic flooding, the Derecho, Hurricane Sandy, Winter Storms Thor and Jonas and the water crisis.

Through it all, we have grown stronger, we have improved our emergency response capabilities and we have strengthened public safety.

Adversity demands resilience. That’s what we have shown in these challenges and many more—including one of the most trying epidemics I believe the Mountain State has ever faced—with the sharp rise in substance abuse and addiction.

FIGHTING SUBSTANCE ABUSE

That’s why in 2011, I issued an Executive Order to create the Governor’s Advisory Council on Substance Abuse, made up of representatives of substance abuse prevention, behavioral medicine, law enforcement, child and adolescent psychology, the legal system, residential treatment facilities, the public school system, the faith community and health care.

My vision for this Council was a community-driven, ground-up approach to tackling this epidemic. Through community-based task forces in six regions across the state, we have made significant progress and enacted life-saving reforms.

We now look at substance abuse as an illness—not a crime.

We have decreased the number of meth labs across the state as the result of making it more difficult to obtain pseudoephedrine.

We have expanded access to the life-saving drug Narcan to first responders and family members of those struggling with addiction. Last year alone, hundreds of lives were saved as a result.

We have substance abuse prevention services in all 55 counties. We have expanded and improved community-based treatment options and recovery services. Across the state, we have 188 crisis detox beds in residential treatment facilities with more sites under development.

We have 118 beds designated for youth and postpartum treatment as well as short-term and long-term residential treatment. And we have over 1,000 beds for those seeking help and support through peer and provider recovery homes and facilities.

We are working closely with our prisons and correctional facilities to ensure all West Virginians are provided access to substance abuse rehabilitation.

In fact, the Division of Corrections operates nine residential substance abuse treatment units in correctional centers across the state and we have expanded this model to our regional jail facilities as well.

And—through Justice Reinvestment—we have successfully worked to address substance abuse, which is the root cause of many crimes.

Because of that work, we have expanded drug courts, substance abuse counseling and greater supervision after release.

And ultimately, we have better controlled incarceration rates, which prevented our state from having to build a new \$200 million prison that was projected to be needed because of our previous rising prison population.

Just this week, we announced the news that West Virginia reached settlements with two additional drug wholesalers totaling \$36 million, which resolves allegations by our state regarding the distribution of controlled substances in West Virginia.

This brings the total amount of drug settlement money paid to our state by drug wholesalers to \$47 million, which will expand our efforts even further for more law enforcement diversion options, more treatment recovery services and many more efforts to fight this epidemic.

I am also deeply proud of the work we have done in creating the state's first 24-hour substance abuse call line, 844-HELP-4-WV, which has received nearly 8,500 calls since it launched in September 2015.

The help line provides referral support for those seeking help and recovery services. It's an opportunity for people who are struggling to talk with someone who cares, get connected to treatment options and begin the road to recovery.

No caller is ever placed on hold and they are immediately connected with treatment staff representing the best and most appropriate treatment options for them.

Administered by First Choice Health Systems of West Virginia, the help line is staffed by certified professionals, many who have overcome addiction themselves and want to help others turn their lives around as well.

One young gentleman I met did just that because he picked up the phone.

A.J. Walker, a recovering alcoholic and addict, was given the help line number by his brother.

A.J. said when he called, he was treated like a person—not like a drug addict—and he found hope. They got him into a detox facility and into recovery, and the help line staff called and checked in on him every step of the way.

Today, A.J. is employed by the treatment facility that helped him and he's in school studying to become a substance abuse counselor.

A.J. is here today with his brother, Andrew, and Vickie Jones . . . Commissioner of our Bureau of Behavioral Health and Health Facilities.

A.J. we are so proud of you. And today . . . you are giving hope to so many.

When I hear stories like A.J.'s, I am incredibly optimistic for West Virginia's future. With economic changes, job losses and families struggling, we have to seize every opportunity before us to become stronger as individuals and as a state.

One such opportunity lies in Boone and Lincoln Counties, where I believe we have the chance to revitalize Southern West Virginia and make the Mountain State stronger.

EMBRACING THE FUTURE

It was here in this chamber, one year ago during my State of the State Address, where I announced plans for the largest development project in West Virginia's history at the former Hobet surface mine site.

Since last year at this time, we have worked every day and we have made tremendous progress on this project, which is now known as Rock Creek Development Park.

We have worked with local landowners, who are generously donating land that will result in more than 12,000 developable acres for Rock Creek, which is the size of the city of Huntington.

The West Virginia National Guard—Rock Creek's first tenant—is on the ground with newly-expanded operations for maintenance work and training.

And we have a long-term strategic plan now in place, which looks at demographics and market trends to help us identify the best investment opportunities for Rock Creek.

For generations, our coal miners, workers and their families have kept West Virginia strong. Now, it's our turn to help them.

By realizing the full potential of Rock Creek Development Park for job creation and economic diversification, we can build up a region of our state hard hit by the downturn in the coal industry.

My vision for Rock Creek started many years ago as I rode my four-wheeler around the hills of Southern West Virginia and saw the possibilities that such an enormous site—with such a great amount of flat land—could have.

Embracing opportunities like this takes careful thought and planning, and this public-private project will require some investment by the state. But I believe wholeheartedly that the returns will vastly exceed our investment.

That isn't something I say lightly.

Throughout my 42 years in public service, fiscal responsibility has been at the heart of every project I've undertaken, every policy I've fought for and every decision I've made.

GOVERNING RESPONSIBLY

As a result of much hard work, over the years we have decreased taxes, embraced responsible spending, made great progress toward paying off the state's unfunded liabilities and controlled growth of the state's budget.

We have realized milestone tax reforms, including progressive elimination of the food tax, saving West Virginians \$162 million each year.

We have gradually eliminated the state's business franchise tax and decreased the corporate net income tax—changes that make West Virginia more attractive for business investments.

As a result of responsible reforms, last year the National Council on Compensation Insurance filed the 12th reduction in workers' compensation premiums in 12 years. And West Virginia employers have seen a savings of more than \$352 million since we privatized the program in 2006.

We addressed our Other Post Employment Benefits by dedicating \$30 million annually to pay off the \$5 billion unfunded liability, which was caused by previous promises that became too expensive to maintain.

As I did last year, I present to you today a budget that is balanced, but a budget that requires difficult decisions and thinking about the next generation rather than the next election.

I continue to be proud of the fiscal responsibility we have shown not just for the past six years, but over the last generation. Our commitment to paying down our long-term liabilities has not wavered and we have responsibly reduced taxes on both our employers and our employees.

Because of our improved fiscal policies, we have been able to refinance bonds that pay for schools, water and sewer lines, college campus improvements and roads to save more than \$100 million in the past six years.

So when people ask me why I'm so concerned with maintaining our Rainy Day Fund and our bond rating, that's why. It means more schools, more roads and more homes with clean water.

As part of tough decisions during tough economic times, we have cut more than \$600 million from our budget in the past five years. While we all continue to hope that the coal industry will rebound, that hasn't happened quickly and it likely won't ever return to the levels that we once saw.

We continue to work to diversify our economy and I know the improvements we've made will pay long-term dividends in job growth and investment.

But we're not there yet, and part of being fiscally responsible means making sure that we can pay our bills without taking the Rainy Day Fund to dangerously low levels or cutting services to the point where we cannot care for our people or educate our students.

Therefore, the budget I present to you today includes a 1 percent increase in the consumer sales tax to raise \$200 million and elimination of the current sales tax exemption on telecommunications services—a move that would make our system the same as 80 percent of the country.

I understand these taxes will not be easy, but asking people to pay a few dollars more now is a far better choice than seeing PEIA cards not accepted by medical providers or going back to the days when we couldn't finance school and road improvements, or even pay the gas bill at the Governor's Mansion.

I urge you to consider these responsible actions to balance the budget until the brighter economic picture that we all expect comes into focus.

CLOSING

I believe the thing that compelled each of us to public service is our love for West Virginia. And that is the very thing that should compel us to work together.

When I became your Governor, I said that we must put West Virginia first.

That's what we have done. And I encourage you to continue working together out of that deep devotion to our beloved state—in the coming year and beyond.

I am proud of the work that we have accomplished. I look forward to the leadership of Governor-elect Jim Justice and I thank all of you who have worked with me over the years.

I thank my cabinet members and agency directors. And I thank my dedicated staff members who have worked every day—not for me, but for the people of West Virginia.

It has been the honor of my life to be your Governor—to be West Virginia's Governor. Joanne and I thank the people of West Virginia for your abiding trust, counsel and support.

And we look forward—with the greatest hope and optimism—to an even stronger West Virginia.

Thank you. God bless you. And God bless the great state of West Virginia.

(NOTE: For formal procedure in the joint assembly, see the Journal of the House of Delegates for this day.)

The joint assembly having been dissolved, the Senate returned to its chamber and resumed its regular session.

Pending announcement of a meeting of the Committee on Rules,

On motion of Senator Ferns, the Senate recessed for five minutes.

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

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

Senate Concurrent Resolution 1, Adopting joint rules of Legislature.

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

Senate Concurrent Resolution 2, Authorizing payment of supplies, services, printing and other expenses.

The Senate proceeded to the fourth order of business.

Senator Carmichael (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

Senate Resolution 6 (originating in the Committee on Rules)—Creating a Select Committee on Tax Reform for the Eighty-Third Legislature.

Resolved by the Senate:

That for the Eighty-Third Legislature there is hereby created a Select Committee on Tax Reform. This committee shall consist of seven members appointed by the Presiding Officer. Notwithstanding the provisions of any Senate rule to the contrary, this committee shall have jurisdiction of legislative proposals on taxation and related matters. The rules of the Senate governing standing committees shall govern the actions and proceedings of this committee insofar as applicable; and, be it

Further Resolved, That the Senate hereby authorizes the Select Committee on Tax Reform to meet and be paid during interims between regular sessions of the Eighty-Third Legislature; and, be it

Further Resolved, That the Select Committee on Tax Reform is hereby authorized to meet at times subject to the approval of the presiding officer of the Senate; and, be it

Further Resolved, That the purpose of any such meetings would relate to gathering information regarding taxation and related matters; and, be it

Further Resolved, That any bill which is reported out of committee shall be referred to the Committee on Finance; and, be it

Further Resolved, That members of such committee are hereby authorized by the Senate Committee on Rules to receive payment of travel and interim expenses and other compensation as provided by law.

And,

Senate Resolution 7 (originating in the Committee on Rules)—Authorizing the Senate Committee on Confirmations to

meet and be paid during interims between regular sessions of the Eighty-Third Legislature.

Whereas, Section one, article one, chapter four of the Code of West Virginia, 1931, as amended, provides that either house of the Legislature may, by resolution, direct any select committee unique to that house or any standing committee of that house and created by it by rule, motion or resolution to meet between regular sessions of the Legislature; and

Whereas, The West Virginia Senate is vested with the authority, under sections eight and nine, article VII of the Constitution of West Virginia, to advise and consent to certain gubernatorial nominations and certain other nominations as determined by law; and

Whereas, The Committee on Confirmations is a standing committee of the Senate with authority to make recommendations and report to the Senate with respect to such nominations; therefore, be it

Resolved by the Senate:

That the Senate hereby authorizes the Senate Committee on Confirmations to meet and be paid during interims between regular sessions of the Eighty-Third Legislature; and, be it

Further Resolved, That the Committee on Confirmations is hereby authorized to meet at times subject to the approval of the presiding officer of the Senate; and, be it

Further Resolved, That the purpose of any such meetings would relate to gathering information regarding prospective matters involving duties of the Senate related to advice and consent as to nominations; and, be it

Further Resolved, That members of such committee are hereby authorized by the Senate Committee on Rules to receive payment of travel and interim expenses and other compensation as provided by law.

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

Respectfully submitted,

Mitch Carmichael,
Chairman ex officio.

At the request of Senator Ferns, unanimous consent being granted, Senate Resolution 6 contained in the preceding report from the Committee on Rules was taken up for immediate consideration.

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

At the request of Senator Ferns, and by unanimous consent, Senate Resolution 7 contained in the preceding report from the Committee on Rules was taken up for immediate consideration.

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

On motion of Senator Ferns, leaves of absence for the day were granted Senators Miller and Unger.

On motion of Senator Ferns, and in accordance with House Concurrent Resolution 3, previously adopted, the Senate adjourned until Wednesday, February 8, 2017, at 12 o'clock Noon.

WEDNESDAY, FEBRUARY 8, 2017

The Senate met at 12 Noon.

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

Prayer was offered by Terry Liller, Vice President of the Mineral County Development Authority and Member of Keyser City Council.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael A. Woelfel, a senator from the fifth district.

Pending the reading of the Journal of Wednesday, January 11, 2017,

On motion of Senator Gaunch, 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 (§29A-3-12)

The Senate then proceeded to the third order of business.

Executive Communications

Senator Carmichael (Mr. President) presented the following communication from His Excellency, the Governor, submitting the Executive Budget:

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

January 11, 2017

EXECUTIVE MESSAGE NO. 1-T

The Honorable Mitch Carmichael
West Virginia Senate
State Capitol
Charleston, West Virginia 25305

Dear President Carmichael:

I herewith submit, pursuant to the Constitution of the State of West Virginia, a budget and budget bill for the fiscal year beginning July 1, 2017.

Sincerely,

Earl Ray Tomblin
Governor

Which communication and enclosures were received and referred to the Committee on Finance.

Senator Carmichael (Mr. President) then laid before the Senate the following communication from His Excellency, the Governor, regarding annual reports, which communication was received:

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

January 11, 2017

Executive Message 2-T
2017 Regular Session

The Honorable Mitch Carmichael
President, West Virginia State Senate
State Capitol, Rm 229M
Charleston, WV 25305

Dear Mr. President:

Pursuant to the provisions of section twenty, article one, chapter five of the Code of West Virginia, I hereby certify that the following annual reports have been received in the Office of the Governor:

Accountancy, West Virginia Board of: Annual Report - FY
June 30, 2015-June 30, 2016

Aeronautics Commission, West Virginia Department of
Transportation; Annual Report September 1, 2015-August 31,
2016

Architects, West Virginia Board of; Annual Report FY 2015 and FY 2016

Attorney General, Annual Report for Consumer Protection & Antitrust Division, West Virginia Office of; Annual Report

Attorney General, West Virginia Office of; Annual Report 2016

Barbers & Cosmetologists, West Virginia Board of; Annual Report 2016

Benedum Foundation; Annual Report

Chiropractic Examiners, West Virginia Board of; Annual Report FY July 1, 2014-June 30, 2016

Coal Mine Health and Safety, State of West Virginia Board of; Annual Report 2016

Commercial Motor Vehicle Weight and Safety Enforcement Advisory Committee, West Virginia Department of Transportation, Division of Highways; Annual Report 2016

Corrections, West Virginia Division of; Annual Report 2015

Counseling, West Virginia Board of; Annual Report 2014-2016

Counties, West Virginia Association of; Annual Report 2016

County Commissioners' Association of West Virginia; Annual Report 2015-2016

Crime, Delinquency, and Correction, Governor's Committee on; Annual Report on the Sexual Assault Forensic Examination Commission, FY 2016

Crime, Delinquency, and Correction, Governor's Committee on; Annual Report on Law Enforcement Professional Standards Subcommittee, FY 2016

Crime, Delinquency, and Correction, Governor's Committee on; Annual Report on Juvenile Justice & Delinquency Prevention Annual Report, FY 2016

Crime, Delinquency, and Correction, Governor's Committee on; Annual Report for Community Corrections Subcommittee, FY 2016

Deaf and Hard of Hearing, West Virginia Commission for the; Annual Report 2016

Dentistry, West Virginia Board of; Annual Report of the Biennium for Fiscal years 2015 & 2016

Engineers, West Virginia Board of Registration for Professional; FY2016 Annual Report

Federal Communications Commission; Task Force on Optimal PSAP Architecture; Final Report

Financial Institutions, West Virginia Division of; Annual Report FY June 30, 2016

Goodwill Industries of Kanawha Valley, Inc.; Annual Report 2015

Halifax Community College President's Report to the Community; Report 2015-2016

Health and Human Resources, West Virginia Department of, Early Care and Education Child Care Provider; Annual Report FY 2016

Health and Human Resources, West Virginia Department of; Annual Report on Sanction Policy Change Data, FY 2016

Health and Human Resources, West Virginia Youth Services, West Virginia Department of Annual Report, FY 2016

Herbert Henderson Office of Minority Affairs; Annual Report ending December 30, 2016

Higher Education Policy Commission, West Virginia; WV Research Trust Fund Annual Report 2016

Independent Living Council, West Virginia Statewide; Annual Report – Oct 1, 2014-Sept 30, 2015, FY 2015

Insurance Commissioner, West Virginia Office of – Office of Consumer Advocate; Annual Report for Calendar year 2016

Insurance Commissioner, West Virginia Office of; Annual Report 2015 calendar year

Interstate Insurance Product Regulation Commission; Annual Report 2015

Interstate Mining Compact Commission; Annual Report 2015

Juvenile Justice Reform Oversight Committee, West Virginia; Annual Report 2016

Kanawha Valley Foundation, Greater; Annual Report 2015

Licensed Practical Nurses, West Virginia State Board of Examiners for; Biennium Report July 1, 2014-June 30, 2016

Lincoln Primary Care Center, Inc.; Annual Report 2016

Medical Imaging and Radiation Therapy Technology, West Virginia Board of Examiners; Annual Report FY 2016

Miners' Health, Safety and Training, West Virginia Office of; Annual Report FY 2016

Miners' Health, Safety and Training, West Virginia Office of; Coal Mine Safety Report

Miners' Health, Safety and Training, West Virginia Office of; Statistical Report and Directory of Mines for 2015

Municipal Bond Commission, West Virginia; Annual Report July 1, 2015-June 30, 2016

National Shooting Sports Foundation, Inc.; Firearms & Ammunition Industry Economic Impact Report 2016

Nursing Home Administrators Licensing Board, West Virginia; Financial Statement FY 2016

Occupational Therapy, West Virginia Board of; Annual Report 2014-2015 and 2015-2016

Ohio River Valley Water Sanitation Commission; Annual Report 2016

Osteopathic Medicine, West Virginia School of; Annual Report from Investment Report November 30, 2015

Osteopathic Medicine, West Virginia School of; Annual Report from Investment Report November 30, 2016

PACE Enterprises, Inc.; Annual Report 2015

Personnel, West Virginia Division of; Annual Report FY 2016

Privacy Office, West Virginia State; Annual Report 2016

Public Employees Grievance Board, West Virginia Annual Report FY 2016

Public Service Commission of West Virginia; Management Summary Report 2015; Forecast Reports for 2016-2025

Public Service Commission, Consumer Advocate Division, West Virginia; Annual Report 2015

Racing Commission, West Virginia; Annual Report 2015

Real Estate Appraiser Licensing and Certification Board, West Virginia; Annual Report FY 2015 and 2016

Region 4 Planning & Development Council; 2014-2018 Comprehensive Economic Development Strategy (CEDS) 2016 Update

Retirement Board, West Virginia State Police Disability Experience, West Virginia Consolidated Public; Annual Report FY 2016

Risk and Insurance Management, Board of; Annual Report 2016

Ron Yost Personal Assistance Services (RYPAS); Annual Report 2016, July 1, 2015-June 30, 2016

Senior Services, West Virginia Bureau of; Annual Report 2015

Southern Governors Association; 2015 Annual Report 2015

Southern Governors Association; Annual Report 2014

Southern States Energy Board; Annual Report 2016

Southern States Energy Board; Financial Statements & Compliance Reports June 30, 2016 & 2015

State University, West Virginia; President's Report 2016

Tourism, West Virginia Division of; Annual Report 2016

Treasury Investments, West Virginia Board of; Annual Financial Report FY 2016

Veterinary Medicine, West Virginia Board of; Fiscal Year 2016

Very truly yours,

Earl Ray Tomblin
Governor

cc: Clark Barnes, Clerk, West Virginia State Senate
Division of Culture and History

Senator Carmichael (Mr. President) next laid before the Senate the following communication from His Excellency, the Governor, consisting of executive nominations for appointees:

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

January 13, 2017

Senate Executive Message No. 3-T
Regular Session 2017

TO: The Honorable Members of the
West Virginia Senate

Ladies and Gentlemen:

I respectfully submit the following nominations for your advice and consent:

1. For Member, Veterans' Council, James McCormick, New Haven, Mason County, for the term ending June 30, 2022.
2. For Member, Veterans' Council, Jack Gerrard, Clarksburg, Harrison County, for the term ending June 30, 2019.
3. For Member, West Virginia State University Board of Governors, Charles E. Jones, Jr., Charleston, Kanawha County, for the term ending June 30, 2020.
4. For Member, Bluefield State College Board of Governors, Charlie Cole, Bluefield, Mercer County, for the term ending June 30, 2017.
5. For Member, Blue Ridge Community and Technical College Board of Governors, Keith Unger, Berkeley Springs, Morgan County, for the term ending June 30, 2020.
6. For Member, Blue Ridge Community and Technical College Board of Governors, Stephanie L. Harvey, Martinsburg, Berkeley County, for the term ending June 30, 2020.
7. For Member, Blue Ridge Community and Technical College Board of Governors, Bradley Close, Berkeley Springs, Morgan County, for the term ending June 30, 2018.

8. For Member, West Virginia Northern Community and Technical College Board of Governors, Jonathon H. Greer, Wheeling, Ohio County, for the term ending June 30, 2020.
9. For Member, West Virginia Northern Community and Technical College Board of Governors, David Artman, Weirton, Hancock County, for the term ending June 30, 2019.
10. For Member, West Virginia Northern Community and Technical College Board of Governors, Larry Lemon, New Martinsville, Wetzel County, for the term ending June 30, 2020.
11. For Member, West Virginia School of Osteopathic Medicine Board of Governors, Cheryl Schreiber, Weirton, Brooke County, for the term ending June 30, 2020.
12. For Member, West Virginia School of Osteopathic Medicine Board of Governors, Charles H. Davis, Stow, Ohio, for the term ending June 30, 2020.
13. For Member, West Virginia School of Osteopathic Medicine Board of Governors, David Rader, Gainesville, Florida, for the term ending June 30, 2019.
14. For Member, West Virginia University – Parkersburg Board of Governors, Donna M. Smith, Vienna, Wood County, for the term ending June 30, 2020.
15. For Member, West Virginia University – Parkersburg Board of Governors, Jeffrey Matheny, Mineral Wells, Wood County, for the term ending June 30, 2020.
16. For Member, West Virginia University – Parkersburg Board of Governors, Jason Landers, Vienna, Wood County, for the term ending June 30, 2020.
17. For Member, West Virginia University – Parkersburg Board of Governors, Joseph Oliverio, Belmont, Pleasants County, for the term ending June 30, 2020.

18. For Member, West Virginia University – Parkersburg Board of Governors, John P. Hushion, Vienna, Wood County, for the term ending June 30, 2020.
19. For Member, West Virginia Board of Architects, Edward W. Tucker, Huntington, Cabell County, for the term ending June 30, 2021.
20. For Member, West Virginia Board of Architects, Edsel Smith, Jane Lew, Lewis County, for the term ending June 30, 2017.
21. For Member, West Virginia University Board of Governors, Thomas A. Heywood, Charleston, Kanawha County, for the term ending June 30, 2019.
22. For Member, West Virginia University Board of Governors, Ben Statler, Naples, Florida, for the term ending June 30, 2019.
23. For Member, Southern West Virginia Community and Technical College Board of Governors, Howard E. Seufer, Jr., Charleston, Kanawha County, for the term ending June 30, 2020.
24. For Member, Tourism Commission, Kara D. Dense, Lewisburg, Greenbrier County, for the term ending May 1, 2019.
25. For Member, State Conservation Committee, Angela Rosser, Charleston, Kanawha County, for the term ending June 30, 2019.
26. For Member, State Conservation Committee, Roscoe Adkins, Logan, Logan County, for the term ending June 30, 2018.
27. For Member, Real Estate Commission, Joe L. Ellison, Greenville, Monroe County, for the term ending June 30, 2019.
28. For Member, Real Estate Commission, Densil Nibert, Shenandoah Junction, Jefferson County, for the term ending June 30, 2020.

29. For Member, Real Estate Commission, Cheryl Dawson, Hurricane, Putnam County, for the term ending June 30, 2018.
30. For Member, Real Estate Commission, Kathy L. Martin, Morgantown, Monongalia County, for the term ending June 30, 2018.
31. For Member, West Virginia State Board of Registration for Professional Engineers, Larry C. Nottingham, Duck, Clay County, for the term ending June 30, 2017.
32. For Member, West Virginia Board of Architects, Wendy Scatterday, Wheeling, Ohio County, for the term ending June 30, 2019.
33. For Member, West Virginia Massage Therapy Licensure Board, Roland Meffort, Nitro, Kanawha County, for the term ending June 30, 2017.
34. For Member, West Virginia Massage Therapy Licensure Board, Joan F. Wysong, Nitro, Kanawha County, for the term ending June 30, 2017.
35. For Member, West Virginia Massage Therapy Licensure Board, Marsha Starr, Hamlin, Lincoln County, for the term ending June 30, 2018.
36. For Member, West Virginia Massage Therapy Licensure Board, John Skelton, Shady Spring, Raleigh County, for the term ending June 30, 2018.
37. For Member, West Virginia Massage Therapy Licensure Board, Laurie Lively, Lewisburg, Greenbrier County, for the term ending June 30, 2017.
38. For Member, Regional Jail and Correctional Facility Authority, Tim P. McCormick, Wheeling, Ohio County, for the term ending June 30, 2020.

39. For Member, Regional Jail and Correctional Facility Authority, Michael M. Taylor, Elkins, Randolph County, for the term ending June 30, 2020.
40. For Member, West Virginia Commission for the Deaf and Hard of Hearing, Karen McNealy, Huntington, Cabell County, for the term ending June 30, 2019.
41. For Member, West Virginia Commission for the Deaf and Hard of Hearing, Gwen Bryant, St. Albans, Kanawha County, for the term ending June 30, 2019.
42. For Member, West Virginia Commission for the Deaf and Hard of Hearing, David Blaine, Daniels, Raleigh County, for the term ending June 30, 2017.
43. For Member, Economic Development Authority, Anne Barth, Charleston, Kanawha County, for the term ending June 30, 2020.
44. For Member, West Virginia Board of Veterinary Medicine, Keith B. Berkeley, Ranson, Jefferson County, for the term ending June 30, 2019.
45. For Member, West Virginia Board of Veterinary Medicine, John R. Wilson, Lewisburg, Greenbrier County, for the term ending June 30, 2020.
46. For Member, West Virginia Board of Veterinary Medicine, Ronald Lee Smith, Charleston, Kanawha County, for the term ending June 30, 2021.
47. For Member, West Virginia Board of Veterinary Medicine, Amy Runyon Meadows, Lewisburg, Greenbrier County, for the term ending June 30, 2021.
48. For Member, New River Community and Technical College Board of Governors, Jim Ferguson, Bluefield, Mercer County, for the term ending June 30, 2017.

49. For Member, New River Community and Technical College Board of Governors, Tom Cochran, Daniels, Raleigh County, for the term ending June 30, 2019.
50. For Member, Shepherd University Board of Governors, Henry M. Kayes, Jr., Martinsburg, Berkeley County, for the term ending June 30, 2018.
51. For Member, West Virginia Board of Medicine, Wes Steele, Fairmont, Marion County, for the term ending September 30, 2021.
52. For Member, West Virginia Board of Medicine, Carrie A. Lakin, Charleston, Kanawha County, for the term ending September 30, 2021.
53. For Member, Mountwest Community and Technical College Board of Governors, Cathy Burns, Huntington, Cabell County, for the term ending June 30, 2020.
54. For Member, Mountwest Community and Technical College Board of Governors, Anthony E. Martin, Huntington, Cabell County, for the term ending June 30, 2020.
55. For Member, Mountwest Community and Technical College Board of Governors, Rodney Wiles, Huntington, Cabell County, for the term ending June 30, 2020.
56. For Member, Mountwest Community and Technical College Board of Governors, Melvin Miller, Huntington, Cabell County, for the term ending June 30, 2018.
57. For Member, School Building Authority, T. Bart Willis, Logan, Logan County, for the term ending July 31, 2019.
58. For Member, School Building Authority, Tom Lange, Kearneysville, Jefferson County, for the term ending July 31, 2019.

59. For Member, West Virginia Real Estate Appraiser Licensing and Certification Board, Rachel Phillips, Morgantown, Monongalia County, for the term ending June 30, 2019.
60. For Member, West Virginia Real Estate Appraiser Licensing and Certification Board, Dean E. Dawson, Scott Depot, Putnam County, for the term ending June 30, 2019.
61. For Member, West Virginia Real Estate Appraiser Licensing and Certification Board, Frank DeChiazza, Charleston, Kanawha County, for the term ending June 30, 2019.
62. For Member, West Virginia Real Estate Appraiser Licensing and Certification Board, Darlene Dunn, Morgantown, Monongalia County, for the term ending June 30, 2019.
63. For Member, West Virginia Real Estate Appraiser Licensing and Certification Board, Ann Wilson Worley, Beckley, Raleigh County, for the term ending June 30, 2019.
64. For Member, West Virginia Board of Respiratory Care, Eric O. Hawkins, Bluefield, Mercer County, for the term ending June 30, 2019.
65. For Member, West Virginia Board of Respiratory Care, Tracy S. Matthews, Sod, Lincoln County, for the term ending June 30, 2019.
66. For Member, West Virginia Board of Respiratory Care, Rayan E. Ihle, Charleston, Kanawha County, for the term ending June 30, 2017.
67. For Member, West Virginia Board of Respiratory Care, Barbara Hayden Folden, Mullens, Wyoming County, for the term ending June 30, 2018.
68. For Member, Board of Examiners for Registered Professional Nurses, Doris F. Burkey, Berkeley Springs, Morgan County, for the term ending June 30, 2021.

69. For Member, Public Employees Insurance Agency Finance Board, Philip Reale II, South Charleston, Kanawha County, for the term ending June 30, 2018.
70. For Member, Oil and Gas Conservation Commission, Barry K. Lay, Glenville, Gilmer County, for the term ending July 27, 2020.
71. For Member, Oil and Gas Conservation Commission, Robert L. Radabaugh, Sand Fork, Gilmer County, for the term ending July 27, 2022.
72. For Member, Oil and Gas Conservation Commission, Anthony Gum, Buckhannon, Upshur County, for the term ending July 27, 2018.
73. For Member, West Virginia Parkways Authority, Troy N. Giatras, Charleston, Kanawha County, for the term ending June 30, 2019.
74. For Member, Unemployment Compensation Board of Review, Jo Marie Chandler, Fairmont, Marion County, for the term ending January 1, 2023.
75. For Member, Unemployment Compensation Board of Review, Belinda Biafore, Fairmont, Marion County, for the term ending January 1, 2023.
76. For Member, Unemployment Compensation Board of Review, John A. Canfield, Charleston, Kanawha County, for the term ending January 1, 2023.
77. For Member, West Virginia Parole Board, Edward E. Wooton, Petersburg, Grant County, for the term ending June 30, 2019.

Notice of these appointments was previously provided to the appropriate legislative staff at the time the appointments were made.

Sincerely,

Earl Ray Tomblin
Governor

cc: Clerk of the Senate
Assistant Clerk of the Senate
Senate Confirmations Chair

Which communication was received and referred to the Committee on Confirmations.

On motion of Senator Boley, consideration of the nominations immediately hereinbefore reported was made a special order of business for Thursday, March 9, 2017, at 11 a.m.

Senator Carmichael (Mr. President) laid before the Senate the following communication from His Excellency, the Governor, submitting the annual probation and parole report, which was received:

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

January 13, 2017

Executive Message No. 4-T
2017 Regular Session

The Honorable Mitch Carmichael
President, Senate of West Virginia
State Capitol
Charleston, West Virginia 25305

Dear Mr. President:

Pursuant to section 11, article VII of the Constitution of West Virginia and section sixteen, article one, chapter five of the Code of West Virginia, I have extended clemency to the persons identified on the attached report. I submit this report in accordance with the above-cited provisions for the period March 8, 2016, through and including January 13, 2017.

Very truly yours,

Earl Ray Tomblin
Governor

Attach.

cc: Clark Barnes, Senate Clerk
Division of Archives and History

**PARDONS AND MEDICAL RESPITES GRANTED
BY GOVERNOR EARL RAY TOMBLIN
FOR THE PERIOD MARCH 8, 2016, THROUGH AND
INCLUDING JANUARY 13, 2017**

**Bartsch, Timothy Michael
Decided January 13, 2017**

In 2007, Timothy Michael Bartsch pled guilty to a charge of Underage Consumption, in Mineral County, West Virginia. On August 27, 2007, he was sentenced to serve twelve hours in jail (suspended to four hours community service) and a fine of \$28.50. Mr. Bartsch successfully fulfilled the terms imposed on him. Since that time, he has maintained himself as a responsible, law-abiding citizen, and has led an exemplary and productive life. The West Virginia Parole Board, having fully reviewed and considered his history and record, unanimously recommended that Mr. Bartsch be granted a full, unconditional, and complete pardon.

For these reasons, Governor Tomblin granted a full, unconditional, and complete pardon to Timothy Michael Bartsch for the offense of Underage Consumption.

**Carter, Chelsea Leigh Dolan
Decided January 13, 2017**

In 2009, Chelsea Leigh Dolan Carter pled guilty to the charges of Nighttime Burglary and Felony Conspiracy, in Boone County, West Virginia. On February 25, 2009, she was placed on sixty months' probation. Ms. Carter successfully fulfilled the terms imposed on her. Since that time, she has maintained herself as a responsible, law-abiding, citizen and has led an exemplary and productive life. The West Virginia Parole Board, having fully reviewed and considered her history and record, unanimously recommended that Ms. Carter be granted a full, unconditional, and complete pardon.

For these reasons, Governor Tomblin granted a full, unconditional, and complete pardon to Chelsea Leigh Dolan Carter for the offenses of Nighttime Burglary and Felony Conspiracy.

Dawson, Christopher J.
Decided January 13, 2017

In 2007, Christopher J. Dawson pled guilty to a charge of Underage Consumption, in Mineral County, West Virginia. On August 27, 2007, he was sentenced to serve twenty-four hours in jail and a fine of \$25.00. Mr. Dawson successfully fulfilled the terms imposed on him. Since that time, he has maintained himself as a responsible, law-abiding, citizen and has led an exemplary and productive life. The West Virginia Parole Board, having fully reviewed and considered his history and record, unanimously recommended that Mr. Dawson be granted a full, unconditional, and complete pardon.

For these reasons, Governor Tomblin granted a full, unconditional, and complete pardon to Christopher J. Dawson for the offense of Underage Consumption.

Herron, Haley Lynn
Decided January 13, 2017

In 2009, Haley Lynn Herron pled guilty to Conspiracy to Operate a Clandestine Drug Laboratory, in Kanawha County, West Virginia. On September 21, 2009, she was sentenced to a term of two years' probation. Ms. Herron successfully fulfilled the terms imposed on her. Since that time, she has maintained herself as a responsible, law-abiding, citizen and has led an exemplary and productive life. The West Virginia Parole Board, having fully reviewed and considered her history and record, unanimously recommended that Ms. Herron be granted a full, unconditional, and complete pardon.

For these reasons, Governor Tomblin granted a full, unconditional, and complete pardon to Haley Lynn Herron for the offense of Conspiracy to Operate a Clandestine Drug Laboratory.

Maxwell, Patrick Joseph
Decided January 13, 2017

In 2005, Patrick Joseph Maxwell pled guilty to a charge Fraudulent Schemes, in Harrison County, West Virginia. On June 8, 2005, he was sentenced to serve one to ten years' incarceration. Mr. Maxwell successfully fulfilled the terms imposed on him. Since that time, he has maintained himself as a responsible, law-abiding, citizen and has led an exemplary and productive life. The West Virginia Parole Board, having fully reviewed and considered his history and record, unanimously recommended that Mr. Maxwell be granted a full, unconditional, and complete pardon.

For these reasons, Governor Tomblin granted a full, unconditional, and complete pardon to Patrick Joseph Maxwell for the offense of Fraudulent Schemes.

Mersing, Jamie Dawn
Decided January 13, 2017

In 1999, Jamie Dawn Mersing pled guilty to a Misdemeanor Offense of Shoplifting, in Berkeley County, West Virginia. On December 17, 1999, a fine was assessed. Ms. Mersing successfully fulfilled the terms imposed on her. Since that time, she has maintained herself has a responsible, law-abiding citizen, and has led an exemplary and productive life. The West Virginia Parole Board, having fully reviewed and considered her history and record, unanimously recommended that Ms. Mersing be granted a full, unconditional, and complete pardon.

For these reasons, Governor Tomblin granted a full, unconditional, and complete pardon to Jamie Dawn Mersing for the offense of Misdemeanor Offense of Shoplifting.

Pickens, Joshua Oren
Decided January 13, 2017

In 1997, Joshua Oren Pickens pled guilty to the charges of three counts Grand Larceny and one count Conspiracy, in Lewis County, West Virginia. On September 4, 1997, he was sentenced to serve a one to ten year term on each offense of Grand Larceny and one to

five years for the offense of Conspiracy, to run concurrently. Mr. Pickens successfully fulfilled the terms imposed on him. Since that time, he has maintained himself as a responsible, law-abiding, citizen and has led an exemplary and productive life. The West Virginia Parole Board, having fully reviewed and considered his history and record, unanimously recommended that Mr. Pickens be granted a full, unconditional, and complete pardon.

For these reasons, Governor Tomblin granted a full, unconditional, and complete pardon to Joshua Oren Pickens for the offenses of Grand Larceny and Conspiracy.

Powell, Keith Allen
Decided January 13, 2017

In 1995, Keith Allen Powell pled guilty to a charge of Transporting Stolen Goods into the State, in Mercer County, West Virginia. On February 23, 1996, he was sentenced to serve one year in County Jail, suspended to two years' probation. Mr. Powell successfully fulfilled the terms imposed on him. Since that time, he has maintained himself as a responsible, law-abiding, citizen and has led an exemplary and productive life. The West Virginia Parole Board, having fully reviewed and considered his history and record, unanimously recommended that Mr. Powell be granted a full, unconditional, and complete pardon.

For these reasons, Governor Tomblin granted a full, unconditional, and complete pardon to Keith Allen Powell for the offense of Transporting Stolen Goods into the State.

Rainey, Jr., Michael Allen
Decided January 13, 2017

In 2008, Michael Allen Rainey, Jr. pled guilty to a charge of Delivery of a Controlled Substance, Marijuana, in Mason County, West Virginia. On March 2, 2009 he was sentenced to serve one to five years' incarceration. Mr. Rainey successfully fulfilled the terms imposed on him. Since that time, he has maintained himself as a responsible, law-abiding, citizen and has led an exemplary and productive life. The West Virginia Parole Board, having fully

reviewed and considered his history and record, unanimously recommended that Mr. Rainey be granted a full, unconditional, and complete pardon.

For these reasons, Governor Tomblin granted a full, unconditional, and complete pardon to Michael Allen Rainey, Jr. for the offense of Delivery of a Controlled Substance, Marijuana.

Robinson, Andrew E.
Decided January 13, 2017

In 1973, Andrew E. Robinson pled guilty to a charge of Breaking and Entering, in Berkeley County, West Virginia. On October 22, 1973 he was sentenced to serve one to five years' incarceration. Mr. Robinson successfully fulfilled the terms imposed on him. Since that time, he has maintained himself as a responsible, law-abiding, citizen and has led an exemplary and productive life. The West Virginia Parole Board, having fully reviewed and considered his history and record, unanimously recommended that Mr. Robinson be granted a full, unconditional, and complete pardon.

For these reasons, Governor Tomblin granted a full, unconditional, and complete pardon to Andrew E. Robinson for the offense of Breaking and Entering.

Whetzel, Christopher Lee
Decided January 13, 2017

In 2005, Christopher Lee Whetzel entered an *Alford* Plea to the charges of Conspiracy to Enter Without Breaking and Accessory After the Fact of Second Degree Arson, in Hardy County, West Virginia. On October 22, 1973 he was sentenced to serve one to five years' incarceration. Mr. Whetzel successfully fulfilled the terms imposed on him. Since that time, he has maintained himself as a responsible, law-abiding, citizen and has led an exemplary and productive life. The West Virginia Parole Board, having fully reviewed and considered his history and record, unanimously recommended that Mr. Whetzel be granted a full, unconditional, and complete pardon.

For these reasons, Governor Tomblin granted a full, unconditional, and complete pardon to Christopher Lee Whetzel for the offense of Breaking and Entering.

NO MEDICAL RESPITES WERE GRANTED DURING THE PERIOD MARCH 8, 2016, THROUGH JANUARY 13, 2017

The following communication was reported by the Clerk:

THE SENATE OF WEST VIRGINIA
CHARLESTON

January 15, 2017

The Honorable Mitch Carmichael
President of the West Virginia Senate
State Capitol
Charleston, WV 25305-0800

Dear President Carmichael:

Please accept this letter as my official resignation as a member of the West Virginia Senate, effective at midnight, January 15, 2017.

It was a great honor and privilege to serve in the Senate and I would like to thank the people of the 2nd senatorial district for the opportunity. As I continue my public service to the state of West Virginia as Agriculture Commissioner, I look forward to working with the members of the Senate to keep moving West Virginia forward.

Sincerely,

Kent Leonhardt

Executive Communications

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

JIM JUSTICE
GOVERNOR OF WEST VIRGINIA

January 28, 2017

The Honorable Mac Warner
Secretary of State
State Capitol
Charleston, West Virginia 25305

Dear Secretary Warner:

Pursuant to W. Va. Code § 3-10-5, I have this day appointed Charles Clements, 242 East Thistle Court, New Martinsville, Wetzel County, West Virginia 26155, as a Senator representing the Second Senatorial District, to fill the vacancy created by the resignation of the Honorable Kent Leonhardt from this day through the remainder of the unexpired term of said office.

Sincerely,

Jim Justice
Governor

cc: President of the Senate
Speaker of the House
Clerk of the Senate
Clerk of the House of Delegates
West Virginia Ethics Commission

The several oaths of office prescribed by the Constitution were administered by the Honorable Mitch Carmichael, Senate President, to Charles H. Clements, of the County of Wetzel, on February 2, 2017.

The Senate proceeded to the sixth order of business.

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

By Senators Trump and Jeffries:

Senate Bill 1—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-6-6c, relating to establishing an additional dedicated fee for 911.

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

By Senators Trump, Jeffries and Sypolt:

Senate Bill 2—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-9A-13, relating to adding an amount to the appropriation for serving exceptional students with high-cost/high-acuity special needs that is based on the reduction in net enrollment multiplied by the average net state aid per pupil for the preceding school year; limiting the amount added; and providing for disbursement of amount added.

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

By Senators Trump, Plymale, Rucker, Jeffries, Sypolt and Woelfel:

Senate Bill 3—A Bill to amend and reenact §18-8-4 and §18-8-8 of the Code of West Virginia, 1931, as amended, all relating generally to truancy intervention; expanding definition of “excused absence”; exempting absences for chronic medical condition or disability which may be reasonably accommodated by the school; requiring parent to request reasonable accommodation; defining “chronic medical condition or disability”; requiring written excuses or documentation from a medical provider in certain cases; limiting number of days which may be excused absences; defining “immediate family”; requiring verification of absence for judicial obligation or court appearance; allowing principal to authorize excused absences for other reason or for longer periods of time with the approval of the county superintendent; removing notice requirement after three days’ absence; requiring written excuses or documentation to be submitted within certain time frame; defining the term “reasonable accommodation”; and modifying the effect of

student suspensions on enforcement of the provisions of compulsory attendance enforcement.

Referred to the Committee on Education.

By Senators Gaunch, Trump, Boso, Blair, Rucker, Jeffries, Stollings, Woelfel and Sypolt:

Senate Bill 4—A Bill to amend and reenact §30-3-10a of the Code of West Virginia, 1931, as amended; to amend and reenact §30-4-15 of said code; to amend and reenact §30-5-17 of said code; to amend and reenact §30-7-6a of said code; to amend and reenact §30-8-16 of said code; to amend and reenact §30-14-12b of said code; to amend and reenact §30-20-13 of said code; to amend and reenact §30-21-17 of said code; and to amend and reenact §30-28-8a of said code, all relating to allowing licensed professionals to donate time to the care of indigent and needy in a clinical setting; and allowing for some of donated time to be counted against continuing education required hours.

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

By Senators Trump, Jeffries and Sypolt:

Senate Bill 5—A Bill to amend and reenact §17E-1-13 of the Code of West Virginia, 1931, as amended, relating to disqualification of a commercial driver's license for a conviction of driving a motor vehicle under the influence of alcohol or a controlled substance; and providing that an offense committed before January 1, 1990, or before the initial issuance of a commercial instructional permit by any state may not be considered an offense in determining a lifetime disqualification.

Referred to the Committee on the Judiciary.

By Senators Trump, Gaunch, Rucker, Karnes and Sypolt:

Senate Bill 6—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25b, relating to education; providing for the Tim Tebow Act; permitting students instructed at home, by a private tutor or enrolled in a private, parochial or church school or a school

operated by a religious order who do not attend a school that is a member of the West Virginia Secondary School Activities Commission to participate in extracurricular athletic or other extracurricular activities at a school that is a member of the commission; providing requirements, standards and insurance coverage; and providing that accommodating schools may not be impeded from competing against other schools.

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

By Senators Trump, Blair, Rucker, Karnes and Sypolt:

Senate Bill 7—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §1-2-2a, relating to requiring the election by divisions in House of Delegates' districts that have two or more delegates.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 8—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-8-15, relating to candidates or candidate committees for legislative office disclosing contributions received while the Legislature is in session; requiring timely disclosure of certain contributions from persons while the Legislature is in session; clarifying that the legislative session includes interim and special sessions; requiring timely disclosure of fund-raising events, including contributions of candidates or candidate committees for legislative office while the Legislature is in session; defining terms; imposing same reporting requirements upon former candidates or candidate committees for legislative office who are still in office; requiring Secretary of State to create a form for disclosure; requiring Secretary of State to publish information on the Secretary of State's website; authorizing Secretary of State to establish means for electronic filing and disclosure in the alternative; and authorizing Secretary of State to promulgate legislative and emergency rules.

Referred to the Committee on the Judiciary.

By Senators Trump and Jeffries:

Senate Bill 9—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-2B-1, §29-2B-2, §29-2B-3, §29-2B-4, §29-2B-5, §29-2B-6 and §29-2B-7, all relating to regulation of unmanned aircraft systems; requiring compliance with federal laws and regulations relating to such vehicles; defining terms; creating criminal offenses for certain conduct using an unmanned aircraft system and setting penalties therefor; regulating law-enforcement use of unmanned aircraft systems; limiting uses by law enforcement of unmanned aircraft systems; requiring search warrants to be obtained before unmanned aircraft systems may be used in criminal investigations and creating exemptions thereto; requiring documentation of law-enforcement flights of unmanned aircraft systems and maintenance of records; precluding admissibility in civil, criminal and administrative proceedings of images or the evidence obtained in violation of the provisions of this article; and requiring the West Virginia Aeronautics Commission, the West Virginia Department of Military Affairs and Public Safety, the West Virginia Sheriffs' Bureau for Professional Standards and the West Virginia State Police to propose legislative rules and promulgate emergency rules.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 10—A Bill to amend and reenact §17E-1-3 of the Code of West Virginia, 1931, as amended, relating generally to commercial driver's licenses; changing definition of "commercial motor vehicle"; and removing requirement for commercial driver's license when a towing vehicle is below a certain gross vehicle weight rating.

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

By Senators Palumbo, Facemire, Jeffries, Stollings and Beach:

Senate Bill 11—A Bill to amend and reenact §3-10-5, §3-10-6, §3-10-7 and §3-10-8 of the Code of West Virginia, 1931, as amended, all relating to requiring vacancies in the House of Delegates, State Senate, circuit court clerk, county commission, county clerk, prosecuting attorney, sheriff, assessor or county surveyor be filled by a person affiliated with the same party as the person vacating the office was affiliated at the time of his or her last election to the office or if not elected at the time of his or her appointment.

Referred to the Committee on the Judiciary.

By Senators Sypolt, Smith, Blair and Jeffries:

Senate Bill 12—A Bill to amend and reenact §62-3-3 of the Code of West Virginia, 1931, as amended, relating to changing number of strikes in jury selection in felony cases to provide four strikes each to the accused and the prosecution; and setting forth the order the strikes are to be taken.

Referred to the Committee on the Judiciary.

By Senators Sypolt, Smith, Plymale and Jeffries:

Senate Bill 13—A Bill to amend and reenact §11-21-21 of the Code of West Virginia, 1931, as amended, relating to changing the qualifier for low income to three hundred percent or less of the federal poverty guideline from one hundred fifty percent or less of the federal poverty guideline for a senior citizens' homestead tax credit.

Referred to the Committee on Finance.

By Senators Sypolt (By Request), Smith and Jeffries:

Senate Bill 14—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3tt, relating to authorizing county commissions to add a surcharge to county property tax bill of all residential property owners for the service of trash collection; and limiting disbursement of moneys collected.

Referred to the Committee on Government Organization.

By Senators Sypolt, Smith and Boso:

Senate Bill 15—A Bill to amend and reenact §17-27-9 of the Code of West Virginia, 1931, as amended, relating to eliminating sunset on Division of Highways public-private partnership agreements.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senators Sypolt and Smith:

Senate Bill 16—A Bill to repeal §11-6A-5a of the Code of West Virginia, 1931, as amended, relating to wind power projects.

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

By Senators Sypolt, Rucker and Jeffries:

Senate Bill 17—A Bill to amend and reenact §18B-9-3 of the Code of West Virginia, 1931, as amended, relating to temporary higher education classified employees annual salary schedule; providing that when developed and adopted by the Higher Education Policy Commission and the Council for Community and Technical College Education, a new salary structure will replace the schedule that currently exists for higher education classified employees; providing that any provision of law in conflict with the new salary structure is null and void; requiring the commission and council to recommend legislation in 2018 to enact the new salary structure into law; and requiring prior to adoption of the new structure the commission and council must seek comments from affected constituents.

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

By Senators Sypolt, Smith, Blair, Jeffries and Beach:

Senate Bill 18—A Bill to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, relating to requiring ACT and ACT Aspire to be used as the comprehensive statewide student assessment.

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

By Senator Karnes:

Senate Bill 19—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-11C-1, §5-11C-2, §5-11C-3, §5-11C-4 and §5-11C-5, all relating to establishing the West Virginia Freedom of Conscience Protection Act; ensuring that, in all cases where state action burdens the exercise of religion, strict scrutiny is applied; providing a claim or defense to a person or persons whose exercise of religion is burdened by state action; providing a short title; providing definitions; and addressing applicability, construction, remedies and severability.

Referred to the Committee on the Judiciary.

By Senators Karnes and Boso:

Senate Bill 20—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-2-11a, relating to limiting health insurance coverage for elective abortions to coverage provided through supplemental policies; and providing for elective abortion exceptions.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

By Senators Karnes, Boso and Rucker:

Senate Bill 21—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §33-42-9 and §33-42-10, all relating to the care of aborted fetuses; requiring medical facilities that provide abortions to administer anesthesia to an unborn fetus when aborted if it is older than seven weeks; requiring all available medical means to be used to preserve the life of a fetus if it is alive when aborted; and providing criminal penalties.

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

By Senators Karnes, Blair and Sypolt:

Senate Bill 22—A Bill to repeal §17C-16-1, §17C-16-2, §17C-16-3, §17C-16-4, §17C-16-5, §17C-16-6, §17C-16-7, §17C-16-8 and §17C-16-9 of the Code of West Virginia, 1931, as amended, relating to mandatory state inspections of motor vehicles.

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

By Senators Karnes and Rucker:

Senate Bill 23—A Bill to amend and reenact §16-5-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-5-10a, all relating to defining “midwife”, “certified midwife” and “midwifery”; and requiring persons practicing midwifery in West Virginia to make an annual report to the Bureau for Public Health as prescribed by the section of vital statistics.

Referred to the Committee on Health and Human Resources.

By Senators Karnes, Rucker and Sypolt:

Senate Bill 24—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25, relating to creating income tax credits against personal income tax for educational expenses incurred by parents for a child under twenty-one years of age and for expenses incurred by teachers for the purchase of supplementary educational materials or professional development costs.

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

By Senators Karnes, Rucker and Sypolt:

Senate Bill 25—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13DD-1, §11-13DD-2, §11-13DD-3, §11-13DD-4, §11-13DD-5, §11-13DD-6 and §11-13DD-7, all relating to creation of farm-to-food bank tax credit; defining terms; providing method for calculation of value of tax credit; limiting tax credit; providing for

certification by Department of Agriculture; allowing carryover of unused tax credits for four years; providing for rulemaking; and establishing effective date of tax credit.

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

By Senator Karnes:

Senate Bill 26—A Bill to amend and reenact §5A-3-37 of the Code of West Virginia, 1931, as amended, relating to providing for resident farm vendor's bidding preference.

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

By Senators Karnes, Trump, Rucker and Sypolt:

Senate Bill 27—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-35-5, relating to permitting sale of home-based, micro-processed foods at farmers' markets; requiring seventy percent from vendor's garden or farm; requiring recordkeeping and labeling; clarifying foods requiring permit and exempted foods; establishing permit requirements and limitations; setting forth permit inspections and fees; and limiting sales to seven hundred fifty units per year.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on Health and Human Resources.

By Senator Karnes:

Senate Bill 28—A Bill to amend and reenact §20-7-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §20-14A-1, §20-14A-2, §20-14A-3, §20-14A-4, §20-14A-5, §20-14A-6, §20-14A-7, §20-14A-8, §20-14A-9, §20-14A-10 and §20-14A-11; and to amend and reenact §20-15-1, §20-15-2, §20-15-3, §20-15-4 and §20-15-5 of said code, all relating to establishing regional recreation authorities and areas; establishing trails for off-highway

recreational vehicle use; providing for reimbursement by authority for natural resources police officers or county sheriffs; authorizing creation of regional recreation authority as joint development entity formed by three or more contiguous counties; setting forth findings and definitions; establishing powers and composition of governing board; providing for financial review and oversight of public funds; prohibiting certain conduct in regional recreation area; establishing requirements for bidding and purchasing; prohibiting conflicts of interest; limiting liability; clarifying duties and responsibilities of participants to landowners and lessors in the regional recreation area; and establishing criminal penalties and civil remedies.

Referred to the Committee on Natural Resources; and then to the Committee on Government Organization.

By Senators Karnes, Jeffries and Rucker:

Senate Bill 29—A Bill to amend and reenact §20-2-42x of the Code of West Virginia, 1931, as amended, relating to allowing a person to purchase a Class XS resident senior hunting, fishing and trapping license at the beginning of the year he or she becomes sixty-five, if otherwise eligible.

Referred to the Committee on Natural Resources; and then to the Committee on Government Organization.

By Senator Karnes:

Senate Bill 30—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-8A-1, §11-8A-2, §11-8A-3, §11-8A-4, §11-8A-5 and §11-8A-6, all relating to allowing local units of government to lower personal property taxes by imposing local sales taxes; setting forth a purpose; not requiring an agreement among local levying bodies; setting the amount of sales tax permitted; determining levy setoff and implementation; establishing a trigger to prohibit the collection of future personal property taxes by any unit of state government; and providing for the sunset of article under certain conditions.

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

By Senators Karnes and Rucker:

Senate Bill 31—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-16G-10, relating to prohibiting abortion coverage in qualified health care plans issued or renewed on or after January 1, 2018; and providing an exception to the prohibition when a mother's life is in danger.

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

By Senators Karnes and Jeffries:

Senate Bill 32—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §18B-14-3 and §18B-14-4, all relating to increasing higher education student success; requiring that course catalogs include certain information relating to employment, compensation, in-state employment and student success rate; providing exception to requirement; requiring the Higher Education Policy Commission and Council for Community and Technical College Education to implement rules; creating a voluntary college completion incentive program whereby an institution of higher education accepts less state funding in return for certain incentive bonuses relating to student graduation and employment of graduates; and creating a tax credit for West Virginia resident students successfully completing certain courses of study.

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

By Senator Mullins:

Senate Bill 33—A Bill to amend and reenact §3-5-1 and §3-5-7 of the Code of West Virginia, 1931, as amended, all relating to making the second Friday in February on even-numbered years the primary election day in West Virginia beginning in 2018; and changing the dates for filing announcements of the candidates.

Referred to the Committee on the Judiciary.

By Senators Mullins, Jeffries and Cline:

Senate Bill 34—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-17A-8, relating to providing for special obligation notes to finance construction of completion of the Coalfields Expressway through West Virginia; providing for the repayment of the bonds by automated toll booth collections; directing the Commissioner of Highways to propose legislative rules designed to implement placement of automated toll booths; and authorizing the commissioner to enter into agreements, with the Governor's consent, with the United States Department of Transportation to erect automated toll booths along interstate highways.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senators Stollings, Ojeda, Facemire and Jeffries:

Senate Bill 35—A Bill to amend and reenact §29-26-2 of the Code of West Virginia, 1931, as amended, relating to modifying funding assistance from Courthouse Facilities Improvement Authority; and changing definition of facilities that are eligible for funding assistance from courthouse facilities that are occupied by county or judicial officials to ones that are currently occupied by those officials or upon renovation will be county owned and occupied by county or judicial officials or programs.

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

By Senators Stollings, Gaunch, Ojeda, Facemire, Jeffries and Beach:

Senate Bill 36—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-46-7, relating to permitting school nurses to possess and administer opioid antagonists on or near school premises.

Referred to the Committee on Health and Human Resources.

By Senators Stollings, Jeffries and Beach:

Senate Bill 37—A Bill to amend and reenact §16-9A-1, §16-9A-2, §16-9A-3, §16-9A-7 and §16-9A-8 of the Code of West Virginia, 1931, as amended, all relating to raising legal age for

purchase of tobacco, tobacco products, tobacco-derived products, alternative nicotine products and vapor products to twenty-one.

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

By Senators Stollings, Ojeda, Jeffries and Beach:

Senate Bill 38—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 new businesses locating on post-mine sites; defining terms; setting eligibility requirements for credit; establishing amount of tax credit allowed; and establishing how credit may be applied.

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

By Senators Stollings, Plymale, Ojeda, Facemire and Jeffries:

Senate Bill 39—A Bill to amend and reenact §29-12-5a of the Code of West Virginia, 1931, as amended, relating to liability insurance for certain persons connected to county boards of education; requiring Board of Risk and Insurance Management cover volunteer workers and student teachers in the same manner as other board of education employees; defining “volunteer worker”; and limiting civil liability in certain circumstances.

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

By Senators Stollings, Ojeda and Jeffries:

Senate Bill 40—A Bill to amend and reenact §18-9F-9 of the Code of West Virginia, 1931, as amended, relating to requiring that the State Board of Education include, in the legislative rule on a model school crisis plan that it promulgates, certain protocols for responding to injuries and other medical emergencies on school property after normal school hours in school crisis response plans by certain date; and providing the applicability and requirements of those protocols as they apply to sports injuries.

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

By Senators Woelfel, Trump, Ojeda and Jeffries:

Senate Bill 41—A Bill to amend and reenact §62-12-11 of the Code of West Virginia, 1931, as amended, relating to extending the total number of years that a person may be subject to a period of probation.

Referred to the Committee on the Judiciary.

By Senator Boso:

Senate Bill 42—A Bill to amend and reenact §22-6A-7 of the Code of West Virginia, 1931, as amended, relating to allowing well pad and road construction for oil and gas activities that are done pursuant to a stormwater permit; clarifying that the requirements of the section apply only to well work permits and not stormwater permits; and providing notice to property owners.

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

By Senator Boso:

Senate Bill 43—A Bill to amend and reenact §22C-9-4 of the Code of West Virginia, 1931, as amended, relating to restricting the Oil and Gas Conservation Commission's authority to regulate setback and spacing between deep wells; prohibiting the commission from establishing spacing restrictions on wells that are operated by the same operator; limiting setbacks from unit boundaries between different operators; limiting the spacing between the wells of different operators; and, to the extent spacing and setback limits are controlled by the commission, limiting the distances that may be established to only those between the producing portions of horizontal wells and not the entire well bore.

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

By Senators Woelfel, Ojeda and Jeffries:

Senate Bill 44—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-

6-2a, relating to ballots for the election of President and Vice President of the United States; requiring each such ballot to have an additional voting option following all the qualified candidates allowing a voter to express opposition to all of the candidates; providing that voter opposition to all of the candidates shall not count in determining the winner but shall be reported in the results of the election; and requiring that each sample ballot and instruction to voters include an explanation of the option to vote for none of these candidates.

Referred to the Committee on the Judiciary.

By Senators Ferns and Facemire:

Senate Bill 45—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-16-1, §62-16-2, §62-16-3, §62-16-4, §62-16-5, §62-16-6, §62-16-7, §62-16-8, §62-16-9, §62-16-10, §62-16-11, §62-16-12, §62-16-13 and §62-16-14, all relating to establishing a Mental Health, Veteran and Service Members Court within the Supreme Court of Appeals; defining terms; setting forth policy and goals of the Legislature in establishing the court; granting authority to oversee the court to the Administrator of the Supreme Court; setting forth structure of the court; providing for written agreement to participate in the court; setting forth incentives for successful participation; providing for sanctions for violation of provisions of the court; setting out disposition on successful completion; providing for teams to function within the court; setting forth eligibility requirements for participation; setting forth procedure to participate in the court; allowing for mental health and drug treatment services for participants; providing for governance of the court by the Supreme Court of Appeals; setting forth information to be maintained on participants; providing for funding mechanisms which may include court fees; providing for limitation of liability; and providing for statutory construction.

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

By Senators Ferns, Blair, Rucker and Stollings:

Senate Bill 46—A Bill to amend and reenact §11-27-8 of the Code of West Virginia, 1931, as amended, relating to excluding mobile x-ray services from the health care provider tax.

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

By Senator Ferns:

Senate Bill 47—A Bill to amend and reenact §21-3-19 of the Code of West Virginia, 1931, as amended, relating to exempting certain employers from discriminating against tobacco users.

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

By Senators Ferns and Jeffries:

Senate Bill 48—A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to whom Workers' Compensation Fund is disbursed; including rebuttable presumptions for certain injuries and diseases for firefighters, including members of volunteer fire departments; and allowing coverage to employees for occupational pneumoconiosis or other occupational disease for work performed out of state.

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

By Senator Ferns:

Senate Bill 49—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-45-2a, relating to required provisions regarding prior authorization of drug benefits by insurers.

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

By Senator Ferns:

Senate Bill 50—A Bill to amend and reenact §11-1C-10 of the Code of West Virginia, 1931, as amended, relating to determining the assessed value of any share of natural resource property.

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

By Senator Ferns:

Senate Bill 51—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5A-6, relating to requiring health care providers and facilities to notify a patient when a mammogram indicates dense breast tissue; requiring certain information to be included; and specifying that it does not create a standard of care, obligation or duty that would provide the basis for a private cause of action.

Referred to the Committee on Health and Human Resources.

By Senator Ferns:

Senate Bill 52—A Bill to amend and reenact §16-2-3, §16-2-11 and §16-2-13 of the Code of West Virginia, 1931, as amended, all relating to powers and duties of local boards of health; granting county commissions authority to approve, modify or disapprove policies to be implemented by local boards of health; and allowing county commissions to review existing policies and approve, modify or void them.

Referred to the Committee on Government Organization.

By Senators Ferns and Stollings:

Senate Bill 53—A Bill to repeal §48-23-101, §48-23-102, §48-23-201, §48-23-202, §48-23-203, §48-23-204, §48-23-205, §48-23-206, §48-23-207, §48-23-208, §48-23-209, §48-23-301, §48-23-401, §48-23-402, §48-23-403, §48-23-404, §48-23-501, §48-23-502, §48-23-503, §48-23-504, §48-23-505, §48-23-506, §48-23-507, §48-23-601, §48-23-701 and §48-23-801 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-5-16 of said code; and to amend said code by adding thereto a new section, designated §48-22-705, all relating to access to adoption records; allowing adopted adults or lineal descendants to access adoption records; clarifying what is included in a certificate of adoption maintained by the State Registrar; defining terms; setting forth rights and responsibilities of biological parents; requiring biological parents to provide social and medical information for inclusion in an adoption file; setting forth duties of the State Registrar with respect to adoption files; providing for confidentiality of adoption files; providing for rule-making

authority for Secretary of the Department of Health and Human Resources; setting forth an effective date; and repealing the voluntary adoption registry.

Referred to the Committee on the Judiciary.

By Senator Ferns:

Senate Bill 54—A Bill to amend and reenact §56-6-31 of the Code of West Virginia, 1931, as amended, relating to rate of interest allowed for pre-judgment and post-judgment interest.

Referred to the Committee on the Judiciary.

By Senators Ferns and Sypolt:

Senate Bill 55—A Bill to amend and reenact §17C-15-49 of the Code of West Virginia, 1931, as amended, relating to admissibility of certain evidence in a civil action for damages; and allowing the admission of the use or nonuse of a safety belt on the issues of negligence, contributory negligence, comparative negligence and failure to mitigate damages.

Referred to the Committee on the Judiciary.

By Senator Ferns:

Senate Bill 56—A Bill to amend and reenact §33-45-2 of the Code of West Virginia, 1931, as amended, relating to defining the criteria which private insurance carriers operating in West Virginia must consider in setting rates to providers of health care services.

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

By Senators Ferns, Plymale and Jeffries:

Senate Bill 57—A Bill to amend and reenact §11-21-12d of the Code of West Virginia, 1931, as amended, relating to continuing personal income tax adjustment to gross income of certain retirees receiving pensions from defined pension plans that terminated and are being paid a reduced maximum benefit guarantee.

Referred to the Committee on Finance.

By Senator Ferns:

Senate Bill 58—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-31, relating to product liability actions; limiting product liability action against seller other than the manufacturer of the product except in certain circumstances; and defining terms.

Referred to the Committee on the Judiciary.

By Senators Ferns and Jeffries:

Senate Bill 59—A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to whom Workers' Compensation Fund is disbursed; and including rebuttable presumptions for certain injuries and diseases for firefighters, volunteer firefighters and municipal, county and state police officers.

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

By Senators Gaunch, Trump, Boso, Blair, Facemire, Rucker, Jeffries and Sypolt:

Senate Bill 60—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-8-1, §9-8-2, §9-8-3, §9-8-4, §9-8-5, §9-8-6, §9-8-7, §9-8-8, §9-8-9, §9-8-10, §9-8-11, §9-8-12, §9-8-13 and §9-8-14, all relating to eligibility and fraud requirements for public assistance; defining terms; requiring the Department of Health and Human Resources to implement work requirements for applicants for the Supplemental Nutrition Assistance Program (SNAP); requiring discontinuance of a federal waiver; setting forth what meets work requirements; setting out exceptions to work requirements; providing for a good cause exception; allowing for a federal waiver to meet the requirements of this section; providing for rulemaking for suspension of benefits for noncompliance; providing for an asset test for SNAP benefits; requiring accessing information of various federal, state and miscellaneous sources; prohibiting payment of SNAP benefits in specified instances; requiring cooperation with the Bureau of Child Support Enforcement; requiring a design or establishment of a computerized income,

asset and identity verification system for Temporary Assistance to Needy Families (TANF); allowing for contracting with a third-party vendor; setting out required contract terms; requiring accessing information of various federal, state and miscellaneous sources for TANF; requiring identity authentication as a condition to receive public assistance; requiring a semi-annual case review of all public assistance cases; setting forth notice requirements and the right to a hearing; requiring referrals for fraud, misrepresentation and inadequate documentation; requiring report to the Governor and Legislature; setting forth prohibitions on the use of an electronic benefit transfer card; tracking out-of-state spending of SNAP and TANF benefits; and providing for rulemaking.

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

By Senators Romano, Ojeda and Jeffries:

Senate Bill 61—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9o, relating to specifying exemption from the consumers sales and service tax and use tax for purchases of certain services and tangible personal property sold for the repair, remodeling and maintenance of certain specified aircraft; defining terms; and specifying method for claiming exemption.

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

By Senators Romano, Jeffries and Ojeda:

Senate Bill 62—A Bill to amend and reenact §7-11B-7, §7-11B-10 and §7-11B-22 of the Code of West Virginia, 1931, as amended, all relating generally to tax increment financing districts; authorizing county commission or municipality to modify termination time of certain districts; extending length of certain districts; providing for the discharge of any tax increment financing obligations outstanding on termination date of a district; and extending maturation of tax increment financing obligations.

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

By Senators Romano, Facemire and Jeffries:

Senate Bill 63—A Bill to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-9A-8 of said code, all relating to requiring school counselors in public schools to spend one hundred percent of their time on comprehensive school counseling programs; school counselor county funding ratio; allowing counties to set their own caseloads while requiring that counselors be equally distributed; and providing that counties with a funding ratio better than three hundred fifty to one are not to be penalized.

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

By Senators Romano, Ojeda, Facemire, Jeffries and Woelfel:

Senate Bill 64—A Bill to amend and reenact §3-8-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §3-8-8a, all relating to requiring certain disclosures of election expenditures; clarifying when contributions are required to be disclosed; creating exceptions; clarifying that certain federal entities must make certain state disclosures; requiring disclosure of covered transfers; stating legislative findings; defining terms; providing requirements for disclosure of donations related to the transfer of certain sums of money related to campaign-related disbursements; requiring certain disclosures be made within forty-eight hours; specifying information required in the disclosures; clarifying the relationship between covered transfers and other regulated areas of election expenditures; creating a misdemeanor offense; and authorizing rulemaking.

Referred to the Committee on the Judiciary.

By Senators Romano, Facemire, Jeffries and Ojeda:

Senate Bill 65—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated

§22-1-18, relating to Department of Environmental Protection fines against governmental entities or political subdivisions of the state; creating the Department of Environmental Protection Public Improvements Fund, an interest-bearing escrow account managed by the Department of Environmental Protection; requiring a portion of all Department of Environmental Protection fines against governmental entities or political subdivisions of the state be deposited in the Department of Environmental Protection Public Improvements Fund for remediating the violation that gave rise to the fine; stating a process for application for funds; authorizing the release of the funds in certain circumstances; permitting the transfer of the interest accrued to the Department of Environmental Protection; and authorizing the transfer of the funds to the Department of Environmental Protection under certain circumstances.

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

By Senators Boso and Jeffries:

Senate Bill 66—A Bill to amend and reenact §61-6-24 of the Code of West Virginia, 1931, as amended, relating to modifying the definition of a “terrorist act” to include the intimidation directed to either an official or employee of any branch or level of government or to members of his or her family; and applying existing criminal penalties.

Referred to the Committee on the Judiciary.

By Senator Boso:

Senate Bill 67—A Bill to amend and reenact §51-1-17 of the Code of West Virginia, 1931, as amended, relating to reporting by Administrative Director of the Supreme Court of Appeals; and establishing an online case management system.

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

By Senators Boso and Jeffries:

Senate Bill 68—A Bill to amend and reenact §18-5-44 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-8-1a of said code, all relating generally to compulsory

school attendance and early childhood education programs; changing age date of attending school and early childhood education programs from September 1 to July 1; and eliminating legislative findings portion of section relating to early childhood education programs.

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

By Senators Woelfel, Ojeda, Facemire and Jeffries:

Senate Bill 69—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-11A-9, relating to creation of the Sexual Assault Survivors' 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; creating a right of confidentiality and privileged communications between a victim and certain trained advocates; declaring certain people be informed or notified of certain rights; incorporating other rights contained in code; and defining terms.

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

By Senators Gaunch, Trump, Facemire, Jeffries and Woelfel:

Senate Bill 70—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 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; eliminating existing criminal offense and penalties for human trafficking; creating felony offenses and penalties for

trafficking an individual; defining terms; creating felony offenses and penalties for using an individual in forced labor; creating felony offenses and penalties for using an individual in debt bondage; creating felony offenses and penalties for compelling an adult through coercion to engage in commercial sexual activity; creating a felony offense for maintaining or making available a minor 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 offense; creating a felony offense of patronizing an individual to engage in commercial sexual activity; clarifying that each victim shall be considered 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; providing for disgorgement of profits and debarment from state and local government contracts; making victims eligible for compensation under the Crime Victims Compensation Fund; providing for criminal immunity for offense of prostitution if individual was a minor at time of offense and was a victim at time of offense; providing for expungement of prostitution conviction for victims of trafficking; and authorizing law enforcement to use wiretaps to conduct investigations.

Referred to the Committee on the Judiciary.

By Senators Gaunch, Facemire and Jeffries:

Senate Bill 71—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-11G-1, §62-11G-2, §62-11G-3, §62-11G-4, §62-11G-5, §62-11G-6, §62-11G-7, §62-11G-8 and §62-11G-9, all relating to creating the 24/7 Sobriety Program to be administered by the Office of the Attorney General; establishing the 24/7 Sobriety Fund and making an appropriation for the fund; providing that sheriffs, the Division of Corrections and the Administrative Office of the Supreme Court of Appeals may participate in the 24/7 Sobriety Program for electronic alcohol monitoring device testing of persons under their control; promulgating rules and distributing fees from the program;

providing that participation in program may be made a condition of bond or pretrial release, of suspended sentence or probation, as condition of child placement or return or as condition of parole; when fees are to be paid; sanctions for failure to pay electronic alcohol monitoring or ignition interlock device testing fees; and providing for an annual review of the 24/7 Sobriety Program fees and collection procedures.

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

By Senators Maynard, Sypolt and Jeffries:

Senate Bill 72—A Bill to amend and reenact §18B-5-4 of the Code of West Virginia, 1931, as amended, relating to higher education advance allowance accounts; authorizing the Auditor to require supporting documentation along with an accounting of an advance allowance account; permitting the Auditor to suspend an additional advance allowance request in certain situations; and authorizing rulemaking.

Referred to the Committee on Government Organization.

By Senator Boso:

Senate Bill 73—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-5-3a, relating to permitting employers to have compulsory direct deposits of wages paid to employees provided certain conditions are met.

Referred to the Committee on the Judiciary.

By Senators Boso, Jeffries and Sypolt:

Senate Bill 74—A Bill to amend and reenact §7-1-3d of the Code of West Virginia, 1931, as amended; and to amend and reenact §7-17-12 of said code, all relating to county commissions authorizing reasonable fees charged for fire department or fire company response to fires or other calls for assistance; describing the means to be used for calculating and charging fees for responding to fires or other calls for assistance; prohibiting fire company or fire department from seeking reimbursement where the

property is assessed a fire service levy or fire service fee; and establishing the methodology for revising and reauthorizing the county fire service fee by the county commission.

Referred to the Committee on Government Organization.

By Senators Boso and Jeffries:

Senate Bill 75—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29A-8-1, §29A-8-2, §29A-8-3, §29A-8-4, §29A-8-5, §29A-8-6, §29A-8-7, §29A-8-8, §29A-8-9 and §29A-8-10, all relating generally to lessening regulatory burdens on small businesses; creating the Small Business Regulatory Review Board; establishing powers and duties of the board; establishing obligations of departments and agencies; requiring reports and analysis; establishing rule-making procedures; providing injunctive relief; requiring notice of hearings; providing for review of existing rules; and defining terms.

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

By Senators Jeffries, Romano, Miller, Ojeda, Woelfel, Beach, Gaunch, Facemire and Stollings:

Senate Bill 76—A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to the creation of the West Virginia Second Chance for Employment Act; defining terms; expanding eligibility for criminal expungement to persons convicted of certain nonviolent felonies; defining “nonviolent felony”; providing exclusions to eligibility; establishing timing for filing a petition for expungement; creating petition requirements and court procedure for evaluating preliminary and final orders of expungement for nonviolent felonies; providing for preliminary orders of expungement; requiring a ten-year period under a preliminary order of expungement for a felony before one may obtain a final order of expungement; clarifying disclosure requirements with respect to the information sealed pursuant to an order of expungement, including exemptions; providing standard for inspection of sealed records; and making technical changes.

Referred to the Committee on Economic Development; and then to the Committee on the Judiciary.

By Senators Palumbo and Jeffries:

Senate Bill 77—A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9 and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6 and §5-11A-7 of said code, all relating to unlawful discriminatory practices; prohibiting discrimination based upon age or sexual orientation in certain circumstances; adding sexual orientation as a protected class with respect to equal opportunity in employment, public accommodations and housing accommodations under the authority of the Human Rights Commission and in the Fair Housing Act; adding age as a protected class with respect to housing accommodations under the authority of the Human Rights Commission and in the Fair Housing Act; making stylistic changes; and defining terms.

Referred to the Committee on the Judiciary.

By Senators Woelfel and Jeffries:

Senate Bill 78—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-414, relating to creating the criminal offense of attempt or conspiracy to commit an offense within the Uniform Controlled Substances Act; setting a criminal penalty for a person who attempts or conspires to commit such an offense equivalent to the penalty for the underlying offense and thereby increasing criminal penalties; and defining terms by reference to similar offenses and common law.

Referred to the Committee on the Judiciary.

By Senators Woelfel, Trump, Plymale and Jeffries:

Senate Bill 79—A Bill to amend and reenact §60A-4-401, §60A-4-403, §60A-4-409 and §60A-4-411 of the Code of West Virginia, 1931, as amended, all relating to creating determinative penalties for certain felony controlled substance-related offenses without changing the range of years a person may be imprisoned in order to provide greater discretion to judges.

Referred to the Committee on the Judiciary.

By Senators Woelfel, Plymale and Jeffries:

Senate Bill 80—A Bill to amend and reenact §61-3-11 of the Code of West Virginia, 1931, as amended, relating to burglary; and increasing the length of imprisonment for entering a dwelling house or adjoining outhouse during the daytime without breaking from one to ten years to one to fifteen years.

Referred to the Committee on the Judiciary.

By Senators Sypolt and Jeffries:

Senate Bill 81—A Bill to amend and reenact §38-5B-2 of the Code of West Virginia, 1931, as amended, relating to suggestions of salary and wages of persons engaged in public employment; increasing the amount of salary or wages of persons engaged in public employment that are protected from a suggestee execution from thirty times the federal minimum hourly wage then in effect to fifty times the federal minimum hourly wage then in effect; and making technical changes.

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

[CLERK'S NOTE: Senate Bill 82 through Senate Bill 163 are recommended for introduction by the Legislative Rule-Making Review Committee.]

By Senator Maynard:

Senate Bill 82—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 83—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 dangerous wild animals.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 84—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 livestock care standards.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 85—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 captive cervids.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 86—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Architects to promulgate a legislative rule relating to the registration of architects.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 87—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 88—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 89—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Auditor's Office to promulgate a legislative rule relating to standards for requisitions for payment issued by state officers on the Auditor.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 90—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Auditor's Office to promulgate a legislative rule relating to the procedure for local levying bodies to apply for permission to extend time to meet as levying body.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 91—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to waxing specialists.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 92—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to the operation of barber, beauty, nail and aesthetic shops/salons and schools of barbering and beauty culture.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 93—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to continuing education.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 94—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to barber apprenticeships.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 95—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to qualifications, training, examination and certification of instructors in barbering and cosmetology.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 96—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to licensing schools of barbering, cosmetology, nail technology and aesthetics.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 97—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to operational standards for schools of barbering, cosmetology, hair styling, nail technology and aesthetics.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 98—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to a schedule of fees.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 99—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 in Counseling to promulgate a legislative rule relating to marriage and family therapist license renewal and continuing professional education requirements.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 100—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 in Counseling to promulgate a legislative rule relating to licensed professional counselor fees.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 101—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 in Counseling to promulgate a legislative rule relating to licensed professional counselor license renewal and continuing professional education requirements.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 102—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 in Counseling to promulgate a legislative rule relating to marriage and family therapist fees.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 103—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Dangerous Wild Animal Board to promulgate a legislative rule relating to dangerous wild animals.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 104—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Dentistry to promulgate a legislative rule relating to the board.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 105—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 alternative emission limitations during startup, shutdown and maintenance operations.

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

By Senator Maynard:

Senate Bill 106—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 permits for construction, modification, relocation and operation of stationary sources of air pollutants, notification requirements, administrative updates, temporary permits, general permits, permission to commence construction and procedures for evaluation.

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

By Senator Maynard:

Senate Bill 107—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 permits for construction and major

modification of major stationary sources for the prevention of significant deterioration of air quality.

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

By Senator Maynard:

Senate Bill 108—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 109—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 the 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 110—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 111—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 112—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 113—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 awarding of matching grants for local litter control programs.

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

By Senator Maynard:

Senate Bill 114—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Ethics Commission to promulgate a legislative rule relating to private gain.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 115—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Fire Marshal to promulgate a legislative rule relating to the regulation of fireworks and related explosive materials.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 116—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 117—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 the William R. Laird IV - Second Chance Driver's License Program.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 118—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 expedited partner therapy.

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

By Senator Maynard:

Senate Bill 119—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 clinical laboratory technician and technologist licensure and certification.

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

By Senator Maynard:

Senate Bill 120—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 clandestine drug laboratory remediation.

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

By Senator Maynard:

Senate Bill 121—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 medication-assisted treatment—opioid treatment programs.

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

By Senator Maynard:

Senate Bill 122—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 medication-assisted treatment—office-based, medication-assisted treatment.

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

By Senator Maynard:

Senate Bill 123—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 exemption from certificate of need.

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

By Senator Maynard:

Senate Bill 124—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 Rural Health Systems Grant Program.

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

By Senator Maynard:

Senate Bill 125—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 the Hospital Assistance Grant Program.

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

By Senator Maynard:

Senate Bill 126—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 certificate of need.

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

By Senator Maynard:

Senate Bill 127—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to adoption of a valuation manual.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 128—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 limited video lottery.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 129—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 licensing and disciplinary procedures: physicians; podiatrists.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 130—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 and physician assistants.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 131—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 the dispensing of legend drugs by practitioners.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 132—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 certification, recertification and training of EMT-Miners and the certification of EMT-M instructors.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 133—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 revocation of hunting and fishing licenses.

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

By Senator Maynard:

Senate Bill 134—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 the point system for the revocation of hunting - repeal.

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

By Senator Maynard:

Senate Bill 135—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 waterfowl hunting.

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

By Senator Maynard:

Senate Bill 136—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 the commercial sale of wildlife.

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

By Senator Maynard:

Senate Bill 137—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 138—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 continuing education.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 139—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 licensing procedures for osteopathic physicians.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 140—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 141—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 the licensure and practice of pharmacy.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 142—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 mail-order and nonresident pharmacies.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 143—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 a Controlled Substances Monitoring Program.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 144—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Physical Therapy to promulgate a legislative rule relating to fees for physical therapist and physical therapist assistant.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 145—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Public Service Commission to promulgate a legislative rule relating to telephone conduit occupancy.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 146—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 the Judiciary.

By Senator Maynard:

Senate Bill 147—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 pari-mutuel wagering.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 148—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 for Registered Professional Nurses to promulgate a legislative rule relating to requirements for registration and licensure and conduct constituting professional misconduct.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 149—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 for Registered Professional Nurses to promulgate a legislative rule relating to limited prescriptive authority for nurses in advanced practice.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 150—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Risk and Insurance Management to promulgate a legislative rule relating to mine subsidence insurance.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 151—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Risk and Insurance Management to promulgate a legislative rule relating to the Patient Injury Compensation Fund.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 152—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Board of Sanitarians to promulgate a legislative rule relating to practice of public health sanitation.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 153—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 voter registration at the Division of Motor Vehicles.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 154—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 voter registration list maintenance by the Secretary of State.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 155—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Social Work Examiners to promulgate a legislative rule relating to continuing education for social workers and providers.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 156—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Speech-Language Pathology and Audiology to promulgate a legislative rule relating to licensure of speech-pathology and audiology.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 157—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer's Office to promulgate a legislative rule relating to the procedure for fees in collections by charge, credit or debit card or by electronic payment.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 158—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer's Office to promulgate a legislative rule relating to procedures for providing services to political subdivisions.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 159—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer's Office to promulgate a legislative rule relating to procedures for deposit of moneys with the State Treasurer's Office by state agencies.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 160—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer's Office to promulgate a legislative rule relating to selection of state depositories for disbursement accounts through competitive bidding.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 161—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer's Office to promulgate a legislative rule relating to selection of state depositories for receipt accounts.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 162—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer's Office to promulgate a legislative rule relating to procedures for processing payments from the State Treasury.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 163—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 standards of practice.

Referred to the Committee on the Judiciary.

[CLERK'S NOTE: Senate Bill 82 through Senate Bill 163 are recommended for introduction by the Legislative Rule-Making Review Committee.]

By Senators Blair and Jeffries:

Senate Bill 164—A Bill to amend and reenact §17C-17-5 of the Code of West Virginia, 1931, as amended, relating to traffic regulations and special load limits; changing the load limitation of

a digger or derrick line truck from forty feet to forty-five feet in length; increasing from six to nine feet the distance a load may extend beyond the foremost part of the truck; and increasing from nine to eleven feet the distance a load may extend beyond the rear of the body of the truck.

Referred to the Committee on Transportation and Infrastructure.

By Senators Blair and Rucker:

Senate Bill 165—A Bill to amend and reenact §7-1-3n of the Code of West Virginia, 1931, as amended; and to amend and reenact §8-12-13 of said code, all relating to allowing county commissions and municipalities to adopt a building code provided it is no more stringent than the state building code.

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

By Senators Blair, Rucker and Jeffries:

Senate Bill 166—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-4-55, relating to requiring protective fencing on any newly constructed overpasses or overpasses that undergo significant construction; and requiring the commissioner to promulgate rules to effectuate purposes of section.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senators Woelfel, Ojeda and Jeffries:

Senate Bill 167—A Bill to amend and reenact §15-2B-2, §15-2B-3, §15-2B-5, §15-2B-6, §15-2B-9 and §15-2B-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §15-9B-4, all relating to DNA evidence; requiring the collection of DNA samples from individuals arrested for certain felony crimes for inclusion in and search of the DNA databank; defining terms; providing that DNA samples shall be taken by buccal swab rather than drawing blood; authorizing certain cooperative agreements; requiring qualified arrestees to submit to a DNA sample collection during the arrest intake; requiring a DNA sample be taken of any person convicted

of a felony offense; authorizing the use of the DNA sample in accordance with this article; authorizing law-enforcement and corrections employees to use reasonable force to obtain a DNA sample when an individual refuses; limiting liability when a person obtaining a DNA sample acts in good faith and considering the sample taken in accordance with this article; setting forth a process for handling samples taken in error; requiring Superintendent of the State Police to submit emergency and legislative rules detailing the collection of DNA samples from qualifying arrestees; setting forth a process for expungement of the DNA sample; stating that any database match is not invalidated by a failure to or delay in expunging records; expanding authority of the Sexual Assault Forensic Examination Commission; requiring the commission to authorize a subgroup to establish protocols and propose legislative rules regarding the submission of sexual assault forensic examination kits in a timely manner from health care providers to law-enforcement agencies and from law-enforcement agencies to the West Virginia State Police, the Marshall University Forensic Science Center or certain other accredited laboratories with certain restrictions and requirements; authorizing promulgation of emergency rules with certain restrictions; requiring the rules to address testing of the kits, return of the kits and retention of the kits; permitting certain repackaging of kits not associated with an open case file pursuant to requirements of the commission; and ensuring that the changes and associated rules do not create a claim or right to relief by any person.

Referred to the Committee on the Judiciary.

By Senators Romano, Ojeda and Jeffries:

Senate Bill 168—A Bill to amend and reenact §33-3-33 of the Code of West Virginia, 1931, as amended, relating to surcharge on fire and casualty insurance policies for purpose of funding volunteer fire departments; and providing that surcharge be increased to one percent.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

By Senators Ferns, Gaunch, Takubo, Trump, Prezioso, Stollings, Plymale, Blair and Jeffries:

Senate Bill 169—A Bill to repeal §16-28-1, §16-28-2, §16-28-3, §16-28-4, §16-28-5, §16-28-6, §16-28-7, §16-28-8, §16-28-9 and §16-28-10 of the Code of West Virginia, 1931, as amended, relating to repealing the article on providing assistance to Korea and Vietnam veterans exposed to certain chemical defoliants or herbicides or other causative agents, including Agent Orange.

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

By Senators Ferns, Gaunch, Takubo, Trump, Prezioso, Stollings, Plymale, Blair and Jeffries:

Senate Bill 170—A Bill to repeal §16-24-1, §16-24-2, §16-24-3, §16-24-4, §16-24-5, §16-24-6 and §16-24-7 of the Code of West Virginia, 1931, as amended, relating to the creation of the state hemophilia program.

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

By Senators Ferns, Gaunch, Takubo, Trump, Prezioso, Stollings, Plymale, Blair and Jeffries:

Senate Bill 171—A Bill to repeal §16-2K-1 and §16-2K-2 of the Code of West Virginia, 1931, as amended, relating to the Programs of All-Inclusive Care for the Elderly.

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

By Senator Blair:

Senate Bill 172—A Bill to amend and reenact §22C-1-4 of the Code of West Virginia, 1931, as amended, relating to the Water Development Authority; and eliminating the salary for board members.

Referred to the Committee on Government Organization.

By Senators Blair and Sypolt:

Senate Bill 173—A Bill to amend and reenact §17B-1-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-2-7b of said code; to amend said code by adding thereto a new section, designated §17C-1-69; and to amend and reenact

§17C-15-44 of said code, all relating to autocycles; defining “autocycle”; creating an autocycle exemption from motorcycle examination, licensing and endorsement requirements; allowing a person with a valid driver’s license to operate an autocycle; creating an autocycle exemption from helmet and certain other motorcycle or motor-driven cycle safety requirements; deleting obsolete language regarding the motorcycle safety and education committee; and making technical corrections.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

By Senators Blair and Rucker:

Senate Bill 174—A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating to exempting the transportation of household goods from the jurisdiction of the Public Service Commission.

Referred to the Committee on Government Organization.

By Senators Ferns, Karnes, Takubo, Trump, Palumbo, Plymale, Prezioso, Stollings, Unger and Jeffries:

Senate Bill 175—A Bill to repeal §16-2J-1, §16-2J-2, §16-2J-3, §16-2J-4, §16-2J-5, §16-2J-6, §16-2J-7, §16-2J-8 and §16-2J-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §30-3F-1, §30-3F-2, §30-3F-3, §30-3F-4 and §30-3F-5, all relating to direct primary care; defining terms; providing that insurance benefits are not forfeited by certain purchases; providing that certain products are not the offer of insurance; providing that direct primary care membership agreement is not considered insurance; providing that direct primary care provider is not required to obtain certain credentials; prohibiting the billing of third-party providers for direct primary care services; stating certain requirements for direct primary care membership agreement; providing rule-making authority; and providing civil penalties.

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

By Senators Ferns, Gaunch, Takubo, Trump, Prezioso, Stollings, Plymale, Blair and Jeffries:

Senate Bill 176—A Bill to repeal §16-25-1, §16-25-2, §16-25-3 and §16-25-4 of the Code of West Virginia, 1931, as amended, relating to the detection of tuberculosis, high blood pressure and diabetes.

Referred to the Committee on Health and Human Resources.

By Senators Ferns, Gaunch, Takubo, Trump, Prezioso, Stollings, Plymale, Blair and Jeffries:

Senate Bill 177—A Bill to repeal §16-4A-1, §16-4A-2, §16-4A-3, §16-4A-4, §16-4A-5 and §16-4A-6 of the Code of West Virginia, 1931, as amended, relating to prenatal examination.

Referred to the Committee on Health and Human Resources.

By Senators Jeffries, Ojeda and Woelfel:

Senate Bill 178—A Bill to amend and reenact §17A-3-14 and §17A-3-15 of the Code of West Virginia, 1931, as amended, all relating to improving public safety by requiring registration license plates on the front and back of all vehicles; ensuring that two registration license plates shall be issued for specialty and regular plates; and updating other language to conform to these changes.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senators Plymale and Jeffries:

Senate Bill 179—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §32A-2-5a, relating to fees for certain currency transmission services; requiring such a fee be charged and collected; setting forth details related to the remission of said fees; authorizing the creation of forms; requiring submission of forms and remittances on a schedule; authorizing sharing of forms between the Division of Financial Institutions and the state Tax Department; creating penalties for failure to timely submit forms and remittances, up to and including suspension of the license; detailing the transfer of fees collected; mandating a posting at all licensees relating to a tax credit that may be claimed by tax filers equivalent to the fees charged; and authorizing rule-making authority.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

By Senator Blair:

Senate Bill 180—A Bill to amend and reenact §24-2-1 of the Code of West Virginia, 1931, as amended, relating to Internet protocol-enabled service and voice-over Internet protocol-enabled service; prohibiting Public Service Commission jurisdiction of Internet protocol-enabled service and voice-over Internet protocol-enabled service; and limiting Public Service Commission jurisdiction of certain telephone company transactions.

Referred to the Committee on Government Organization.

By Senator Trump:

Senate Bill 181—A Bill to repeal §18-2-26a of the Code of West Virginia, 1931, as amended; to amend and reenact §18-2-5b, §18-2-24 and §18-2-26 of said code; to amend and reenact §18-2E-5 of said code; and to amend and reenact §30-31-11 of said code, all relating to abolishing regional education service agencies; transferring duties, powers and services provided to state board; establishing that state board rules about regional education service agencies remain in effect until new rules are promulgated; transferring duties and powers previously belonging to the regional education service agencies to the state board; transferring all property and records of the regional education service agencies to the state board; providing that the rules previously promulgated by the state board regarding regional education service agencies shall remain in effect until new rules are promulgated; and deleting references to the regional education service agencies throughout the code.

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

By Senators Blair, Sypolt and Rucker:

Senate Bill 182—A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-1D-5 of said code; and to amend and reenact §21-11-11 of said code, all relating to the submission of bids for government

construction contracts; information and documents required for the awarding of certain contracts; providing procedures for the required submission of a list of subcontractors who will perform more than \$25,000 of work on certain projects; providing procedures for the required submission of a drug-free workplace affidavit for any solicitation for a public improvement contract; and providing procedures for the required submission of a contractor's license number with certain bid documents.

Referred to the Committee on Government Organization.

By Senators Blair, Sypolt, Gaunch, Rucker and Trump:

Senate Bill 183—A Bill to amend and reenact §5B-1-2 of the Code of West Virginia, 1931, as amended; 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; to amend and reenact §19-1B-3 of said code; and to amend and reenact §19-12A-5 of said code, all relating to transferring the Division of Forestry from the Department of Commerce to the Department of Agriculture; eliminating references in code showing the Division of Forestry as part of the Department of Commerce; transferring all authorities, powers and duties of the Division of Forestry to the Department of Agriculture; ensuring all legislative rules currently in effect remain in effect as if they were proposed by the Division of Forestry under the Department of Agriculture; making the Director of the Division of Forestry a position hired by the Commissioner of Agriculture rather than a position appointed by the Governor; and making the Director of the Division of Forestry a will and pleasure employee of the Commissioner of Agriculture rather than the Governor.

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

By Senators Blair, Boso, Rucker, Trump and Sypolt:

Senate Bill 184—A Bill to repeal §18-22C-1 and §18-22C-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §12-1-12d of said code; to amend and reenact §16-28-7 of

said code; to amend and reenact §18B-1B-5 and §18B-1B-6 of said code; to amend and reenact §18B-1D-2 and §18B-1D-7 of said code; to amend and reenact §18B-2-5 of said code; to amend and reenact §18B-2A-1 of said code; to amend said code by adding thereto a new article, designated §18B-2D-1, §18B-2D-2, §18B-2D-3, §18B-2D-4, §18B-2D-5, §18B-2D-6 and §18B-2D-7; and to amend and reenact §18B-14-10 of said code, all relating to transferring the West Virginia School of Osteopathic Medicine from a state-owned and -operated entity to a private not-for-profit corporation.

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

By Senators Blair, Boso and Rucker:

Senate Bill 185—A Bill to amend and reenact §5A-3-45 of the Code of West Virginia, 1931, as amended, relating to the sale or transfer of surplus property; and allowing spending units to designate the fund into which proceeds from the sale or transfer of surplus property shall be deposited if the fund that was used to purchase the property no longer exists.

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

By Senators Jeffries, Ojeda, Facemire and Woelfel:

Senate Bill 186—A Bill to amend and reenact §18-5-18 and §18-5-44 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-8-1a of said code, all relating to adjusting the date upon which children become eligible for certain school programs and school attendance requirements; changing the kindergarten age attainment requirement from age five prior to September 1 to age five prior to July 1; changing the early childhood education program age attainment date requirement from age four prior to September 1 to age four prior to July 1; and changing the age for which compulsory attendance begins to those who attain age six by July 1 of each year.

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

By Senators Takubo, Facemire, Jeffries and Woelfel:

Senate Bill 187—A Bill to amend and reenact §27-3-1 of the Code of West Virginia, 1931, as amended, relating to confidentiality of medical records for patients' physical, mental or emotional conditions.

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

By Senators Takubo and Jeffries:

Senate Bill 188—A Bill to amend and reenact §16-5Y-2 of the Code of West Virginia, 1931, as amended, relating to clarifying the definition of "telehealth" for purposes of medication-assisted treatment programs.

Referred to the Committee on Health and Human Resources.

By Senators Blair, Gaunch, Rucker and Jeffries:

Senate Bill 189—A Bill to repeal §48-1-210 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto four new sections, designated §48-1-239a, §48-1-239b, §48-1-239c and §48-1-239d; to amend and reenact §48-9-102, §48-9-203, §48-9-204, §48-9-206, §48-9-207, §48-9-209, §48-9-403 and §48-9-601 of said code; to amend said code by adding thereto a new section, designated §48-9-204a; and to amend said code by adding thereto a new section, designated §48-13-502a, all relating to establishing that shared legal and physical custody of a child in cases of divorce is presumed to be in the best interests of the child.

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

By Senators Blair, Hall, Boso, Cline and Sypolt:

Senate Bill 190—A Bill to repeal §5A-3-37 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18B-5-4 of said code, relating generally to eliminating preference for resident vendors bidding on state contracts for commodities or printing.

Referred to the Committee on Government Organization.

By Senators Swope and Boso:

Senate Bill 191—A Bill to amend and reenact §11-13W-1 of the Code of West Virginia, 1931, as amended, relating to tax credits for apprenticeship training in construction trades; and removing requirement that eligibility is limited to programs jointly administered by labor and management trustees.

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

By Senator Weld:

Senate Bill 192—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §37-12-3, relating to exempting licensed surveyors from liability for defamation or slander of title when performing their professional duties; and providing an exception.

Referred to the Committee on the Judiciary.

By Senators Takubo and Jeffries:

Senate Bill 193—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-9A-11, relating to prohibiting smoking of tobacco products in a motor vehicle while an individual sixteen years of age or less is present; defining terms; violation of section a secondary misdemeanor offense; providing penalties; and providing exceptions for local ordinances or regulations.

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

By Senators Ojeda, Facemire and Jeffries:

Senate Bill 194—A Bill to amend and reenact §61-3A-3 of the Code of West Virginia, 1931, as amended, relating to increasing the penalties for shoplifting offenses.

Referred to the Committee on the Judiciary.

By Senators Blair and Trump:

Senate Bill 195—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated

§30-23-31, relating to termination of the West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners.

Referred to the Committee on Government Organization.

By Senators Blair and Sypolt:

Senate Bill 196—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-37-12, relating to termination of the West Virginia Massage Therapy Licensure Board.

Referred to the Committee on Government Organization.

By Senator Takubo:

Senate Bill 197—A Bill to amend and reenact §57-5-4j of the Code of West Virginia, 1931, as amended, relating to preventing compensatory damage awards for medical expenses from including sums that the claimant has not and will not pay for medical care or treatment.

Referred to the Committee on the Judiciary.

By Senators Takubo, Plymale and Jeffries:

Senate Bill 198—A Bill to amend and reenact §18C-3-3 of the Code of West Virginia, 1931, as amended, relating to expansion of the Health Sciences Service Program to allow for persons who practice emergency medicine in underserved areas of the state.

Referred to the Committee on Health and Human Resources.

By Senator Sypolt:

Senate Joint Resolution 1—Proposing an amendment to the Constitution of the State of West Virginia, amending section six, article III thereof, relating to protecting the electronic communication and data of citizens from unreasonable searches and seizures; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Referred to the Committee on the Judiciary.

By Senators Sypolt, Jeffries and Gaunch:

Senate Joint Resolution 2—Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to homestead exemption increase; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

By Senators Karnes, Boso, Trump, Rucker, Woelfel and Sypolt:

Senate Joint Resolution 3—Proposing an amendment to the Constitution of the State of West Virginia, amending article III thereof by adding thereto a new section, designated section twenty-three, relating to the right to farm and ranch; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

Senators Karnes, Boso and Gaunch offered the following resolution:

Senate Concurrent Resolution 3—Urging Congress call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government and limit the terms of office for its officials and for members of Congress.

Whereas, Article IV, Section 4 of the Constitution of the United States guarantees to every state a republican form of government which gives each state equal standing when calling for an amendments convention. Article V of the Constitution of the United States reserves to the several states the right to call for a

convention for the purpose of amending the United States Constitution when Congress or the courts or both Congress and the courts refuse to address an egregious wrong suffered by the people; and

Whereas, The states alone have the authority to “limit” the agenda and authority of a convention. The states alone can call for a “Single Issue” convention by agreeing among themselves the purpose, terms, conditions, duration and agenda for the convention. Congress does not have the authority to define a “Single Issue” convention. The authority of Congress, under Article V of the United States Constitution, empowers it to convene a convention as called for and defined by the several states; and

Whereas, The founders of our constitution empowered state legislators to be guardians of liberty against future abuses of power by the federal government which has created a crushing national debt through improper and imprudent spending; and

Whereas, The federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent, and the federal government has ceased to live under a proper interpretation of the Constitution of the United States; and

Whereas, It is the solemn duty of the states to protect the liberty of our people—particularly for the generations to come—by proposing amendments to the Constitution of the United States through a convention of the states under Article V for the purpose of restraining these and related abuses of power; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby urges Congress call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government and limit the terms of office for its officials and for members of Congress; and, be it

Further Resolved, That the State of West Virginia hereby applies to Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention of the states limited to proposing amendments to the Constitution of the United States that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government and limit the terms of office for its officials and for members of Congress and absolutely no other business will be authorized at this convention; and, be it

Further Resolved, That this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two thirds of the several states have made applications on the same subject; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution and application to the President and Secretary of the United States Senate, to the Speaker and Clerk of the United States House of Representatives, to the members of West Virginia's congressional delegation and to the presiding officers of each of the legislative houses in the several states requesting their cooperation.

Which, under the rules, lies over one day.

Senators Stollings, Jeffries and Beach offered the following resolution:

Senate Concurrent Resolution 4—Requesting the Division of Highways to name the future bridge, 03-3/14-0.10 (design number 11082) (38.09778, -81.61498), carrying county route 3/14 over Big Coal River in Boone County, the “U. S. Navy MM2 Carl E. Keeney and U. S. Army PFC Carl M. Nicholas Memorial Bridge”.

Whereas, Carl Eugene Keeney was born to Dewey and Ruth Skeens Keeney on March 27, 1925, in Seth, West Virginia; he learned to repair engines and vehicles at an early age and became skilled as a machinist; and when this country sought skilled

tradesmen in its armed forces, he enlisted in the United States Navy in 1942, eventually attaining the rank of Machinist's Mate Second Class; and

Whereas, U. S. Navy MM2 Carl Eugene Keeney served over three years in the Pacific Theater and saw combat in the Solomon Islands and at Okinawa; he was awarded three battle stars before he was honorably discharged in 1946; and

Whereas, After faithfully and honorably serving his country, Carl E. Keeney applied his machinist's skills in the coal industry, working as a driver, mechanic and machinist in Boone County until his retirement; and

Whereas, Carl M. Nicholas was born to Dan and Frona Cottrell Nicholas on September 27, 1922, in Bickmore, West Virginia, and, though he left school after eight years to help support his family, he became quite accomplished in a mining career that spanned five decades in the coalfields of southern West Virginia; and

Whereas, U. S. Army PFC Carl M. Nicholas answered his nation's call to service, joining the United States Army in World War II in the European Theater of Operations, where he was assigned to Company I, 12th Infantry Regiment, 4th Infantry Division from May 16, 1944, to September, 1945, where he participated in the Invasion of Normandy on D-Day and in the Battle of the Bulge; and

Whereas, U. S. Army PFC Carl M. Nicholas was wounded in action on June 26, 1944, when he received and survived bullet wounds from a German sniper and for which he was awarded the Purple Heart; he also was awarded the Bronze Star for meritorious achievement in active ground combat; and

Whereas, Upon his return to civilian life, U. S. Army PFC Carl M. Nicholas continued his mining career with some of the most prominent companies in the industry and he became a successful businessman as proprietor of his own trucking company; he continued to support military veterans and was a leader of the effort to secure dedicated parking for veterans at our State Capitol; and

Whereas, After a life well lived in service to his community and his country, Carl M. Nicholas passed away on September 3, 2014; and

Whereas, Recognizing that both U. S. Navy MM2 Carl Eugene Keeney and U. S. Army PFC Carl M. Nicholas are lifelong residents of Boone County on Big Coal River, it is an appropriate recognition of their contributions to their country, state, community and Boone County to name a bridge over the Big Coal River in their honor; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the future bridge, 03-3/14-0.10 (design number 11082) (38.09778, -81.61498), carrying county route 3/14 over Big Coal River in Boone County, the “U. S. Navy MM2 Carl E. Keeney and U. S. Army PFC Carl M. Nicholas Memorial Bridge”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Navy MM2 Carl E. Keeney and U. S. Army PFC Carl M. Nicholas Memorial Bridge”; and, be it

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

Which, under the rules, lies over one day.

Senators Woelfel, Plymale, Jeffries and Beach offered the following resolution:

Senate Concurrent Resolution 5—Requesting the Division of Highways name bridge number 06-35-3.83 (06A086) (38.36457, -82.37397), locally known as the Green Valley Bridge, along County Route 35 traversing Fourpole Creek in Cabell County, the “U. S. Army PFC John Ira Pinkerman Memorial Bridge”.

Whereas, John Ira Pinkerman was born in Huntington, West Virginia, in 1921 and was raised on Green Valley Road near Bowen Ridge in Cabell County; and

Whereas, John Ira Pinkerman married Geneva Frances Alley in 1941 and they had one child, John Alan Pinkerman, born May 19, 1943; and

Whereas, PFC John Ira Pinkerman was drafted into the U. S. Army on January 18, 1944; and

Whereas, PFC John Ira Pinkerman was killed in action in Northeast France on January 12, 1945; he is one of five thousand two hundred fifty-five soldiers laid to rest in the U. S. Military Cemetery in Epinal, France; and

Whereas, It is fitting and proper that PFC John Ira Pinkerman be remembered and acknowledged for his dedicated service to this country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 06-35-3.83 (06A086) (38.36457, -82.37397), locally known as the Green Valley Bridge, along County Route 35 traversing Fourpole Creek in Cabell County, the “U. S. Army PFC John Ira Pinkerman Memorial Bridge”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army PFC John Ira Pinkerman Memorial Bridge”; and, be it

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

Which, under the rules, lies over one day.

Senators Takubo, Jeffries and Beach offered the following resolution:

Senate Concurrent Resolution 6—Requesting the Division of Highways to name the portion of Route 119/19, beginning at a point where it intersects with Route 17 and ending at a point where it intersects with Route 28/2, in Logan County, as the “U. S. Army SSG Styish R. Morris Memorial Road”.

Whereas, Staff Sergeant Morris was born September 17, 1923, to John Morris and Rosie Morris of Clothier, West Virginia, the fifth of ten children; and

Whereas, Staff Sergeant Morris began work as an underground coal miner in Logan County, West Virginia. When World War II erupted, he enlisted, rather than being drafted, in the U. S. Army on January 23, 1942, and served in the 145th Infantry Regiment, 37th Infantry Division; and

Whereas, Staff Sergeant Morris was a very proud, patriotic first-generation American of Polish descent. His career was one of great honor and valor as shown by his numerous decorations which he earned while serving in the Pacific Theater; and

Whereas, Staff Sergeant Morris was decorated for his actions with the following awards: The Combat Infantry Badge, the Philippine Liberation Ribbon with one Bronze Star, the Asiatic-Pacific Theater Ribbon with two Bronze Stars, the Distinguished Unit Citation, two Purple Heart Awards and the Good Conduct Ribbon; and

Whereas, Most notably, on September 22, 1945, Staff Sergeant Morris was awarded the Silver Star by President Truman. The Citation reads: “The President of the United States, authorized by Act of Congress, July 9, 1918, takes pleasure in presenting the Silver Star to Staff Sergeant (then Sergeant) Styish R. Morris United States Army, for conspicuous gallantry and intrepidity in action against the enemy while serving with the 145th Infantry Regiment, 37th Infantry Division in the Philippine Islands. Staff Sergeant Morris’ squad was preparing for an attack at Mount Pacawagan on April 30, 1945, when an enemy soldier ran out of one of the many caves infesting the area. Catching the squad completely by surprise, the enemy knocked a soldier to the ground,

tore a Browning Automatic Rifle from his hands and swung the weapon into position to fire on the squad. Staff Sergeant Morris, although unarmed, rushed the enemy so quickly that he was unable to fire the weapon. After a bitter struggle for possession of the gun, Staff Sergeant Morris with superior strength and weight overpowered the Japanese and forced him back into a deep foxhole, causing him to lose his grip on the rifle. Staff Sergeant Morris then managed to kill the enemy. Sergeant Morris' alertness, quick thinking and courageous action eliminated a dangerous menace to his squad and earned the complete confidence of his men. Staff Sergeant Morris' actions, without regard for his own safety, were in keeping with the highest traditions of military service, reflecting great credit on himself, the 37th Infantry Division, and the United States Army"; and

Whereas, Following his honorable discharge on October 3, 1945, Staff Sergeant Morris returned home to Clothier, where he went back to work in the underground coal mines of Boone and Logan counties and supported his aging parents. He never married and chose to take care of his parents until their deaths. He continued to work in the mining industry until he became disabled in the early 1970s from wounds he received during the war. He remained active by raising a garden and farm animals and he shared his plentiful harvests with his neighbors; and

Whereas, On April 3, 1987, Staff Sergeant Morris was called for his final and glorious award in the arms of his Lord; and

Whereas, Staff Sergeant Morris is survived by his sister-in-law JoAnn Morris, his nephews: Edward S. Morris, Mark A. Morris, Thomas Morris, Joe A. Morris, Randy Bently, John F. Morris, John Trammell, Paul Trammell and Joe L. Morris; and his nieces: Teresa Way, Katrina Mosman, Mary Collins, Kathy Weathersby, Rose Ann Reed and Mary Morris Cobbs; and

Whereas, It is fitting that an enduring memorial be established to commemorate Staff Sergeant Styish R. Morris, a native son who served his state and his country with great honor, by naming the portion of Route 119/19 beginning at a point where it intersects with Route 17 and ending at a point where it intersects with Route

28/2, in Logan County, as the “U. S. Army SSG Styish R. Morris Memorial Road”; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways name the portion of Route 119/19, beginning at a point where it intersects with Route 17 and ending at a point where it intersects with Route 28/2, in Logan County, as the “U. S. Army SSG Styish R. Morris Memorial Road”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of road as the “U. S. Army SSG Styish R. Morris Memorial Road”; and, be it

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

Which, under the rules, lies over one day.

Senators Sypolt, Smith, Plymale, Blair and Jeffries offered the following resolution:

Senate Resolution 8—Recognizing the contributions and dedicated public service of Gary K. Wilson to Mineral County and the state of West Virginia.

Whereas, Gary K. Wilson (1941-2013) was born in Piedmont, West Virginia, was a 1959 graduate of Keyser High School, a 1961 graduate of Potomac State College, a 1971 graduate of West Virginia University and a 1981 graduate of Frostburg State University; and

Whereas, Gary K. Wilson served his country with honor in the United States Navy and was a quartermaster during the Cuban Missile Crisis; and

Whereas, Following his military service, Gary K. Wilson was employed by PPG as a plant environmental control engineer for 13 years; and

Whereas, In 1975, Gary K. Wilson was named the vice president for finance and administration at the Burlington United Methodist Children's Home (now Burlington United Methodist Family Services, BUMFS), where he remained for the next 30 years before retiring as president and chief executive officer; and

Whereas, Under the leadership of Gary K. Wilson, BUMFS grew into a statewide organization that was not only nationally accredited, but widely recognized as a leading child welfare organization in West Virginia; and

Whereas, For his efforts, Gary K. Wilson received the 1999 Administrator of the Year national award from the United Methodist Association of Health and Welfare Ministries. He was named an Outstanding Mountaineer by then Governor Joe Manchin in 2005 and by Governor Earl Ray Tomblin in 2013; and

Whereas, Gary K. Wilson was active in the community, serving as president for both the Alliance for Children and the West Virginia Child Care Association; was a member of the Mineral County Building Commission; and United Methodist Association for Health and Welfare Ministries. He also served as chair for the Field Consultation Planning Committee and for the Mineral County Allocations Committee. He was an active Rotarian; a member of the Mineral County Chamber of Commerce; an instrumental member of the U. S. Wind Force Foundation; and served on the CYF Section, the EAGLE Program Accreditation Committee and Peer Review Team; and

Whereas, It is fitting to recognize Gary K. Wilson on Mineral County Day at the Capitol for his everlasting contributions to Mineral County; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the contributions and dedicated public service of Gary K. Wilson to Mineral County and the state of West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Mineral County.

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.

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

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

Remarks were made by Senators Miller and Woelfel.

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

Without objection, the Senate returned to the third order of business.

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 4—Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor.

Whereas, His Excellency, the Governor, has advised that he will be pleased to address a Joint Assembly of the Senate and House of Delegates at the convenience of the two houses; therefore, be it

Resolved by the Legislature of West Virginia:

That His Excellency, the Governor, be hereby invited to address a Joint Assembly of the Legislature at 7:00 o'clock postmeridian this day; and, be it

Further Resolved, That the President of the Senate and the Speaker of the House of Delegates appoint three members of each of the respective houses of the Legislature as a committee to wait upon His Excellency, the Governor, and escort him into the Hall of

the House of Delegates at the time herein appointed for hearing the address.

The message further announced the appointment of the following committee on the part of the House of Delegates:

Delegates Sobonya, Arvon and Moye.

At the request of Senator Ferns, and by unanimous consent, the resolution was taken up for immediate consideration and reference to a committee dispensed with.

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

Whereupon, the President appointed as Senate members of such committee, authorized by the foregoing resolution, the following:

Senators Ferns, Boley and Prezioso.

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

Pending announcement of meetings of standing committees of the Senate, including a minority party caucus,

On motion of Senator Ferns, the Senate recessed until 6:55 p.m. today.

Upon expiration of the recess, the Senate reconvened.

The hour of 7 p.m. having arrived, that being the time set for the joint assembly to hear the address of His Excellency, the Governor, the Senate recessed until five minutes after adjournment of the joint assembly. Members of the Senate then repaired in a body to the hall of the House of Delegates.

(NOTE: For formal procedure in the joint assembly and the address of His Excellency, the Governor, the Honorable Jim Justice, see the Journal of the House of Delegates for this day.)

Night Session

The joint assembly having been dissolved, the Senate returned to its chamber and resumed its regular session.

Executive Communications

Senator Carmichael (Mr. President) presented the following communication from His Excellency, the Governor, submitting the executive budget and annual budget bill, which was received and read by the Clerk:

JIM JUSTICE
GOVERNOR OF WEST VIRGINIA

February 8, 2017

EXECUTIVE MESSAGE NO. 1
FIRST REGULAR SESSION
The Honorable Mitch Carmichael
West Virginia Senate
State Capitol
Charleston, West Virginia 25305

Dear President Carmichael:

I herewith submit, pursuant to the Constitution of the State of West Virginia, a budget and budget bill for the fiscal year beginning July 1, 2017.

Sincerely,

Jim Justice
Governor

Subsequently, Senator Carmichael (Mr. President) laid before the Senate the aforementioned annual budget bill,

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 199—A Bill making appropriations of public money out of the treasury in accordance with section fifty-one, article VI of the constitution.

Which was read by its title and referred to the Committee on Finance.

The Senate proceeded to the thirteenth order of business.

Senator Carmichael (Mr. President) announced the appointment of Senator Clements to the Committees on Agriculture and Rural Development, Banking and Insurance, Government Organization, Health and Human Resources, the Judiciary and Military.

Senator Carmichael (Mr. President) then announced the appointment of the Select Committee on Tax Reform for this eighty-third Legislature and, at the request of Senator Blair, and by unanimous consent, the list was ordered printed in the Journal as follows:

Senators Karnes (*Chair*), Blair (*Vice Chair*), Boso, Ferns, Gaunch, Jeffries and Plymale.

At the request of Senator Jeffries, the name of Senator Jeffries was removed as a sponsor of **Senate Bill 2** (*Providing additional funding for exceptional children with high-cost/high-acuity special needs*), **Senate Bill 14** (*Authorizing county commissions to impose surcharge on residential property owners for trash collection*), **Senate Bill 57** (*Continuing personal income tax adjustment for certain retirees*), **Senate Bill 81** (*Increasing wages of judgment debtor that may be exempt from execution by judgment creditor*), **Senate Bill 164** (*Relating to traffic regulations and special load limits*), **Senate Bill 188** (*Correcting definition of “telehealth” in medication-assisted treatment programs*) and **Senate Bill 189**

(Establishing that shared legal and physical custody of child in divorce cases is in best interest of child).

On motion of Senator Blair, the Senate adjourned until tomorrow, Thursday, February 9, 2017, at 11 a.m.

THURSDAY, FEBRUARY 9, 2017

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Ford Price, Epworth United Methodist Church, Ripley, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Richard N. Ojeda II, a senator from the seventh district.

Pending the reading of the Journal of Wednesday, February 8, 2017,

At the request of Senator Weld, 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 communications from various state agencies as required by the provisions of law:

Accountancy, Board of (§30-1-12)

Architects, Board of (§30-1-12)

Acupuncture, Board of (§30-1-12)

Children's Health Insurance Program (§5-16B-3)

Chiropractic, Board of (§30-1-12)

Counseling, Board of Examiners in (§30-1-12)

Dentistry, Board of (§30-1-12)

Dietitians, Board of Licensed (§30-1-12)

Forestry, Division of
 Outdoor Heritage Conservation Fund (§5B-2G-6)

Funeral Service Examiners, Board of (§30-1-12)

Geological and Economic Survey (§29-2-6)

Health and Human Resources, Department of
 Youth Services (§49-5B-7)

Juvenile Services, Division of (§49-5-13e)

Landscape Architects, Board of (§30-1-12)

Licensed Practical Nurses, Board of Examiners for (§30-1-12)

Massage Therapy Licensure Board (§30-1-12)

Medical Imaging and Radiation Therapy
 Technology Board of Examiners (§30-1-12)

Natural Resources, Division of (§20-1-7)

Nursing Home Administrators Licensing Board (§30-1-12)

Osteopathic Medicine, Board of (§30-1-12)

Personnel, Division of (§29-6-7)

Physical Therapy, Board of (§30-1-12)

Professional Engineers, Board of Registration for (§30-1-12)

Professional Surveyors, Board of (§30-1-12)

Psychologists, Board of Examiners of (§30-1-12)

Real Estate Appraiser Licensing and
Certification Board (§30-1-12)

Respiratory Care, Board of (§30-1-12)

Sanitarians, Board of (§30-1-12)

Senior Services, Bureau of (§16-5P-14)

Social Work, Board of (§30-1-12)

Special Investigations, Commission on (§4-5-2)

Speech-Language Pathology and Audiology,
Board of Examiners for (§30-1-12)

State Police

Female/Minority Recruiting Effectiveness (§15-2-7)

Tax Department, State

Alternative-Fuel Motor Vehicle Tax Credit (§11-6D-8)

Veterinary Medicine, Board of (§30-1-12)

Water Development Authority (§22C-1-17)

The Senate proceeded to the sixth order of business.

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

By Senators Karnes and Maroney:

Senate Bill 200—A Bill to amend and reenact §5-16-2 and §5-16-22 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-7A-3 of said code; to amend and reenact §18-7B-2 of said code; to amend and reenact §18-9A-2 of said code; to amend said code by adding thereto a new section, designated §18-9A-12a; to amend and reenact §18-20-5 of said code; to amend said code by adding thereto a new article, designated §18-33-1, §18-33-2, §18-33-3, §18-33-4, §18-33-5, §18-33-6, §18-33-7, §18-33-8,

§18-33-9, §18-33-10, §18-33-11, §18-33-12 and §18-33-13; and to amend and reenact §29-12-5a of said code, all relating to providing for the authorization and oversight of public charter schools; providing for charter school employee participation in public employee insurance and applicable Teachers Retirement System; including charter school students in net enrollment of county; providing calculation of charter school basic foundation program and corresponding reduction in county's basic foundation program; defining "exceptional child with high cost/high acuity special needs"; providing for establishment of method for disbursing state appropriated funds; providing for charter school application for funds; removing certain reports; creating charter school act to establish process for creation; providing for governance and oversight accountability of public charter schools; stating purposes; establishing charter schools as public schools and part of public education system; providing for liberal interpretation; prohibiting conversion of private schools into charter schools under act; prohibiting establishment of charter virtual schools under act; providing general definitions; limiting county board management and control of charter school; prohibiting state board as authorizing authority; defining terms; providing for authorizations, eligibilities, compliances and prohibitions; providing for general supervision by state board for meeting student performance standards required of other public school students; providing powers of public charter schools; establishing processes for determining capacity and enrolling students; prohibiting discrimination in enrollment decisions; providing for credit transfers; authorizing charter student participation in state and school district sponsored interscholastic leagues, competitions, awards, scholarships and recognition programs and specifying parameters; requiring access to, and requiring utilization of, electronic education information system for reporting certain information and subject to student data accessibility, transparency and accountability; providing for certification of charter school enrollment, attendance and program participation to county board and department; providing for distribution of charter school basic foundation program funds and allowing authorizer charge for oversight costs; providing for payment of special education and federal funds to charter schools; requiring charter school

submission of budget and sources of funds to state board and requiring public availability; creating public charter school oversight and authorizer board and specifying mission, agency status and degree of oversight and supervision by state board; providing for appointment of members, qualifications, terms, removal, civil liability and limited scope of acts of ex officio members; requiring appointment of executive director and duties and qualifications; setting forth meetings, expenses, powers and duties of board; requiring annual report to state board and availability to public and Legislature; granting authority to require annual reports from charter schools; establishing limitations on regulation by state board, oversight and authorizer board and county board authorizers; requiring annual request for proposals; providing contents of requests for proposals; providing for application for authorization of public charter school; requiring notice of intent to establish by organizers; requiring timelines for notice and submission of application; providing option for county board to proceed as authorizer or forward application to oversight and authorizer board; establishing process for application review and evaluation; granting period for applicant response to authorizer decision prior to final determination; requiring report of final action; setting forth registration of approved charters by state superintendent; stating effect of approved application; providing authorizer powers and duties respecting charter contracts; providing timelines for execution of charter contract and authorization to appeal to executive director to finalize terms; providing minimum provisions of contract, including performance provisions; prohibiting delegation and assignment of powers; setting forth obligations and responsibilities set forth in charter contract; requiring performance report prior to contract renewal and period to rectify weaknesses; requiring offer of contract application renewal guidance; requiring timelines for submission of renewal application; provisions for authorizer decisions on renewals; permitting authorizer report of renewal decisions; prohibiting contract renewal of school given failing level of accreditation during final operating year; authorizing contract revocation at any time or nonrenewal for certain violations and failures; requiring report of revocation and nonrenewal with statement of reasons; providing for options of county board for

disposition of school when contract revoked or not renewed; duties of authorizer when contract revoked or not renewed; establishing supremacy of article when inconsistent with any other laws, rules or regulations; granting authorization for one or more schools under single contract; granting authorization of one or more contracts for single governing board; providing that a public charter school authorized by the authorizer board is a local education agency; providing for county board accreditation accountability for charter school authorized by county board; prohibiting county board requiring employee to be employed in charter school; prohibiting any retaliatory action against district employee involved in application to establish charter school; prohibiting discrimination against charter school in district advertising of educational options; providing for accrual of seniority with the county board of personnel employed in charter school; and authorizing charter school liability coverage through Board of Risk and Insurance Management.

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

By Senator Blair:

Senate Bill 201—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-25, relating to the potential sale, renovation or leasing of certain state-owned health care facilities; requiring the Secretary of the Department of Health and Human Resources to employ a consultant to study the potential sale, renovation or lease of those facilities; requiring the study be submitted to the Governor and Joint Committee on Government and Finance by November 30, 2017; identifying the minimum contents of the study; exempting the hiring of the consultant from certain purchasing requirements; requiring the secretary to update the Joint Committee on Government and Finance regarding the selection of the consultant; requiring the Director of the Division of Personnel to assist the secretary to develop a strategy related to the employees of the facilities subject of the study; creating a special revenue account to be known as the Health Care Facilities Liquidation Fund; requiring the secretary to prepare an accounting of all assets; providing that

expenditures from the fund are not authorized from collections deposited in the fund but are to be made only in accordance with appropriation by the Legislature; and prohibiting the secretary from acting pursuant to the study and any resultant plan without authorization from the Legislature.

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

By Senators Weld and Trump:

Senate Bill 202—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §47-26-2a, relating to the pawn of gift cards; defining “gift card”; and limiting the purchase, pawn, receipt, sale or exchange of a gift card with a pawnbroker.

Referred to the Committee on the Judiciary.

By Senators Boso and Blair:

Senate Bill 203—A Bill to amend and reenact §5A-3B-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-5-9a of said code, all relating to defining “professional services” with respect to energy saving contracts.

Referred to the Committee on Government Organization.

By Senators Boso, Blair and Facemire:

Senate Bill 204—A Bill to amend and reenact §5-1-22 of the Code of West Virginia, 1931, as amended, relating to filling vacancies in offices by appointment of the Governor; and requiring that persons appointed to fill a vacancy have the same qualifications for the vacated office and receive same compensation and expenses for the office otherwise provided by law.

Referred to the Committee on Government Organization.

By Senators Azinger, Boley, Boso, Ferns and Blair:

Senate Bill 205—A Bill to amend and reenact §6-3-3 of the Code of West Virginia, 1931, as amended, relating to deputy officers and providing that when there is a death, conviction or

impeachment, failure to qualify, resignation or other disability of any principal officer a deputy shall continue to discharge the duties of the principal until a successor is elected or appointed; and making technical changes.

Referred to the Committee on Government Organization.

By Senator Weld:

Senate Bill 206—A Bill to amend and reenact §61-2-14a of the Code of West Virginia, 1931, as amended, relating to the criminal offense of kidnapping; making unlawful the taking or gaining custody of, confining or concealing another person by force or threat of force, or by duress, fraud, deceit, misrepresentation or enticement; and providing penalties.

Referred to the Committee on the Judiciary.

By Senators Weld and Maroney:

Senate Bill 207—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-16-1, §62-16-2, §62-16-3, §62-16-4, §62-16-5, §62-16-6, §62-16-7, §62-16-8, §62-16-9, §62-16-10, §62-16-11, §62-16-12 and §62-16-13, all relating to establishing a Mental Health and Military Service Member Court program within Supreme Court of Appeals; defining terms; granting authority to oversee court to Administrator of Supreme Court of Appeals; setting forth structure of court; providing for written agreement to participate in court; setting forth incentives for successful participation; providing for sanctions for violation of provisions of court; setting out disposition on successful completion; providing for teams to function within court; setting forth eligibility requirements for participation; setting forth procedure to participate in court; allowing for mental health and drug treatment services for participants; providing for governance of court by Supreme Court of Appeals; setting forth information to be maintained on participants; providing for funding mechanisms which may include court fees; and providing for limitation of liability.

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

By Senator Weld:

Senate Bill 208—A Bill to amend and reenact §17C-4-1 of the Code of West Virginia, 1931, as amended, relating to modifying the crime of fleeing the scene of an accident involving injuries; and increasing criminal penalties.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 209—A Bill to amend and reenact §59-1-2a of the Code of West Virginia, 1931, as amended, relating to defining the term “veteran” as that term pertains to veteran-owned businesses.

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

By Senators Boso, Rucker and Unger:

Senate Bill 210—A Bill to amend and reenact §7-20-1, §7-20-2, §7-20-3, §7-20-6, §7-20-7, §7-20-7a, §7-20-14, §7-20-15, §7-20-16, §7-20-23 and §7-20-24 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto twenty-seven new sections, designated §7-20-25, §7-20-26, §7-20-27, §7-20-28, §7-20-29, §7-20-30, §7-20-31, §7-20-32, §7-20-33, §7-20-34, §7-20-35, §7-20-36, §7-20-37, §7-20-38, §7-20-39, §7-20-40, §7-20-41, §7-20-42, §7-20-43, §7-20-44, §7-20-45, §7-20-46, §7-20-47, §7-20-48, §7-20-49, §7-20-50 and §7-20-51; and to amend said code by adding thereto a new section, designated §31-15-16d, all relating generally to County Local Powers Act; fees, taxes and expenditures for county development; restating short title; amending its purpose and legislative findings; amending certain definitions and adding definitions; amending criteria and requirements to implement and collect certain fees; amending authorization for county commissions to impose impact fees, services fees and other taxes; providing that certain fees and taxes collected may be deposited in special fund and used to pay debt service on revenue bonds issued to finance capital improvements or to finance them on a pay-as-you-go basis; making technical corrections; allowing county commissions and Commissioner of Highways to enter into intergovernmental agreements for construction and modernization of state roads, bridges and related

infrastructure and financing in their respective counties; providing procedures for creation and finalization or project plans and amendments of plans; requiring notice to certain locally elected public officials and general public on proposed road, bridge and related infrastructure construction projects and project amendments with opportunity for public comment; providing means to finance cost of proposed road, bridge and related infrastructure construction projects and project amendments; allowing reallocation of ad valorem property taxes after ratification of constitutional amendment of certain property tax collections to finance, in whole or in part, capital improvements to infrastructure; providing for applications for a construction project and the contents of applications; providing rule-making authority; creating special fund; requiring approval of boards of education for reallocation of regular property tax levies; providing for termination of reallocation of levies; authorizing West Virginia Economic Development Authority to issue revenue bonds and refunding bonds to finance road, bridge and related infrastructure projects financed, in whole or in part, by county commissions; providing that all bonds are exempt from tax, are negotiable and are lawful investments; providing procedures for issuance of bonds; allowing projects to also be constructed on a pay-as-you-go basis; providing that these powers are supplemental powers of county commissions, Commissioner of Highways and West Virginia Economic Development Authority; requiring reports; exempting public officials from personal liability; providing a severability clause; effective dates; and generally directing how the West Virginia Economic Development Authority implements and manages bonds issued for road, bridge and related infrastructure projects.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senators Trump, Blair and Maroney:

Senate Bill 211—A Bill to amend and reenact §7-11-5 of the Code of West Virginia, 1931, as amended, relating generally to rules and regulations for county parks, recreational properties and facilities; prohibiting county parks and recreation commissions

from promulgating or enforcing rules and regulations that prohibit possession of firearms; and providing magistrate courts with concurrent jurisdiction to determine misdemeanor violations of the rules and regulations.

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

By Senators Trump, Blair and Maroney:

Senate Bill 212—A Bill to amend and reenact §17C-5-2, §17C-5-2b, §17C-5-4 and §17C-5-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §17C-5A-1, §17C-5A-1a and §17C-5A-3 of said code; to amend said code by adding thereto two new sections, designated §17C-5A-1b and §17C-5A-1c; and to amend said code by adding thereto a new section, designated §17C-5C-6, all relating generally to the procedures for drivers' license suspensions and revocations for driving under the influence of alcohol, controlled substances or drugs; transferring authority for hearing matters related to suspensions or revocations of drivers' license for operating a motor vehicle while under the influence of alcohol, controlled substances or drugs from the Office of Administrative Hearings to magistrate courts; granting authority to magistrate courts to suspend or revoke driver's licenses in such cases; establishing mandatory revocation periods for individuals convicted of driving under the influence; authorizing alternate revocation period involving participation in motor vehicle alcohol test and lock period for certain first offenses; establishing mandatory revocation periods for individuals upon subsequent convictions for driving under the influence; requiring individuals whose driver's licenses have been revoked upon conviction for driving under the influence to complete comprehensive safety and treatment program; making individuals who are found guilty of driving under the influence ineligible for deferral of further proceedings upon condition of participation in Motor Vehicle Alcohol Test and Lock Program; making individuals who refuse to submit to a secondary chemical test ineligible for deferral of further proceedings upon condition of participation in Motor Vehicle Alcohol Test and Lock Program; prohibiting secondary test of blood without issuance of warrant signed by a magistrate or circuit

judge; requiring that individual arrested for driving under the influence be advised orally of certain consequences for refusal to submit to secondary chemical test; requiring that individual arrested for driving under the influence be given written statement informing the individuals of legal consequences of taking or refusing to take a preliminary breath test and informing the individual of right to receive secondary blood test; requiring that officer give second oral warning fifteen minutes after first warning given and before refusal is considered final; requiring that, following an individual's refusal to take a preliminary breath test, an arresting officer execute a signed statement that the officer administered all required warnings; directing officer to submit copy of written statement to court having jurisdiction over charges filed against the individual; eliminating all statutory provisions authorizing or requiring the Commissioner of the Division of Motor Vehicles to take administrative action upon an individual's driver's license on the basis of a driving under the influence arrest; limiting administrative jurisdiction of Division of Motor Vehicles and Office of Administrative Hearings to offenses occurring on or before June 30, 2017; providing that administrative hearings relating to refusal to undergo a secondary chemical test does not apply to offenses occurring on or after July 1, 2017; eliminating requirement for an order entered by the Division of Motor Vehicles revoking a driver's license to advise of procedures for requesting administrative hearing when the offense is driving under the influence; limiting the right of individuals to challenge suspension or revocation of driver's licenses to the issue of mistaken identity; requiring the commissioner to take corrective action if a driver's license is incorrectly suspended or revoked based on mistaken identity; providing that plea of no contest constitutes a conviction; requiring pretrial suspension of driver's licenses if individual refuses to submit to secondary chemical test; permitting pretrial suspension of driver's license by court under certain circumstances; establishing right to request and receive judicial review of suspension orders pending criminal proceedings; establishing the scope of review for judicial review of pretrial driver's license suspension for refusal to submit to secondary chemical test; requiring the clerk of a court to transmit a copy of an order suspending or revoking a driver's license to the Division of

Motor Vehicles; providing terms and length of pretrial license suspension; giving person's convicted of driving under the influence credit for pretrial suspension time against period of revocation imposed; making persons convicted of driving under the influence eligible for participation in comprehensive safety and treatment program and related reductions in length of revocation for successful competition thereof; establishing procedures and timeline for the Division of Motor Vehicles to transfer jurisdiction of driver's license suspension and revocation to the courts; and making technical corrections.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 213—A Bill to amend and reenact §15-2-25 of the Code of West Virginia, 1931, as amended, relating to requiring West Virginia State Police disciplinary records be retained in perpetuity; and requiring rulemaking.

Referred to the Committee on Government Organization.

By Senator Trump:

Senate Bill 214—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §39-6-1, §39-6-2, §39-6-3, §39-6-4, §39-6-5, §39-6-6, §39-6-7, §39-6-8, §39-6-9, §39-6-10 and §39-6-11, all relating to adopting the Uniform Electronic Legal Material Act; providing a short title; definitions; applicability; legal material in official records; authentication of electronic records; effects of authentication, preservation and security of legal material in official electronic record; public access to legal materials in electronic records; standards; uniformity of application and construction; and its effect on the Electronic Signatures in Global and National Commerce Act.

Referred to the Committee on the Judiciary.

By Senators Trump and Maroney:

Senate Bill 215—A Bill to amend and reenact §16-13A-9 of the Code of West Virginia, 1931, as amended, relating to giving

county commissions the authority to amend the proposed rates, fees and charges, in its sole discretion, proposed by public service districts.

Referred to the Committee on Government Organization.

By Senators Trump and Blair:

Senate Bill 216—A Bill to amend and reenact §46A-6-107 of the Code of West Virginia, 1931, as amended, relating to disclaimers of warranties with respect to goods which are the subject of, or are intended to become the subject of, a consumer transaction; prohibition against exclusion, modification or limitation of any warranty or remedy; waiver of warranty on used motor vehicle as to particular defect or malfunction which dealer has disclosed; conditions permitting as-is sale of used motor vehicle; conspicuous disclosure of as-is sale; as-is sale does not waive express warranties made by dealer; and dealer to conform to federal regulations.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 217—A Bill to amend and reenact §46A-6-107 of the Code of West Virginia, 1931, as amended, relating to disclaimers of warranties with respect to goods which are the subject of, or are intended to become the subject of, a consumer transaction; permitting exclusion, modification or limitation of warranty upon sale of a used manufactured home under certain circumstances; permitting consumer to waive a warranty as to a particular defect or malfunction which dealer has disclosed; and setting requirements for waiver to be effective.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 218—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-14-1, §61-14-2, §61-14-3, §61-14-4 and §61-14-5, all relating to the use of unmanned aircraft systems; providing operational requirements for unmanned aircraft systems; requiring compliance

with Federal Aviation Administration regulations; providing for the use by a law-enforcement agency; providing criminal penalties; and defining terms.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 219—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-414, relating to conspiracy to commit violations of the Uniform Controlled Substances Act; creating the felony offense of conspiracy; providing penalties; establishing a sentencing guideline based upon quantity for certain controlled substances; authorizing the court to make the determination of applicable quantity; and authorizing the aggregation of quantities from all participants and members of the conspiracy.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 220—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-414, relating to offenses and penalties under the Uniform Controlled Substances Act; creating a new felony offense for a drug delivery that results in the death of another person; and providing a felony criminal penalty.

Referred to the Committee on the Judiciary.

By Senators Blair and Maroney:

Senate Bill 221—A Bill to amend and reenact §5-16-4 of the Code of West Virginia, 1931, as amended, relating to the composition of the Public Employees Insurance Agency Finance Board; reducing the number of members; and changing the experience requirements for members.

Referred to the Committee on Government Organization.

By Senators Weld, Trump and Maroney:

Senate Bill 222—A Bill to amend and reenact §21A-6-3 of the Code of West Virginia, 1931, as amended, relating to

disqualification for unemployment benefits; providing that an individual is disqualified for benefits for any week or portion of a week in which he or she left or lost his or her job as a result of a strike; clarifying that a lockout is not a strike; providing that workers replaced with new prepayment employees are not eligible for unemployment benefits; establishing the circumstances when a worker is determined to leave or lose employment by reason of a lockout; providing the circumstances when a worker is determined to be permanently replaced by another employee; and providing that contractor employees who perform the work of a striking worker are not to be determined to have permanently replaced a striking worker.

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

By Senators Weld and Maroney:

Senate Bill 223—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-406a, relating to increased penalties for manufacturing or transportation of a controlled substance in the presence of a minor; providing for increased penalty for adult persons convicted of manufacturing, delivering or possessing with the intent to manufacture or deliver a controlled substance in the presence of a minor; and providing for increased penalty for adult persons convicted of transporting a controlled substance into this state with the intent to deliver or manufacture a controlled substance while being in the presence of a minor at the time of the offense.

Referred to the Committee on the Judiciary.

By Senators Hall, Azinger and Trump:

Senate Bill 224—A Bill to repeal §21-5-14, §21-5-14a and §21-5-16 of the Code of West Virginia, 1931, as amended; and to amend and reenact §21-5-15 of said code, relating to repealing the requirement for an employer's bond for wages and benefits for certain designated employers; and related requirements.

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

By Senators Trump and Blair:

Senate Bill 225—A Bill to amend and reenact §48-27-402 of the Code of West Virginia, 1931, as amended, relating to permitting magistrates to conduct a proceeding for a temporary emergency protective order dealing with a temporary custody order entered by a family court.

Referred to the Committee on the Judiciary.

By Senators Trump and Blair:

Senate Bill 226—A Bill to amend and reenact §60A-7-702, §60A-7-703, §60A-7-704, §60A-7-705, §60A-7-706 and §60A-7-707 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §60A-7-708 and §60A-7-709, all relating to the West Virginia Contraband Forfeiture Act; adopting a clear and convincing evidence standard; shortening time to institute forfeiture proceedings; designating persons be made respondents to a petition for forfeiture; redirecting disposition of all forfeited property; providing for disposition of property when forfeiture is not ordered; and providing for effects of amendments to the law on pending actions.

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

By Senators Trump, Blair and Maroney:

Senate Bill 227—A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to carrying a firearm for self-defense in a state park, state forest, state wildlife management area or state rail trail; and providing an exception for rifles and shotguns.

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

By Senator Boso:

Senate Bill 228—A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to workers' compensation disability and death benefits; defining "professional firefighter"; and requiring the Insurance Commissioner to study the

effects of the rebuttable presumptions created on the premiums charged for workers' compensation for professional firefighters and the overall impact of the risk management programs, wage replacement, premium calculation for the cost providing coverage and the separation of professional firefighter functions from nonactive, nonfirefighting or support functions in volunteer fire departments.

Referred to the Committee on Government Organization.

By Senators Trump and Blair:

Senate Bill 229—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-4-3c, relating to declaring that the mere addition of a mini-distillery does not change the nature or use of agricultural property for building code and property tax classification purposes.

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

By Senators Trump, Blair and Maroney:

Senate Bill 230—A Bill to amend and reenact §7-4-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-29-12, all relating to West Virginia officials carrying concealed firearm nationwide as provided in the federal Law-Enforcement Officers Safety Act, 18 U. S. C. §926B; providing statutory authority necessary to give prosecuting attorneys and assistant prosecuting attorneys the option to carry firearms pursuant to that federal act upon completion of required training and annual background check; granting prosecuting attorneys and assistant prosecuting attorneys arrest powers under certain circumstances; providing that law-enforcement agencies are neither prohibited from nor required to permit an officer to carry his or her service weapon off duty; and requiring West Virginia law-enforcement agencies to offer access to training and certification for honorably retired officers to be permitted to carry a concealed firearm nationwide as a qualified retired law-enforcement officer as provided in the federal Law-Enforcement Officers Safety Act of 2004.

Referred to the Committee on the Judiciary.

By Senator Hall:

Senate Bill 231—A Bill to amend and reenact §18-2-5b of the Code of West Virginia, 1931, as amended, relating to the State Board of Education and Medicaid-eligible children; and providing that the state board may delegate its provider status and subsequent reimbursement to regional education service agencies or county boards subject to the county board determining that there is a net benefit and no detracting from the educational program of the county.

Referred to the Committee on Education.

By Senator Hall:

Senate Bill 232—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-80, relating to delinquent personal income taxes; setting maximum interest rate; prohibiting certain penalties; requiring certain notification; and compensation for erroneous notification of delinquency.

Referred to the Committee on Finance.

By Senator Trump:

Senate Bill 233—A Bill to amend and reenact §62-1D-2 of the Code of West Virginia, 1931, as amended, relating to Wiretapping and Electronic Surveillance Act; excluding from protection under the act oral communications uttered in a child care center where there are notices posted informing persons that their oral communications are being intercepted; and defining “child care center”.

Referred to the Committee on the Judiciary.

By Senators Trump and Maroney:

Senate Bill 234—A Bill to amend §50-1-14 of the Code of West Virginia, 1931, as amended, relating to civilian employees for service of civil process court security; permitting sheriff's to employ civilians for service of process and court security; and authorizing these civilian employees to carry dangerous and deadly weapons when designated and permitted by the county sheriff.

Referred to the Committee on the Judiciary.

By Senators Rucker, Azinger, Blair, Boso, Clements, Cline, Gaunch, Jeffries, Karnes, Maynard, Mullins, Smith, Swope, Takubo, Trump and Weld:

Senate Bill 235—A Bill to amend and reenact §17A-10-3 of the Code of West Virginia, 1931, as amended, relating to providing that, after its initial registration, the annual registration fees of motorcycles are owed in the same month as the original registration.

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

By Senators Trump and Weld:

Senate Bill 236—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-31, relating to damages for medical monitoring; establishing requirements for an order for payment of medical monitoring expenses; and providing that an increased risk of disease is not a compensable basis for damages in any civil action.

Referred to the Committee on the Judiciary.

By Senators Trump and Blair:

Senate Bill 237—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §64-12-1, §64-12-2 and §64-12-3, all relating generally to repealing certain legislative, procedural or interpretive rules promulgated by certain agencies and boards which are no longer authorized or are obsolete; repealing certain legislative and procedural rule promulgated by certain agencies and boards under the Department of Revenue; repealing the Tax Division legislative rule relating to listing of interests in natural resources for purposes of first statewide appraisal; repealing the Tax Division legislative rule relating to guidelines for assessors to assure fair and uniform nonutility personal property values; repealing the Tax Division legislative rule relating to review by circuit court on certiorari; repealing the Tax Division legislative rule relating to review of appraisals by the county commission sitting as an administrative appraisal review board; repealing the Tax Division legislative rule

relating to additional review and implementation of property appraisals; repealing the Tax Division legislative rule relating to review by circuit court on certiorari; repealing the Tax Division legislative rule relating to revision of levy estimates; repealing the Tax Division legislative rule relating to inheritance and transfer tax; repealing the Tax Division legislative rule relating to annual tax on incomes of certain carriers; repealing the Tax Division legislative rule relating to the telecommunications tax; repealing the Tax Division legislative rule relating to tax credit for employing former members of Colin Anderson Center; repealing the Tax Division legislative rule relating to tax credits for new value-added, wood manufacturing facilities; repealing the Tax Division legislative rule relating to tax credits for new steel, aluminum and polymer manufacturing operations; repealing the Tax Division legislative rule relating to the business investment and jobs expansion tax credit, corporation headquarters relocation tax credit and small business tax credit; repealing the Tax Division legislative rule relating to appraisal of property for periodic statewide reappraisals for ad valorem property tax purposes; repealing the Banking Commissioner legislative rule relating to the West Virginia Consumer Credit and Protection Act; repealing the Banking Commissioner procedural rule relating to West Virginia Board of Banking and Financial Institutions; repealing the Office of the Insurance Commissioner legislative rule relating to utilization management; and repealing the Office of the Insurance Commissioner legislative rule relating to Medicare supplement insurance coverage.

Referred to the Committee on the Judiciary.

By Senators Ferns, Plymale, Weld and Maroney:

Senate Bill 238—A Bill to amend and reenact §11-21-8a of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-24-23a of said code, all relating to increasing the tax credits allowed for rehabilitation of certified historic structures.

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

By Senators Karnes, Blair, Ferns, Rucker and Weld:

Senate Bill 239—A Bill to amend and reenact §3-8-12 of the Code of West Virginia, 1931, as amended; to amend and reenact

§21-1A-4 of said code; and to amend and reenact §21-5-1 of said code, all relating to limitations on the use of wages and agency shop fees by employers and labor organizations for political activities; prohibiting any person from coercing or intimidating any employee into making a political contribution or engaging in any form of political activity; prohibiting employers and any other persons responsible for the disbursement of wages and salaries from withholding or diverting any portion of an employee's wages or salary for political activities without express, written authorization; providing for criminal penalties; setting forth requirements for employees to provide written authorization for disbursement of wages and salaries by an employer or other person for political activities; requiring the Secretary of State to promulgate forms; defining terms "political activities" and "agency shop fees"; modifying definition of "deductions" to exclude amounts for union or club dues; and making it an unfair labor practice under the Labor-Management Relations Act for the Private Sector for a labor organization to use agency shop fees paid by nonmembers for political activities, unless expressly authorized by the individual.

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

By Senators Boso, Rucker and Weld:

Senate Joint Resolution 4—Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof, by adding thereto a new section, designated section one-d, relating to authorizing the Legislature to, by general law, allocate a portion of ad valorem property taxes paid by owners of certain new manufacturing facilities and large capital additions to existing manufacturing facilities located in counties in which county commissions elect to fund infrastructure capital improvements, in whole or in part, using property taxes; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

By Senators Trump, Blair and Maroney:

Senate Joint Resolution 5—Proposing an amendment to the Constitution of the State of West Virginia, relating to authorizing the Legislature to issue and sell state bonds not exceeding the aggregate amount of \$2 billion to be used for improvement and construction of state roads and bridges; establishing the authority of the Legislature to impose a levy on real property and public utility property in this state to retire the indebtedness; limiting the amount and duration of the levy to repayment of the bond indebtedness; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

Senators Plymale and Beach offered the following resolution:

Senate Concurrent Resolution 7—Requesting Division of Highways to name County Route 58/2 in Salt Rock, Cabell County, from County Route 58 to the Guyandotte River, currently known as Calvary Lane, the “U. S. Army PFC Floyd H. Edmonds Memorial Road”.

Whereas, Private Edmonds was born in Milton, West Virginia; and

Whereas, Private Edmonds was an enlistee in the United States Army. He was awarded the Sharpshooter Badge and the Good Conduct Medal; and

Whereas, On October 31, 1962, Private Edmonds was honorably discharged from the United States Army; and

Whereas, Private Edmonds passed away on March 25, 2003, and he will be greatly missed by the people who reside in Cabell County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name County Route 58/2 in Salt Rock, Cabell County, from County Route 58 to the Guyandotte River, currently known as Calvary Lane, the “U. S. Army PFC Floyd H. Edmonds Memorial Road”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying that road as the “U. S. Army PFC Floyd H. Edmonds Memorial Road”; and, be it

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

Which, under the rules, lies over one day.

Senators Boley, Azinger and Beach offered the following resolution:

Senate Resolution 9—Congratulating the St. Mary’s boys’ cross country team for winning the 2016 Class AA/A cross country state championship.

Whereas, The St. Mary’s boys’ cross country team had an extraordinary season in route to winning the 2016 Class AA/A state championship; and

Whereas, This was St. Mary’s High School’s first state championship in boys’ cross country; and

Whereas, The St. Mary’s boys’ cross country team is led by head coach Steven Nutter and assistant coach Dave Davis; and

Whereas, The St. Mary’s boys’ cross country team roster consists of senior: Devon Amos; juniors: Brady Gorrell, Walker Hashman, Jacob Pethel and Spencer Wren; sophomore: Jayden Wolfe; and freshmen, J. T. Covey and Aaron Henderson; and

Whereas, The St. Mary’s boys’ cross country team displayed its strong will and determination for an entire season and is a

shining example of what can be accomplished with hard work, dedication and spirit; and

Whereas, The 2016 St. Mary's boys' cross country team will be remembered as one of the best teams ever assembled in West Virginia high school cross country history; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates the St. Mary's boys' cross country team for winning the 2016 Class AA/A cross country state championship; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to St. Mary's High School.

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

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 Boley and Azinger offered the following resolution:

Senate Resolution 10—Congratulating the St. Mary's High School football team for winning the 2016 Class A state football championship.

Whereas, St. Mary's high school has a proud 104-year history on the grid iron; and

Whereas, The 2016 St. Mary's football team had a dominant year on the field, finishing with a perfect 14-0 record and in route to making history by winning the school's first ever football state championship; and

Whereas, The St. Mary's football team roster consists of players: Aaron Pinkerton, Jacob Hoyt, William Steele, Eric Illar,

Sam Kincaid, Elijah Eades, Will Billeter, Zac Long, Joey Sanchez, Hunter White, Dalton Houser, Ian Kelley, Matt Eichorn, Jaiden Smith, Creston Snodgrass, Alex McCartney, Derick Smith, Ryan Miller, Clayton Studer, Georg Krogh, Braden Barnhart, Dylan Gray, Austin Ebert, Dylan Templeton, Tucker Dalrymple, Elijah Hearn, Devin Boley, Jacob Northrop, Jonathan Davis, Isaac Snodgrass, Brett Mitchell, Antone Herring, Jeremy Smith, Zac Neiswanger, Jacob Farris, Austin Phillips, Richard Dornon and Corbin Bussey; and

Whereas, The St. Mary's football team is led by head coach Jodi Mote and assistant coaches Bill Auxier, Bill Dalrymple, Bill Hanlin, Chris Metz, Jay Powell and J. D. Smith; and

Whereas, The St. Mary's football team is supported by student manager Owen Dornon, trainer Garry Clark, Superintendent Mike Wells, Principal Jeff Sole, Assistant Principal Shelley Taylor, physician Dr. Heather Straight and the entire community and surrounding areas of St. Mary's; and

Whereas, The 2016 St. Mary's football team will go down in state history as one of the best teams ever assembled in the state of West Virginia; and

Whereas, The St. Mary's football team is a shining example to all West Virginians of what can be accomplished with dedication, commitment and teamwork; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates the St. Mary's High School football team for winning the 2016 Class A state football championship; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to St. Mary's High School.

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

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 3, Urging Congress call convention of states to impose fiscal restraints on federal government.

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

Senate Concurrent Resolution 4, US Navy MM2 Carl E. Keeney and US Army PFC Carl M. Nicholas 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 5, US Army PFC John Ira Pinkerman 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 6, US Army SSG Styish R. Morris Memorial Road.

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

Pending announcement of meetings of standing and select committees of the Senate, including a majority party caucus,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Friday, February 10, 2017, at 11 a.m.

FRIDAY, FEBRUARY 10, 2017

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Shaun Scott, The Sanctuary at Fairview, Ripley, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Chandler Swope, a senator from the sixth district.

Pending the reading of the Journal of Thursday, February 9, 2017,

At the request of Senator Maynard, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the 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 114, 150 and 151, BRIM rule relating to Patient Injury Compensation Fund.

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

Com. Sub. for Senate Bill 151 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-2-1 and §64-2-2 of the Code of West Virginia, 1931, as amended, all relating to authorizing the Board of Risk and Insurance Management to promulgate a legislative rule relating to the Patient Injury Compensation Fund; authorizing the Board of Risk and Insurance

Management to promulgate a legislative rule relating to mine subsidence insurance; and authorizing the Ethics Commission to promulgate a legislative rule relating to the use of office for private gain, including nepotism.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 169, Repealing article providing assistance to Korea and Vietnam veterans exposed to certain chemical defoliants.

Senate Bill 170, Repealing state hemophilia program.

And,

Senate Bill 171, Repealing Programs of All-Inclusive Care for Elderly.

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 Finance.

Respectfully submitted,

Tom Takubo,
Chair.

At the request of Senator Hall, as chair of the Committee on Finance, unanimous consent was granted to dispense with the

second committee references of the bills contained in the foregoing report from the Committee on Health and Human Resources.

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 174, Exempting transportation of household goods from PSC jurisdiction.

And has amended same.

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

Respectfully submitted,

Craig Blair,
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 176, Repealing article concerning detection of tuberculosis, high blood pressure and diabetes.

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

Respectfully submitted,

Tom Takubo,
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 185, Allowing spending units designate fund into which proceeds from sale of surplus property must be deposited.

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,

Craig Blair,
Chair.

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

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

Your Committee on the Judiciary has had under consideration

Senate Bill 237, Repealing obsolete rules of Department of Revenue.

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 Ferns, Boso, Weld, Cline and Rucker:

Senate Bill 240—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-8G-1, §61-8G-2 and §61-8G-3, all relating to creating the crime of dissemination of sexual images; defining terms; setting forth elements of the crime; and providing for criminal penalties.

Referred to the Committee on the Judiciary.

By Senators Trump, Boso, Stollings, Blair, Cline and Rucker:

Senate Bill 241—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-3F-1, §29-3F-2, §29-3F-3, §29-3F-4, §29-3F-5, §29-3F-6 and §29-3F-7, all relating to creating the West Virginia Volunteer Fire and Rescue Act of 2017; providing a short title; making findings; stating a purpose; establishing certification requirements for ambulance drivers, emergency medical technicians and paramedics; providing a waiver of certain fees; and establishing a tax credit.

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

By Senators Mullins, Boso and Cline:

Senate Bill 242—A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to primary and secondary school instructional terms; removing the word “separate” throughout the section as it relates to the number of instructional days in the school calendar; requiring that the instructional term for students begin no earlier than August 10 and end no later than June 10 except for schools operating on a balanced calendar; removing preparation for opening and closing school from mandatory list of areas for which remaining noninstructional days may be designated by county school board; designating one noninstructional day for teachers as a preparation day; allowing teacher preparation day to be used for other purposes only at teacher’s discretion; increasing number of two-hour blocks for faculty senate meetings from four to six; removing requirement that faculty senate meetings be held once every forty-five days;

permitting accrued minutes to be used for lost instructional days; designating time frames within which faculty senate meetings may take place; requiring county boards to first use accrued minutes for early dismissals and late arrivals; and requiring that any reimagining student instructional days be exhausted prior to using accrued minutes for lost instructional days.

Referred to the Committee on Education.

By Senators Gaunch and Boso:

Senate Bill 243—A Bill to repeal §44-10-4 of the Code of West Virginia, 1931, as amended; to amend and reenact §48-6-301 of said code; and to amend and reenact §48-9-205, §48-9-206 and §48-9-402 of said code, all relating to domestic relations; relief in absence of an agreement; repealing language authorizing a minor over the age of fourteen years to nominate a guardian; allocation of responsibilities of the parties in parenting plans; spousal support; providing an alimony guideline worksheet calculation for determining monthly payments; removing from the matters considered in a permanent parenting plan a description of the allocation of caretaking and other parenting responsibilities performed by each person during the twenty-four months preceding the filing of an action; and requiring a substantive, affirmative and independent analysis by the court as to which parent is more likely to keep the noncustodial parent involved in the child's life prospectively, and an evidentiary evaluation on the issue as to whether a parent has engaged in alienation of the affections of a child toward the other parent, either pre- or post-divorce when allocating custodial responsibility.

Referred to the Committee on the Judiciary.

By Senators Blair, Mullins, Carmichael (Mr. President) and Cline:

Senate Bill 244—A Bill to amend and reenact §37-7-2 of the Code of West Virginia, 1931, as amended, relating to encouraging and facilitating the efficient and economic development of oil and gas resources; preventing waste by co-tenants; providing that consent to a lawful use of mineral property by a majority of co-tenants is not waste and does not constitute trespass; providing that

co-tenant is liable for damages as a result of the lawful use of mineral property consented to by a majority of the ownership interest when an accounting is provided and a pro rata share of revenues and costs are distributed to or reserved for each co-tenant, as applicable; allowing joint development of oil and natural gas wells by horizontal drilling under certain circumstances; addressing production royalties where multiple contiguous leases are developed; and providing for severability of provisions.

Referred to the Committee on the Judiciary.

By Senator Blair:

Senate Bill 245—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §54-1-3b, relating to permitting natural gas companies to enter private property without prior consent from the owner for the limited purposes of obtaining data to comply with regulatory requirements or to survey land for pipeline or pipeline facility development; requiring natural gas companies to request permission to inspect property prior to entry; requiring natural gas companies to provide owner notice of intent to enter property prior to entry; and preempting entries authorized under this section from being deemed a trespass or a taking.

Referred to the Committee on the Judiciary.

By Senators Boso, Plymale, Cline and Rucker:

Senate Bill 246—A Bill to amend and reenact §22-11-7b and §22-11-11 of the Code of West Virginia, 1931, as amended, all relating to the implementation of water quality standards for the protection of drinking water in permits; and providing draft permits to applicants prior to public notice.

Referred to the Committee on the Judiciary.

By Senators Trump, Carmichael (Mr. President), Hall, Palumbo, Woelfel and Blair:

Senate Bill 247—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §52-2-11, relating to grand juries generally; authorizing

prosecuting attorneys to designate law-enforcement officers and investigators to receive evidence subpoenaed and received by a prosecuting attorney under the authority of a grand jury; authorizing designated custodians to use subpoenaed records, documents and other evidence for investigative purposes; requiring custodians execute disclosure statements to preserve grand jury secrecy; authorizing custodian to share subpoenaed materials with other law-enforcement officers and agencies; limiting law-enforcement use of such subpoenaed materials to legitimate investigative and prosecutorial purposes relevant to investigation underlying the issuance of subpoena; allowing custodians to retain subpoenaed material until conclusion of investigation or prosecution; and defining terms.

Referred to the Committee on the Judiciary.

By Senators Trump, Carmichael (Mr. President), Hall, Palumbo, Woelfel, Blair, Plymale and Gaunch:

Senate Bill 248—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 Commission on Special Investigations; clarifying composition and chairmanship of commission; redefining what constitutes a quorum for voting procedures of commission; clarifying contents of commission's annual report; listing existing and necessary commission staff positions; granting power to conduct interviews and request production of books, records, documents, papers, or any other tangible thing, computers, laptops, computer hard drives, electronic records (including emails, files, documents and metadata), or any other thing, in any form in which they may exist; 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 commission to enter into executive session; establishing procedures for conducting executive session; removing requirement that Joint Committee on Government and Finance approve expenses of commission; establishing procedure

for commission retention and disposal of records; defining new offense of impersonating a commission member or staff member and of obstructing a commission member or staff; setting 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.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 249—A Bill to amend and reenact §38-3-4 of the Code of West Virginia, 1931, as amended, relating to information required in an abstract of judgment.

Referred to the Committee on the Judiciary.

By Senators Takubo, Stollings, Blair and Cline:

Senate Bill 250—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13DD-1, §11-13DD-2, §11-13DD-3, §11-13DD-4, §11-13DD-5, §11-13DD-6, §11-13DD-7, §11-13DD-8 and §11-13DD-9, all relating to establishing a tax credit for certain physicians who locate in this state to practice; providing for criteria for the tax credit; establishing education requirements; setting forth a time limit to claim the tax credit; setting forth length or residency requirements; setting forth findings; defining terms; authorizing the credit; specifying the amount of the tax credit; providing how the credit may be asserted; specifying no tax credit carryover; allowing forms and schedules to be established by the Tax Commissioner in rule; setting maximum amount per taxpayer per year; authorizing the Tax Commissioner to promulgate rules; and setting effective date.

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

By Senators Woelfel, Ojeda and Miller:

Senate Bill 251—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-5-9, relating to creating a pilot program for expansion of school-based mental health and school-based diversion; defining terms; detailing eligibility for schools to take part in the pilot program; setting requirements for schools that participate in the pilot program; authorizing mental health providers to provide certain services; requiring notice to parents and students of the pilot project; authorizing parents to opt out in certain circumstances; requiring the collection of certain data in relation to the pilot project; explicitly stating that the pilot project does not require additional expenditures; authorizing rulemaking; and requiring that the pilot project may not begin until the Legislature approves the relevant rules.

Referred to the Committee on Education.

By Senator Hall:

Senate Bill 252—A Bill to amend and reenact §18-2-26 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-5-13 of said code, all relating to allowing county boards of education and regional education service agencies to purchase computer technology from other than a statewide contract if certain conditions are met.

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

By Senators Takubo, Blair and Miller:

Senate Bill 253—A Bill to amend and reenact §30-3-10 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-14-4 of said code, all relating to licensing requirements for physicians and osteopathic physicians in this state; setting forth the licensing requirements relating to an applicant's ability to communicate in the English language; and placing increased emphasis on an applicant's clinical background, education and expertise.

Referred to the Committee on Government Organization.

By Senators Blair and Sypolt:

Senate Bill 254—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-25-19, relating to termination of the West Virginia Nursing Home Administrators Licensing Board.

Referred to the Committee on Government Organization.

By Senator Blair:

Senate Bill 255—A Bill to amend and reenact §3-10-7 and §3-10-8 of the Code of West Virginia, 1931, as amended, all relating to vacancies on county commissions and in offices of prosecuting attorney, sheriff, assessor and surveyor.

Referred to the Committee on the Judiciary.

By Senators Trump, Boso, Cline, Gaunch and Woelfel:

Senate Bill 256—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-22, relating to prohibiting aiding and abetting of sexual abuse by school personnel; prohibiting individuals from assisting school employees, contractors or agents in obtaining a new job if the individual knows, or has probable cause to believe, that the person engaged in sexual misconduct with a minor or student; providing exceptions to this requirement; and clarifying the relationship between this prohibition and other statutes, regulations or policies.

Referred to the Committee on the Judiciary.

By Senators Boso, Weld, Cline and Miller:

Senate Bill 257—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-1K-1, §15-1K-2, §15-1K-3, §15-1K-4, §15-1K-5, §15-1K-6 and §15-1K-7, all relating to Civil Air Patrol leave and protection of employees performing Civil Air Patrol missions.

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

By Senators Beach and Cline:

Senate Bill 258—A Bill to amend and reenact §17C-15-26 of the Code of West Virginia, 1931, as amended, relating to safety of tow trucks, wreckers and tilt-bed vehicles; authorizing red flashing warning lights on said vehicles under certain circumstances; and titling this bill in honor of Jeff Clovis.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

By Senators Trump and Cline:

Senate Bill 259—A Bill to amend and reenact §44-1-6, §44-1-7 and §44-1-14a of the Code of West Virginia, 1931, as amended, all relating to requiring potential administrators of intestate estates to give bond and take oath in the county commission before being granted the administration; waiving bond requirements for administrators of intestate estates where grantee is sole beneficiary or sole distributee of the decedent; and requiring interested parties objecting to the qualifications of a personal representative or venue to file notice with the county commission sixty days after the date of first publication.

Referred to the Committee on the Judiciary.

By Senators Gaunch, Mullins, Boso and Cline:

Senate Bill 260—A Bill to amend and reenact §11-14C-5 of the Code of West Virginia, 1931, as amended, relating to providing whenever average wholesale price of motor fuel is less than \$2 per gallon the tax on that fuel is increased by 5 cents.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senator Trump:

Senate Bill 261—A Bill to amend and reenact §38-5B-2 of the Code of West Virginia, 1931, as amended, relating to suggestions of salary and wages of persons engaged in public employment; increasing the amount of salary or wages of persons engaged in public employment that are protected from a suggestee execution

from thirty times the federal minimum hourly wage then in effect to fifty times the federal minimum hourly wage then in effect; requiring judgment creditor to provide additional personal information about the judgment debtor including the last four digits of Social Security number and date of birth; and making technical changes.

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

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

Senate Resolution 11—Designating February 10, 2017, as Dental Hygienists Day.

Whereas, Dental hygienists, as licensed oral healthcare professionals, actively promote oral healthcare and prevention of oral disease. West Virginia currently has 966 total active dental hygienists; and

Whereas, As preventative specialists, dental hygienists contribute to the oral health of West Virginia residents and provide an essential service contributing to their total health; and

Whereas, Dental hygienists give their time and effort in order to provide oral healthcare to individuals of need, such as children, senior citizens, individuals with low income and individuals with disabilities; and

Whereas, These services are essential in dental offices, public health facilities, schools, private organizations and research facilities in providing the best possible oral healthcare for all citizens; and

Whereas, Promoting the importance of the issues and celebrating the successes of the profession and contributions of dental hygienists will lead to increased public awareness; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 10, 2017, as Dental Hygienists Day; and, be it

Further Resolved, That the Senate is pleased to join with the students representing BridgeValley Community and Technical College, West Liberty University and West Virginia University in promoting good oral health; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Dental Hygienists Day.

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.

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 7, US Army PFC Floyd H. Edmonds Memorial Road.

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 thirteenth order of business.

At the request of Senator Ojeda, the name of Senator Ojeda was removed as a sponsor of **Senate Bill 178** (*Requiring license plates on front and back of vehicles*).

On motion of Senator Ferns, the Senate adjourned until Monday, February 13, 2017, at 11 a.m.

MONDAY, FEBRUARY 13, 2017

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Lisa Unger, Word of Deliverance Church, Berkeley Springs, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Gregory L. Boso, a senator from the eleventh district.

Pending the reading of the Journal of Friday, February 10, 2017,

At the request of Senator Rucker, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

Senator Carmichael (Mr. President) laid before the Senate the following communication from His Excellency, the Governor:

JIM JUSTICE
GOVERNOR OF WEST VIRGINIA

February 10, 2017

Senate Executive Message No. 2
Regular Session 2017

TO: The Honorable Members of the
West Virginia Senate

Ladies and Gentlemen:

I respectfully request that the following correction be made to Senate Executive Message No. 3-T, Regular Session 2017, submitted by The Honorable Earl Ray Tomblin on January 13, 2017 correcting the county of residence from Cabell County to Wayne County.

- 55. For Member, Mountwest Community and Technical College Board of Governors, Rodney Wiles, Huntington, Wayne County, for the term ending June 30, 2020.

Thank you for correcting your records.

Sincerely,

Jim Justice
Governor

Cc: Secretary of State
Senate Clerk

Which communication was received and referred to the Committee on Confirmations.

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 Blair:

Senate Bill 262—A Bill to amend and reenact §17-19-1 of the Code of West Virginia, 1931, as amended, relating to allowing signs drawing attention to a candidate for public office be permitted on right-of-way of a public road or highway during specified period; and increasing criminal penalties for allowing signs to remain in right-of-way outside permissible period.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

By Senator Blair:

Senate Bill 263—A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating to creating an exemption from certain contract and common carrier laws for motor vehicles used by contract carriers exclusively for the transportation of railroad personnel.

Referred to the Committee on Transportation and Infrastructure.

By Senator Blair:

Senate Bill 264—A Bill to amend and reenact §5B-1-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §6-7-2a of said code; to amend and reenact §17A-2-6 of said code; and to amend and reenact §29-21-5 of said code, all relating to the salaries of appointed officers being fixed by the Governor.

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

By Senator Cline:

Senate Bill 265—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-15-51, relating to requiring motor vehicles, trailers or semitrailers having a hydraulically operated bed to have a warning device that will alert the operator when the vehicle is in motion and the bed is in an upward position; and requiring rulemaking.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

By Senators Blair, Gaunch, Boso, Ferns, Maynard, Stollings, Cline and Maroney:

Senate Bill 266—A Bill to repeal §5A-3-49 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-1-2 of said code; to amend and reenact §5A-3-52 of said code; to amend said code by adding thereto a new article, designated §5A-12-1, §5A-12-2, §5A-12-3, §5A-12-4, §5A-12-5, §5A-12-6, §5A-12-7, §5A-12-8, §5A-12-9, §5A-12-10 and §5A-12-11; to amend and reenact §17A-3-23 of said code; to amend said code by adding

thereto three new sections, designated §17A-3-25, §17A-3-26 and §17A-3-27; to amend said code by adding thereto a new section, designated §29-12-15; and to amend and reenact §29B-1-4 of said code, all relating to creating and maintaining a centralized state vehicle inventory system; establishing the Fleet Management Office within the Department of Administration; creating the state Vehicle Title, Registration and Relicensing Project of 2017; requiring reporting by spending units utilizing state vehicles; providing the new article's scope and establishing exemptions; providing for new officers and establishing their powers, duties and responsibilities; defining terms; continuing the Fleet Management Office Fund; requiring the Fleet Management Office to coordinate with other agencies; providing for annual reports of vehicle use by spending units; requiring annual reports to the Governor and the Joint Committee on Government and Finance; establishing operator requirements and training; providing for enforcement; providing for notice; requiring legislative compliance audits; providing a deadline date for the expiration of current state vehicle license plates; creating new state vehicle license plates; providing for notice to spending units regarding the expiration of titles, registrations and license plates; requiring a standardized naming convention for the title, registration and licensing of all state vehicles; requiring annual renewal of the state vehicle registrations; providing exemptions from reporting for certain undercover vehicles; requiring insurance cards in state vehicles; and authorizing rulemaking and emergency rulemaking.

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

By Senators Blair, Gaunch, Boso, Ferns, Maynard, Palumbo, Plymale, Cline and Maroney:

Senate Bill 267—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 thirty 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 thirty days of receipt of information from an agency.

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

By Senators Blair, Gaunch, Boso, Ferns, Maynard, Plymale and Cline:

Senate Bill 268—A Bill to amend and reenact §7-1-3rr of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §8-39-1, all relating to requiring county commissions to maintain websites with specific information; requiring county commissions to provide website information to the Secretary of State; requiring Class I and Class II municipalities to maintain websites with specific information; and to allow Class III and IV municipalities to maintain websites provided they contain specific information.

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

By Senators Blair, Gaunch, Ferns, Maynard, Palumbo, Plymale, Boso and Cline:

Senate Bill 269—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; and then to the Committee on Finance.

By Senators Mullins and Cline:

Senate Bill 270—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-7K-1, §55-7K-2 and §55-7K-3, all relating to standards of proof in civil actions where the corporate, limited liability company or other business structure is alleged to be insufficient to the point it should be disregarded.

Referred to the Committee on the Judiciary.

By Senators Boley, Boso, Rucker, Cline and Blair:

Senate Bill 271—A Bill to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, relating generally to process for improving education; removing reference to No Child Left Behind Act; adding digital literacy to list of areas that State Board of Education is required to adopt high-quality education standards in; making findings with respect to Legislature’s constitutional authority; defining “academic standards”; recognizing state board’s adoption and renaming of certain standards; establishing academic standards evaluation panel; establishing membership of panel; establishing duties of panel; requiring withdrawal from memorandum of agreement relating to adoption of Common Core State Standards; requiring withdrawal as governing state in Smarter Balanced Assessment Consortium; establishing criteria for any academic standards adopted by state board; requiring Legislative Oversight Commission on Education Accountability to review any proposed rules relating to academic standards; removing requirement for state board rule establishing comprehensive statewide student assessment program; removing requirement that assessment be aligned with certain standards and associated alternative; removing state board authority to require ACT EXPLORE and ACT PLAN or other comparable assessments; requiring state board to review and approve summative assessment for certain grade levels to assess in certain subject areas; requiring summative assessment include students as required by certain federal laws; requiring that summative assessment meet certain requirements; requiring state board to review and approve college readiness assessment for students in eleventh grade; requiring college readiness assessment to be administered at least once to each eleventh-grade student; requiring college readiness assessment meet certain requirements; requiring state board to review and approve career-readiness assessments and assessment-based credentials; providing that career-readiness assessment is voluntary for students; requiring that assessment-based credentials be available to any student that achieves at required level on the required assessments; requiring career-readiness assessments meet certain requirements; prohibiting implementation of any assessment or test items developed specifically to align with Common Core State Standards; requiring

online assessment preparation for any online assessment; requiring state board to develop plan and make recommendations regarding end-of-course assessments and student accountability measures; establishing reporting requirements; establishing maximum percentage of instructional time for summative assessment; and removing required report to Legislative Oversight Commission on Education Accountability pertaining to on-site review finding appeals.

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

By Senator Boso:

Senate Bill 272—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-3E-1, §21-3E-2, §21-3E-3, §21-3E-4, §21-3E-5, §21-3E-6, §21-3E-7, §21-3E-8, §21-3E-9, §21-3E-10, §21-3E-11, §21-3E-12, §21-3E-13, §21-3E-14, §21-3E-15 and §21-3E-16, all relating to creating West Virginia Safer Workplaces Act; permitting employers to test employees and prospective employees for drugs and alcohol; providing a short title; defining terms; declaring public policy; clarifying exceptions to the applicability of the West Virginia Safer Workplaces Act for employers covered by other drug and alcohol testing statutes; determining a collection of samples, scheduling of tests and testing procedures; providing for ability to request split sample be tested to challenge a positive test result; establishing responsibility for cost of split sample testing; setting forth testing policy requirements; providing for disciplinary procedures; providing for sensitive employees; providing for preemption; providing protection from liability; establishing causes of action; providing exceptions; providing for confidentiality; providing for termination of employment; providing for forfeiture of certain benefits; clarifying that the drug and alcohol testing provisions of the West Virginia Safer Workplace Act cannot be used to show intoxication pursuant to section two, article four, chapter twenty-three of this code; and requiring employers to have drug and alcohol testing policies and procedures when implementing drug and alcohol testing.

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

By Senators Karnes, Rucker, Cline and Blair:

Senate Bill 273—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25; and to amend said code by adding thereto a new article, designated §18-31-1, §18-31-2, §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7 and §18-31-8, all relating to establishing an education expenses tax credit; enacting an Educational Savings Account Program; providing a short title and definitions; qualifying for an educational savings account; amount of the account; responsibilities of the Treasurer; eligibility requirements for participating entities; responsibilities of resident school districts; and legal proceedings.

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

By Senators Blair and Maroney:

Senate Bill 274—A Bill to repeal §18B-7-9 and §18B-7-11 of the Code of West Virginia, 1931, as amended; to repeal §18B-9-1, §18B-9-2, §18B-9-3 and §18B-9-4 of said code; to repeal §18B-9A-3 and §18B-9A-8 of said code; to amend and reenact §18B-1B-5 of said code; to amend and reenact §18B-4-1 and §18B-4-2a of said code; to amend and reenact §18B-7-1, §18B-7-2, §18B-7-3, §18B-7-6 and §18B-7-8 of said code; to amend said code by adding thereto a new section, designated §18B-8-7; to amend and reenact §18B-9A-2, §18B-9A-5, §18B-9A-6 and §18B-9A-7 of said code; and to amend said code by adding thereto a new article, designated §18B-9B-1, all relating to public higher education personnel generally; clarifying roles of Higher Education Policy Commission, Council for Community and Technical College Education and state organizations of higher education; eliminating certain human resources review by Higher Education Policy Commission and Council for Community and Technical College Education; eliminating specific references to the Vice Chancellor for Human Resources; eliminating outdated and redundant reporting requirements; eliminating requirement for Higher Education Policy Commission to create certain positions that

report to Vice Chancellor for Human Resources; eliminating certain higher education organization employment ratios and requirements; eliminating higher education organization classified employee salary schedule, outdated associated requirements and definitions; eliminating certain requirements related to exercising flexibility in human resources for higher education organizations; eliminating outline of steps for implementation of classification and compensation system by Higher Education Policy Commission and Council for Community and Technical College Education; providing legislative purposes and intent for higher education personnel; defining terms; providing and revising rules relating to reductions in workforce and hiring preferences; providing for continuing education and professional development; providing for evaluation and reviews of organizations for certain human resource deficiencies, best practices and compliance with state higher education personnel laws; providing for content of certain reports from Higher Education Policy Commission and Council for Community and Technical College Education to Legislative Oversight Commission on Education Accountability; authorizing organizations to adopt rules relating to employment policies and practices for staff and faculty; providing for preemption of Higher Education Policy Commission and Council for Community and Technical College Education rules conflicting with a governing board rule on faculty; defining “classified” and “nonclassified” employees; clarifying powers and duties of the Compensation Planning and Review Committee; providing that the Higher Education Policy Commission shall develop a model minimum salary schedule using West Virginia Workforce and other relevant data that organizations shall follow except in certain instances; providing that the Higher Education Policy Commission develop classification and compensation rules; providing state organizations of higher education with the ability to propose and implement approved legislative rules relating to classification and compensation with certain exceptions; and requiring any rule proposed by a state organization of higher education incorporate best human resources practices, address areas of accountability, employee classification and compensation and performance evaluation.

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

By Senator Blair:

Senate Bill 275—A Bill to amend and reenact §11-21-51 of the Code of West Virginia, 1931, as amended, relating to requiring the Tax Commissioner to include on West Virginia personal income tax return a short survey asking taxpayer the top three preferences where taxpayer's taxes should be spent and the bottom three least preferred preferences where taxpayer's tax dollars are spent.

Referred to the Committee on Finance.

By Senator Miller:

Senate Bill 276—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-4o; to amend said code by adding thereto a new section, designated §33-16-3aa; to amend said code by adding thereto a new section, designated §33-24-7p; to amend said code by adding thereto a new section, designated §33-25-8m; and to amend said code by adding thereto a new section, designated §33-25A-8o, all relating to collection of air ambulance fees for emergency treatment or air transportation rendered to persons covered by certain insurance plans; allowing providers of air ambulance services not under contract with certain insurance plans to collect an amount up to the equivalent paid for federal reimbursement for services rendered to covered employees or dependents; and requiring providers of air ambulance services that enter into a subscription service agreement with employees or dependents covered by certain insurance plans to accept the subscription fee as payment in full for services rendered.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

By Senators Blair and Rucker:

Senate Bill 277—A Bill to amend and reenact §3-1-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-4A-11a of said code; to amend said code by adding thereto a

new section, designated §3-5-6e; to amend and reenact §3-5-7 and §3-5-13 of said code; to amend and reenact §3-10-3 and §3-10-3a of said code; to amend and reenact §6-5-1 of said code; to amend said code by adding thereto a new article, designated §51-1B-1, §51-1B-2, §51-1B-3, §51-1B-4, §51-1B-5, §51-1B-6, §51-1B-7, §51-1B-8, §51-1B-9, §51-1B-10, §51-1B-11 and §51-1B-12; and to amend and reenact §58-5-1 of said code, all relating to creating a new court to be known as West Virginia Intermediate Court of Appeals; requiring election of judges of the intermediate court of appeals be on nonpartisan basis; requiring elections be on a division basis when more than one judge is to be elected; providing for timing and frequency of election; providing for commencement of terms of office; establishing ballot design and printing; providing that elections be held on same date as primary election; requiring nonpartisan ballots; establishing filing announcement of candidacies, including timing, location and necessary information; providing for order of appearance of offices on the ballot; establishing ballot content; providing procedures for filling of vacancies; providing occasions for special elections to be held to fill vacancies; requiring intermediate court of appeals be operational by July 1, 2018; establishing northern and southern districts; providing three judges for each district; establishing qualifications for judges; establishing court jurisdiction; providing for defunctive review; providing West Virginia Supreme Court of Appeals will either keep an appeal or transfer it to intermediate court; designating the clerk of the supreme court as the clerk of the intermediate court of appeals; providing that certain appeals to be reviewed as a matter of right and those matters in which the appeals are discretionary; providing appeals in certain administrative cases are discretionary; authorizing appeals from intermediate court to supreme court; authorizing Governor make initial appointments by July 1, 2017; creating staggered terms; providing for elections for ten-year terms after initial appointments; authorizing a chief judge; authorizing staff for court and judges; providing for compensation and expenses of judges and staff; providing for temporary assignment of circuit court judges; authorizing supreme court to provide facilities, furniture, fixtures and equipment for intermediate court; establishing precedential effect of intermediate

court orders and decisions; providing budget of intermediate court be part of supreme court budget; and providing for severability.

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

By Senators Jeffries, Beach, Boso, Cline, Gaunch, Ojeda, Romano, Smith, Stollings, Takubo, Weld, Woelfel, Plymale, Maroney and Blair:

Senate Bill 278—A Bill amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to Sunday hunting laws; removing certain restrictions on hunting; eliminating the need for ballot measures pertaining to Sunday hunting; voiding the results of any ballot measure prohibiting Sunday hunting; and permitting Sunday hunting on private property throughout the state with written consent of the landowner.

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

Senators Mullins, Boso, Cline, Plymale, Beach, Karnes, Stollings, Ojeda, Facemire and Prezioso offered the following resolution:

Senate Concurrent Resolution 8—Requesting Division of Highways name bridge number 41-19-13.21 (41A179), (37.74976, -81.14022), locally known as Beaver Arch, carrying U. S. Route 19 over Little Beaver Creek in Raleigh County, the “Donnie Adkins Memorial Bridge”.

Whereas, Mr. Adkins was born on November 26, 1977, in Charleston and attended DuPont High School. He was most recently employed by the Capital Resource Weatherization Program in Montgomery. He was a member of the Glasgow Volunteer Fire Department and had been a member of the Rand Volunteer Fire Department; and

Whereas, Mr. Adkins died on March 13, 2010, while assisting with a swift water rescue during flooding at Beaver. He and his crew had successfully rescued fifteen people before their boat

capsized, throwing all three of them into the water. The other two were rescued shortly thereafter; and

Whereas, Mr. Adkins was a loving son, brother, father and friend to many, especially his friends at the fire department where he spent many hours. He was known for his love of WVU football and basketball and NASCAR; and

Whereas, Hundreds of people attended the funeral service for Mr. Adkins in the gymnasium at Riverside High School where his casket was draped with an American flag. His uniform sat next to it along with dozens of flower arrangements and a sea of blue and white as dozens of his fellow first responders paid their respects to him; and

Whereas, Chaplain Dee Gibson with the Cedar Grove Volunteer Fire Department spoke at the service about how Mr. Adkins knew their lives were in danger saying, “He gave his life so another could live. He didn’t just save one life that day, he saved many.”; and

Whereas, State Fire Marshal Sterling Lewis addressed members of the Glasgow Volunteer Fire Department during the service by saying, “Return to what you do best. I think that’s what Donnie would want you to do.” Mr. Lewis also thanked Mr. Adkins’ family for allowing him to become a volunteer adding, “Without you sharing time, he could not have done that.”; and

Whereas, Mr. Adkins’ father spoke during the service, thanking the first responders for their hard work and dedication. He also asked everyone in the crowd never to take life for granted saying, “Everyone here that has children or grandchildren turn and give them a big hug because you never know from one minute to the next. Do everything with your kids while you can. To be truthful, wish it could have been me, instead of him.”; and

Whereas, Governor Joe Manchin attended the funeral service and thanked Mr. Adkins’ family, along with other emergency workers; and

Whereas, When the funeral service ended, local fire departments were dismissed slowly out of the gymnasium. Mr. Adkins' casket was in a fire truck, escorted by several other fire trucks to the Kanawha Valley Memorial Gardens along Route 60 in Glasgow where the graveside service ended with a last call to Mr. Adkins over the radio; and

Whereas, Mr. Adkins will always be a hero to all the family and friends he leaves behind; and

Whereas, It is a fitting tribute to Mr. Adkins and his unselfish heroism to name bridge number 41-19-13.21 (41A179), (37.74976, -81.14022), locally known as Beaver Arch, carrying U. S. Route 19 over Little Beaver Creek in Raleigh County, the "Donnie Adkins Memorial Bridge"; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 41-19-13.21 (41A179), (37.74976, -81.14022), locally known as Beaver Arch, carrying U. S. Route 19 over Little Beaver Creek in Raleigh County, the "Donnie Adkins Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Donnie Adkins Memorial Bridge"; and, be it

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

Which, under the rules, lies over one day.

Senators Ojeda and Stollings offered the following resolution:

Senate Concurrent Resolution 9—Requesting the Division of Highways to name a one-mile stretch of County Route 9/1, beginning at 20 Whitman Church and up Whitman Creek one mile in Logan County, "Ingram's Way".

Whereas, James and John Ingram of Logan County have the following accomplishments in the world of competitive archery: James Ingram – 2004 World Champion; 2004 World Record Holder of Highest Archery Score in competition; placed in the top ten of the greatest archery competitors in the World Championships on three separate occasions; and 10 State Championships – Louisiana (3 times), Arkansas (3 times), Missouri (2 times) and Texas and Tennessee. John Ingram – Air Force veteran; 2012 ASA 8th Place in World Championships; 2012 Central Arkansas Bow Hunter Shooter of the Year; 2012 Hoys State Champion; 2012 IAS Shooter of the Year; 2010 Hoyt State Champion; 2010 IAS Shooter of the Year; 2010 Arkansas 2nd Place ASA State Championship; 2005 T. H. E. 2nd Place World Championship; 1999 Missouri Red Head Indoor Pop Up State Champion; and 1999 ASAA State Champion; and

Whereas, Their archery accomplishments and contributions to their county and state should not go unnoticed; and

Whereas, Naming that stretch of road in Logan County, “Ingram’s Way” is an appropriate recognition of their contributions and accomplishments; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a one-mile stretch of County Route 9/1, beginning at 20 Whitman Church and up Whitman Creek one mile in Logan County, “Ingram’s Way”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is requested to have made and be placed signs identifying the road as, “Ingram’s Way”; and, be it

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

Which, under the rules, lies over one day.

Senators Trump and Blair offered the following resolution:

Senate Resolution 12—Designating February 13, 2017, as Morgan County Day at the Legislature.

Whereas, Morgan County was established in 1820, formed from parts of Hampshire and Berkeley counties and named in honor of General Daniel Morgan, a prominent soldier of the American Revolutionary War; and

Whereas, The county seat of Morgan County is Berkeley Springs, known as “the country’s first spa” for its numerous natural springs that maintain a constant temperature of 74 degrees; and

Whereas, Morgan County, West Virginia, is the home of numerous communities of enormous character and vitality, including, but not limited to, Berkeley Springs, Paw Paw, Great Cacapon, Largent, Magnolia, Doe Gulley, Ridge, Omps, Oakland, Ridersville, Sleepy Creek, Cherry Run, Frog Valley, Sir Johns, Highland Ridge, Orleans, Hansrote, New Hope, Greenwood, Pleasant View, Jimstown and many others; and

Whereas, Morgan County has a rich history with several sites listed on the National Register of Historic Places, including Berkeley Castle which was built in 1885; and

Whereas, Modern day Morgan County is home to the Apple Butter Festival and the Winter Festival of the Waters, was named a “best small art towns” was voted as one of USA Today’s “Top 10 Best Small Southern Towns” in 2015 and was featured in Focus magazine for the innovative ways the county is helping troubled students; and

Whereas, Morgan County’s greatest asset is its citizens, who contribute every day to making Morgan County a better place to live for generations to come; and

Whereas, On the occasion of Morgan County Day at the Legislature, we hereby recognize Morgan County and its citizens for their contributions to the great State of West Virginia; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 13, 2017, as Morgan County Day at the Legislature; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate officials representing Morgan County.

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.

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

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

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

Com. Sub. for Senate Bill 151, Authorizing Department of Administration promulgate legislative rules.

Senate Bill 169, Repealing article providing assistance to Korea and Vietnam veterans exposed to certain chemical defoliants.

Senate Bill 170, Repealing state hemophilia program.

Senate Bill 171, Repealing Programs of All-Inclusive Care for Elderly.

Senate Bill 174, Exempting transportation of household goods from PSC jurisdiction.

Senate Bill 176, Repealing article concerning detection of tuberculosis, high blood pressure and diabetes.

And,

Senate Bill 237, Repealing obsolete rules of Department of Revenue.

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

The Senate then proceeded to the thirteenth order of business.

At the request of Senator Jeffries, the name of Senator Jeffries was removed as a sponsor of **Senate Bill 5** (*Disqualifying CDL for DUI conviction in certain cases*), **Senate Bill 17** (*Relating generally to salary structure for temporary higher education employees*), **Senate Bill 39** (*Requiring BRIM cover volunteer workers and student teachers*), **Senate Bill 41** (*Extending time person may be subject to probation*), **Senate Bill 44** (*Allowing ballot option to express opposition to all candidates*), **Senate Bill 60** (*Relating to eligibility and fraud requirements for public assistance*), **Senate Bill 61** (*Providing consumers sales and service tax and use tax exemption for certain services and tangible personal property sold for repair, remodeling and maintenance of aircraft*), **Senate Bill 63** (*Requiring school counselors spend all their time on comprehensive school counseling programs*), **Senate Bill 167** (*Relating to DNA evidence*), **Senate Bill 171** (*Repealing Programs of All-Inclusive Care for Elderly*) and **Senate Bill 177** (*Repealing article relating to prenatal examination*).

At the request of Senator Maroney, the name of Senator Maroney was removed as a sponsor of **Senate Bill 200** (*Increasing high-quality educational opportunities within public school system*) and **Senate Bill 222** (*Providing disqualification for unemployment benefits for individual who left or lost job as result of strike*).

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Tuesday, February 14, 2017, at 11 a.m.

TUESDAY, FEBRUARY 14, 2017

The Senate met at 11 a.m.

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

Prayer was offered by Rabbi Victor H. Urecki, B'nai Jacob Synagogue, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael T. Azinger, a senator from the third district.

Pending the reading of the Journal of Monday, February 13, 2017,

At the request of Senator Sypolt, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the 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 127, 128, 146 and 147, Insurance Commissioner rule relating to adoption of valuation manual.

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

Com. Sub. for Senate Bill 127 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-7-1, §64-7-2 and §64-7-3 of the Code of West Virginia, 1931, as amended, all relating to authorizing certain Department of Revenue legislative rules; authorizing the Insurance Commissioner to promulgate a legislative rule relating to adoption of a valuation manual; authorizing the Racing Commission to promulgate a legislative

rule relating to thoroughbred racing; authorizing the Racing Commission to promulgate a legislative rule relating to pari-mutuel wagering; and authorizing the Lottery Commission to promulgate a legislative rule relating to limited video lottery.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Natural Resources has had under consideration

Senate Bill 133, DNR rule relating to revocation of hunting and fishing licenses.

Senate Bill 134, DNR rule relating to point system for revocation of hunting; repeal.

Senate Bill 135, DNR rule relating to special waterfowl hunting.

Senate Bill 136, DNR rule relating to commercial sale of wildlife.

And,

Senate Bill 137, DNR rule relating to miscellaneous permits and licenses.

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,

Mark R. Maynard,
Chair.

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

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

Your Committee on the Judiciary has had under consideration

Senate Bill 230, Relating to certain WV officials carrying concealed firearm nationwide.

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

Com. Sub. for Senate Bill 230 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §7-4-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-29-12, all relating to authorizing West Virginia prosecuting attorneys and assistant prosecuting attorneys to carry concealed firearms nationwide as authorized by the federal Law-Enforcement Officers Safety Act; providing the statutory authority necessary to give prosecuting attorneys and assistant prosecuting attorneys the option to carry firearms pursuant to federal law upon completion of required training and annual background check; granting prosecuting attorneys and assistant prosecuting attorneys arrest powers under certain circumstances; requiring West Virginia law-enforcement agencies to offer access to training and certification for honorably retired officers of said agencies to be permitted to carry a concealed firearm nationwide as a qualified retired law-enforcement officer as provided in the federal Law-Enforcement Officers Safety Act of 2004 and establishing a fee limit thereof; and authorizing West Virginia law-enforcement agencies to offer training to retired law-enforcement officers of other departments.

And,

Senate Bill 233, Excluding from protection oral communications uttered in child care center under Wiretapping and Electronic Surveillance Act.

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

Com. Sub. for Senate Bill 233 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §62-1D-2 of the Code of West Virginia, 1931, as amended, relating generally to the Wiretapping and Electronic Surveillance Act; excluding from protection under the act oral communications uttered in a child care center where there are written notices posted informing persons that their oral communications are subject to being intercepted; and defining “child care center”.

With the recommendation that the two committee substitutes do pass.

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 Plymale and Stollings:

Senate Bill 279—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-11-5a; to amend said code by adding thereto a new section, designated §8-21-10a; to amend and reenact §19-25-3 of said code; and to amend said code by adding thereto a new section, designated §20-5-3a, all relating to limiting liability of the section of Parks and Recreation of the Division of Natural Resources, county parks and recreation commissions, boards of parks and recreation commissioners, any officer or agent of a nonprofit state park or forest foundation and owners of land used for public parks and recreation purposes under an agreement with any of the foregoing entities.

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

By Senators Boso and Weld:

Senate Bill 280—A Bill to repeal §29-2A-3a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §15-1K-1 and §15-1K-2, all relating to the Civil Air Patrol.

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

By Senators Boso, Stollings, Takubo, Maroney and Trump:

Senate Bill 281—A Bill to amend and reenact §29-22B-1101 of the Code of West Virginia, 1931, as amended, relating to increasing number of limited video lottery terminals allowed at a retail location; increasing the number of limited video lottery terminals located on the premises of certain tax exempt organizations; and requiring Lottery Commission to conduct a bid for permits held by current permit holders expiring June 30, 2021, prior to September 1, 2017.

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

By Senator Trump:

Senate Bill 282—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to directing Office of Administrative Hearings to amend and promulgate a current legislative rule relating to appeal procedures.

Referred to the Committee on the Judiciary.

By Senator Miller:

Senate Bill 283—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-36-1, §19-36-2, §19-36-3 and §19-36-4, all relating to creating the Food Production Act; making the Department of Agriculture responsible for all food production within the state; making findings; defining a term; and providing rule-making authority.

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

By Senators Blair and Maroney:

Senate Bill 284—A Bill to amend and reenact §17A-3-23 of the Code of West Virginia, 1931, as amended, relating to the issuance of registration plates by the Division of Motor Vehicles for governmental vehicles; clarifying vehicles which are entitled to special registration plates as a public transit authority or provider; requiring the Commissioner of the Division of Motor Vehicles to identify certain registrations and plates issued; and requiring the Commissioner of the Division of Motor Vehicles to report to the Governor and Joint Committee on Government Organization.

Referred to the Committee on Government Organization.

By Senators Cline and Stollings:

Senate Bill 285—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-6-1a, relating to authorizing the Commissioner of the Division of Highways or local authorities to establish minimum speed limits in certain congested areas; and imposing fines.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

By Senators Cline, Boso and Rucker:

Senate Bill 286—A Bill to amend and reenact §48-10-502 of the Code of West Virginia, 1931, as amended, relating to visitation rights of grandparents; and defining a term.

Referred to the Committee on the Judiciary.

By Senators Blair and Azinger:

Senate Bill 287—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-31, relating generally to damages for medical monitoring; prohibiting payment of damages for a plaintiff's future medical surveillance, screening tests or monitoring procedures to a plaintiff to cover the cost of his or her future medical surveillance, screening tests or monitoring procedures until they have been completed; establishing that court shall order liable defendant to make periodic payments into a fund established to pay the cost of future medical

surveillance, screening tests or monitoring procedures; authorizing court to determine how the fund will be administered; requiring court to establish date after which future medical surveillance, screening tests or monitoring procedures are no longer required; providing for repayment of moneys remaining in the fund that are not needed to pay for medical surveillance, screening tests or monitoring procedures completed prior to the date established by the court to the contributing defendants; and providing that repayments to multiple defendants to be made in proportion to the total contributions of each defendant to the fund.

Referred to the Committee on the Judiciary.

By Senators Carmichael (Mr. President) and Stollings:

Senate Bill 288—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8D-1a; and to amend and reenact §61-8D-2a, §61-8D-3, §61-8D-3a, §61-8D-4, §61-8D-4a and §61-8D-5 of said code, all relating to naming the law and doubling the penalties for various child abuse offenses.

Referred to the Committee on the Judiciary.

By Senator Romano:

Senate Bill 289—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-3d, relating to clarifying that the consumers sales and service tax applies to digital goods; and listing examples of digital goods that shall be taxed.

Referred to the Committee on Finance.

By Senators Weld, Stollings, Takubo and Rucker:

Senate Bill 290—A Bill to amend and reenact §60-4-3a of the Code of West Virginia, 1931, as amended, relating to authorizing operators of a distillery or mini-distillery to offer for purchase and consumption liquor on the premises if purchased and consumed at a licensed Class A private club operating on the premises of the distillery or mini-distillery; and allowing distilleries and mini-

distilleries to sell and serve alcohol beginning at 10:00 a.m. on Sundays.

Referred to the Committee on Economic Development; and then to the Committee on the Judiciary.

By Senators Miller, Stollings and Facemire:

Senate Bill 291—A Bill to amend and reenact §11-13Z-1 and §11-13Z-3 of the Code of West Virginia, 1931, as amended, all relating to residential solar energy tax credits; applying credit to residential installation of solar energy system or systems; and extending tax credit until July 1, 2023.

Referred to the Committee on Finance.

By Senators Miller, Stollings and Facemire:

Senate Bill 292—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-9A-4, relating to funding of civil legal services for low-income persons.

Referred to the Committee on Finance.

By Senators Miller, Stollings and Facemire:

Senate Bill 293—A Bill to amend and reenact §25-1-11d of the Code of West Virginia, 1931, as amended, relating to providing a \$2,008 increase in the annual salary of employees of the Division of Corrections.

Referred to the Committee on Finance.

By Senators Miller and Facemire:

Senate Bill 294—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, §5B-2I-7, §5B-2I-8, §5B-2I-9, §5B-2I-10, §5B-2I-11 and §5B-2I-12, all relating to Community Sustainability Investment Pilot Program; providing legislative findings and intent; creating the fund; establishing Community Sustainability Investment Board; providing requirements for applications for use of matching funds from Community Sustainability Investment Fund; providing for

review of applications by West Virginia Development Office; establishing that Community Sustainability Investment Board shall have authority to approve matching grants from Community Sustainability Investment Fund; establishing matching requirements from applicants; establishing eligible expenditures; and defining parameters of agreement between West Virginia Development Office and a community for use.

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

By Senators Gaunch, Boso, Miller, Unger, Stollings, Hall, Takubo, Maroney and Facemire:

Senate Bill 295—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13EE-1, §11-13EE-2 and §11-13EE-3, all relating to providing a tax credit for modifications to homes made more accessible for an elderly person or a person with a disability.

Referred to the Committee on Finance.

By Senators Trump, Gaunch, Hall, Takubo, Rucker and Azingar:

Senate Bill 296—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 §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; defining terms; repealing existing civil remedies; criminal offense and penalties for human trafficking; creating criminal felony offenses and penalties for trafficking an individual; creating criminal felony offenses and penalties for using an individual in forced labor; creating criminal felony offenses and penalties for using an individual in debt

bondage; creating criminal felony offenses and penalties for compelling an adult through coercion to engage in commercial sexual activity; creating a criminal felony offense for maintaining or making available a minor 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 offense; creating a criminal felony offense of patronizing an individual to engage in commercial sexual activity; clarifying that each victim shall be considered 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; providing for disgorgement of profits and debarment from state and local government contracts; making victims 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 of an offense under this article; 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.

Referred to the Committee on the Judiciary.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 297—A Bill to amend and reenact §60A-4-409 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum criminal penalty for transportation of a Schedule I or II narcotic drug into the state from one year to three years.

Referred to the Committee on the Judiciary.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 298—A Bill to amend and reenact §6-7-2 of the Code of West Virginia, 1931, as amended, relating to the ability of a constitutional officer to voluntarily waive his or her salary for any calendar year.

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

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 299—A Bill supplementing, amending, decreasing and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2017, organization 0803, for the fiscal year ending June 30, 2017.

Referred to the Committee on Finance.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 300—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Administration, Division of Personnel, fund 2440, fiscal year 2017, organization 0222, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017.

Referred to the Committee on Finance.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 301—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Education, State Board of Education – School Lunch Program, fund 8713, fiscal year 2017,

organization 0402, by supplementing and amending the appropriation for the fiscal year ending June 30, 2017.

Referred to the Committee on Finance.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 302—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2017, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017.

Referred to the Committee on Finance.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 303—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Health and Human Resources, Division of Health - Laboratory Services Fund, fund 5163, fiscal year 2017, organization 0506, the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund, fund 5214, fiscal year 2017, organization 0506, and the Department of Health and Human Resources, Division of Human Services - Medicaid State Share Fund, fund 5090, fiscal year 2017, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017.

Referred to the Committee on Finance.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 304—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2017, in the amount of \$2,700,000 from the Department of Revenue, Office of the Secretary – Revenue

Shortfall Reserve Fund, fund 7005, fiscal year 2017, organization 0701, and making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2017, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017.

Referred to the Committee on Finance.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 305—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Military Affairs and Public Safety, Fire Commission – Fire Marshal Fees, fund 6152, fiscal year 2017, organization 0619, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017.

Referred to the Committee on Finance.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 306—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Commerce, Workforce West Virginia – Workforce Investment Act, fund 8749, fiscal year 2017, organization 0323, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017.

Referred to the Committee on Finance.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 307—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2017, in the amount of \$18,600,000 from the Department of Revenue, Office of the Secretary – Revenue

Shortfall Reserve Fund, fund 7005, fiscal year 2017, organization 0701, and making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Division of Finance, fund 0203, fiscal year 2017, organization 0209, and to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2017, organization 0221, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017.

Referred to the Committee on Finance.

By Senator Trump:

Senate Bill 308—A Bill to amend and reenact §20-7-1 of the Code of West Virginia, 1931, as amended, relating to defining legislatively that the administrative and law-enforcement activities of the natural resources police officers of the Division of Natural Resources are directly related to the conservation and management of the state's fish and wildlife.

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

By Senators Blair and Azinger:

Senate Bill 309—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-10-17, relating to county registration plates; allowing counties to customize county registration plates; providing fees; and requiring Commissioner of the Division of Motor Vehicles to propose rules for legislative approval regarding proper forms to be used in counties that offer customized license plates.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senator Blair:

Senate Bill 310—A Bill to amend and reenact §7-18-2 of the Code of West Virginia, 1931, as amended, relating to exempting certain complimentary hotel rooms from hotel occupancy tax.

Referred to the Committee on Finance.

By Senator Blair:

Senate Bill 311—A Bill to amend and reenact §6-9A-2 of the Code of West Virginia, 1931, as amended, relating to classifying the convention and visitor's bureau as a public agency subject to the ethics act and open meetings law.

Referred to the Committee on Government Organization.

By Senator Smith:

Senate Bill 312—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-18f, relating to establishing a four-year pilot program to have social workers in public schools from prekindergarten through elementary school; requiring a minimum of one social worker per county; defining a term; requiring guidelines and criteria relating to the pilot programs be prescribed; and requiring annual and final reports.

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

By Senators Carmichael (Mr. President) and Ferns:

Senate Bill 313—A Bill to repeal §14-2-6 and §14-2-18 of the Code of West Virginia, 1931, as amended; to repeal §14-2A-7 of said code; to amend and reenact §14-2-3, §14-2-4, §14-2-4a, §14-2-5, §14-2-7, §14-2-8, §14-2-9, §14-2-10, §14-2-11, §14-2-12, §14-2-13, §14-2-14, §14-2-15, §14-2-16, §14-2-17, §14-2-19, §14-2-20, §14-2-21, §14-2-22, §14-2-23, §14-2-24, §14-2-25, §14-2-26, §14-2-27 and §14-2-28 of said code; to amend said code by adding thereto a new section, designated §14-2-17a; and to amend and reenact §14-2A-5, §14-2A-6, §14-2A-9, §14-2A-10, §14-2A-11, §14-2A-12, §14-2A-13, §14-2A-14, §14-2A-15, §14-2A-16, §14-2A-17, §14-2A-18, §14-2A-19, §14-2A-19a, §14-2A-19b, §14-2A-20, §14-2A-21, §14-2A-25, §14-2A-26 and §14-2A-28 of said code, all relating to renaming the Court of Claims the state Claims Commission; renaming judges commissioners; modifying definitions; providing explicit powers of removal of commissioners; providing authority to the Joint Committee on

Government and Finance for the hiring of a clerk, chief deputy clerk and deputy clerks; and establishing a shortened procedure for certain road condition claims.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 314—A Bill to amend and reenact §11-21-12d of the Code of West Virginia, 1931, as amended, relating to allowing an adjustment to gross income for calculating the personal income tax liability of certain retirees receiving pensions from defined benefit pension plans that have been terminated with a consequent reduced benefit; and reinstating the effective period of the allowed adjustment.

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

By Senator Miller:

Senate Bill 315—A Bill to amend and reenact §29-21-13a of the Code of West Virginia, 1931, as amended, relating to compensation and expenses for attorneys appointed by circuit courts in child abuse and neglect proceedings.

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

By Senator Blair:

Senate Bill 316—A Bill to amend and reenact §21A-6-1a of the Code of West Virginia, 1931, as amended, relating to requiring individuals receiving unemployment compensation to apply for and accept seasonal employment.

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

By Senators Weld, Maynard, Stollings and Takubo:

Senate Bill 317—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-4-304, relating to authorizing a family court judge to order substance abuse counseling of a child in emergency situations.

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

Senators Hall, Weld, Plymale and Stollings offered the following resolution:

Senate Concurrent Resolution 10—Requesting the Division of Highways to name bridge number 18-2-2.72 (18A004), (38.88137, -81.86401), locally known as Millwood Bridge, carrying West Virginia Route 2 over Little Mill Creek in Jackson County, as the “U. S. Army SGT Arthur George Roush Memorial Bridge”.

Whereas, Sergeant Arthur George Roush was born in Millwood, West Virginia, on June 13, 1932, and was the eighth of eleven children born to Calvin Elmer Roush, Jr., and Goldie Flesher Roush; and

Whereas, Sergeant Roush was a good student in school and took part in church and school activities and, along with his brothers Donald and Pete, was active in 4-H; and

Whereas, Sergeant Roush was adept at woodworking projects, making an end table for his mother as well as several bird houses and little dancing men; and

Whereas, Sergeant Roush went to work on a river boat early in life where he made good money and later bought a new big green Oldsmobile that he was so very proud of; and

Whereas, Sergeant Roush met the girl of his dreams, Becky Jo Barnett, and was looking forward to spending the rest of his life with her; and

Whereas, Sergeant Roush was very fond of children and spent a great deal of time with his nieces and nephews but his life was cut short when he died in Korea on August 14, 1954, and he never got a chance to be a father to his own son, Rodney, who was eight months old when Sergeant Roush died; and

Whereas, While Sergeant Roush's family was devastated by him dying so far away from home, his wife Becky Jo Roush raised their son to be a wonderful man who visits her every day in Broadmore Senior Living in Hurricane; and

Whereas, It is fitting and proper, to honor the life of Sergeant Arthur George Roush for his dedicated service to his community, state and country and gave the ultimate sacrifice by naming this bridge in his memory; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name bridge number 18-2-2.72 (18A004), (38.88137, -81.86401), locally known as Millwood Bridge, carrying West Virginia Route 2 over Little Mill Creek in Jackson County, as the "U. S. Army SGT Arthur George Roush Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army SGT Arthur George Roush Memorial Bridge"; and, be it

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

Which, under the rules, lies over one day.

Senators Ferns and Stollings offered the following resolution:

Senate Concurrent Resolution 11—Requesting the Division of Highways to name bridge number 26-5-7.84 (26A120), (40.02701, -80.65272), locally known as New County Line Bridge, carrying County Route 5 over Big Wheeling Creek in Marshall County, the "USMC Lance Corporal Edwin Russell 'Snook' Danehart Memorial Bridge".

Whereas, Edwin Russell "Snook" Danehart was born in Elm Grove, West Virginia, on July 31, 1947, the son of Carl and Della

Behrens Danehart; and was the third youngest of fifteen children and affectionately known as “Snook” to those that knew him. He attended Sherrard High School and graduated in 1965 where he was awarded the Future Farmers of America Blue Ribbon for raising a prize Black Angus bull. He was a member of the Saint Mark’s Lutheran Church in Wheeling, West Virginia; and

Whereas, Edwin Russell “Snook” Danehart entered service to his country during the Vietnam Conflict in 1968 where he served in the United States Marine Corps attaining the rank of Lance Corporal. Lance Corporal Edwin Russell “Snook” Danehart paid the ultimate price on May 8, 1969, when his life was cut short in South Vietnam; and

Whereas, Naming this bridge is an appropriate recognition of Lance Corporal Edwin Russell “Snook” Danehart’s ultimate sacrifice to his country, state and community and it is fitting that an enduring memorial be established to commemorate his service to his community and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Number 26-5-7.84 (26A120), (40.02701, -80.65272), locally known as New County Line Bridge, carrying County Route 5 over Big Wheeling Creek in Marshall County, the “USMC Lance Corporal Edwin Russell ‘Snook’ Danehart Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “USMC Lance Corporal Edwin Russell ‘Snook’ Danehart Memorial Bridge”; and, be it

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

Which, under the rules, lies over one day.

Senators Gaunch, Boso, Jeffries and Swope offered the following resolution:

Senate Concurrent Resolution 12—Requesting the Joint Committee on Children and Families to conduct an interim study on how to ensure that government benefit programs are never discouraging or punishing West Virginians who want to work or get married; and endorsing the Governor’s Child Care Development Block Grant waiver application request to the U. S. Department of Health and Human Services so that new federal restrictions do not prevent over 12,000 children and their working parents from receiving child care vouchers.

Whereas, There are numerous government programs such as the Temporary Assistance for Needy Families (TANF), the Child Care Development Block Grant, the Affordable Care Act, the Supplemental Nutrition Assistance Program (SNAP) and housing assistance (public housing and the Section 8 Housing Choice Voucher Program) that at times penalize West Virginians who get a new job or a raise or want to get married; and

Whereas, Families find themselves in a terrible position of being discouraged from looking for work or getting a raise or marrying the person they love because of what it might cost in lost benefits for their children; and

Whereas, Currently there are new restrictions contained in the federal Child Care and Development Block Grant Act of 2014 that would effectively cut the child care programs relied upon by 12,000 children and their working parents in West Virginia (these families are working hard and playing by the rules, earning roughly \$25,000 per year); and

Whereas, West Virginia’s Governor has submitted a waiver to the U. S. Department of Health and Human Services to delay some of those restrictions and save those child care benefits for a period of one year, after which point the state will need to seek a more permanent solution to this crisis; and

Whereas, The Department of Health and Human Resources is directed to work with the Joint Committee on Children and Families in evaluating the Code of West Virginia to identify statutes that act as disincentives to individuals and the families that rely on them to seek, gain and hold employment, or be married; and

Whereas, The Department of Health and Human Resources is directed to work with the Joint Committee on Children and Families in evaluating the United States Code to identify programs that act as disincentives to individuals and the families that rely on them to seek, gain and hold employment or be married; and

Whereas, The Department of Health and Human Resources and the Joint Committee on Children and Families should, as part of their research, review the February 12, 2014, Congressional Research Service report titled Work Requirements, Time Limits, and Work Incentives in TANF, SNAP, and Housing Assistance; and

Whereas, The West Virginia Legislature has the authority to support the Governor's request for a one-year extension; the authority to conduct a study of these work and marriage gaps in our benefit structure; and the authority to seek long-term solutions to the child care crisis and other gaps which are identified in partnership with West Virginia's Congressional delegation and Governor's office; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Children and Families is hereby requested to conduct an interim study on how to ensure that government benefit programs are never discouraging or punishing West Virginians who want to work or get married; and endorsing the Governor's Child Care Development Block Grant waiver application request to the U. S. Department of Health and Human Services so that new federal restrictions do not prevent over 12,000 children and their working parents from receiving child care vouchers; and, be it

Further Resolved, That the Joint Committee on Children and Families is hereby requested to conduct an interim study to identify every instance in state and federal code where families may be disincentivized from work or marriage; and, be it

Further Resolved, That a report of the findings, conclusions and recommendations of the study, together with drafts of any legislation necessary to effectuate the recommendations be reported to the Legislature at its 2018 regular session, including a detailed plan for how to preserve the 12,000+ child care benefits beyond the new 2018 waiver date; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report and draft necessary legislation are requested to be paid from legislative appropriations to the Joint Committee on Government and Finance; and, be it

Further Resolved, That the West Virginia Legislature hereby endorses and supports the Governor's waiver application to the U. S. Department of Health and Human Services; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to Governor Jim Justice and West Virginia's Delegation to the U. S. Congress.

Which, under the rules, lies over one day.

Senators Takubo, Plymale, Stollings and Prezioso offered the following resolution:

Senate Resolution 13—Recognizing National Go Red For Women Day and the importance of the ongoing fight against heart disease and stroke.

Whereas, National Go Red For Women Day was celebrated on February 3, 2017, raising awareness to the ongoing fight against heart disease and stroke; and

Whereas, Cardiovascular diseases kill one in three women in the U. S., yet 80% of cardiovascular diseases may be prevented; and

Whereas, Cardiovascular diseases and stroke kill one woman every 80 seconds in the U. S.; and

Whereas, An estimated 44 million women in the U. S. are affected by cardiovascular diseases; and

Whereas, Ninety percent of women have one or more risk factors for developing heart disease or stroke; and

Whereas, Women are less likely to call 911 for themselves when experiencing symptoms of a heart attack than they are if someone else were having a heart attack; and

Whereas, Only 36% of African-American women and 34% of Hispanic women know that heart disease is their greatest health risk compared with 65% of Caucasian women; and

Whereas, The American Heart Association's Go Red For Women movement motivates women to learn their family history and to meet with a healthcare provider to determine their risk for cardiovascular diseases and stroke; and

Whereas, Women involved with the Go Red For Women movement live healthier lives; and

Whereas, Go Red For Women encourages women to take control of their heart health by knowing and managing these five numbers: Total Cholesterol; HDL (good) Cholesterol; blood pressure; blood sugar; body mass index (BMI); and

Whereas, By increasing awareness, speaking out about heart disease and empowering women to reduce their risk for cardiovascular diseases we can save thousands of lives each year; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes National Go Red For Women Day and the importance of the ongoing fight against heart disease and stroke; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to West Virginia Chapter of the American Heart Association.

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

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.

Petitions

Senator Carmichael (Mr. President) presented a petition from Marybeth Albright and numerous West Virginia residents, requesting the Legislature to increase child crime punishment.

Referred to the Committee on the Judiciary.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 8, Donnie Adkins 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 9, Ingram's Way.

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 ninth order of business.

Com. Sub. for Senate Bill 151, Authorizing Department of Administration promulgate legislative rules.

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

Senate Bill 169, Repealing article providing assistance to Korea and Vietnam veterans exposed to certain chemical defoliants.

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

Senate Bill 170, Repealing state hemophilia program.

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

Senate Bill 171, Repealing Programs of All-Inclusive Care for Elderly.

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

Senate Bill 174, Exempting transportation of household goods from PSC jurisdiction.

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

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

Senate Bill 176, Repealing article concerning detection of tuberculosis, high blood pressure and diabetes.

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

Senate Bill 237, Repealing obsolete rules of Department of Revenue.

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

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senator Ferns.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Wednesday, February 15, 2017, at 11 a.m.

WEDNESDAY, FEBRUARY 15, 2017

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Kay Albright, Bridges of Grace United Church of Christ, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Robert Karnes, a senator from the eleventh district.

Trevor Hammons of Marlinton, West Virginia, proceeded in the playing of “Paddy on the Railroad” and “Maid Behind the Bar” on the banjo.

Pending the reading of the Journal of Tuesday, February 14, 2017,

At the request of Senator Maroney, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the 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 115 and 116, Governor's Committee on Crime, Delinquency and Correction rule relating to law-enforcement training and certification standards.

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 §64-6-1 and §64-6-2 of the Code of West Virginia, 1931, as amended, all 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; and authorizing the State Fire Marshal to promulgate a legislative rule relating to the regulation of fireworks and related explosive materials.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 118, DHHR rule relating to expedited partner therapy.

Senate Bill 119, DHHR rule relating to clinical laboratory technician and technologist licensure and certification.

Senate Bill 120, DHHR rule relating to clandestine drug laboratory remediation.

Senate Bill 123, Health Care Authority rule relating to exemption from certificate of need.

Senate Bill 124, Health Care Authority rule relating to Rural Health Systems Grant Program.

Senate Bill 125, Health Care Authority rule relating to Hospital Assistance Grant Program.

And,

Senate Bill 126, Health Care Authority rule relating to certificate of need.

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 105, DEP rule relating to alternative emission limitations during startup, shutdown and maintenance operations.

Senate Bill 107, DEP rule relating to permits for construction and modification of major stationary sources for prevention of significant deterioration of air quality.

Senate Bill 108, DEP rule relating to standards of performance for new stationary sources.

And,

Senate Bill 109, DEP rule relating to control of air pollution from hazardous waste treatment, storage and disposal facilities.

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,

Randy E. Smith,
Chair.

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

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 172, Eliminating salary for Water Development Authority board members.

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

Respectfully submitted,

Craig Blair,
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 215, Allowing county commissions authority to amend proposed rates, fees and charges proposed by public service districts.

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

Respectfully submitted,

Craig Blair,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 247, Authorizing prosecuting attorney designate and deliver grand jury records for investigative purposes.

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

Com. Sub. for Senate Bill 247 (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 §52-2-11, relating generally to grand juries; authorizing prosecuting attorneys to designate law-enforcement officers and investigators to receive evidence subpoenaed and received by a prosecuting attorney under the authority of a grand jury and to serve as custodians thereof; authorizing designated custodians to use subpoenaed material for legitimate investigative purposes; requiring custodians to preserve grand jury confidentiality and to execute nondisclosure statements to affirm same; authorizing designated custodian to share subpoenaed material with other law-enforcement officers and agencies under limited circumstances; limiting law-enforcement use of such subpoenaed material to legitimate investigative purposes; allowing designated custodians to retain subpoenaed material until conclusion of investigation or prosecution; and defining terms.

And,

Senate Bill 248, Clarifying composition and chairmanship of Commission on Special Investigations.

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

Com. Sub. for Senate Bill 248 (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; clarifying composition and chairmanship of commission; redefining what constitutes a quorum for voting procedures of commission; clarifying contents of 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 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 commission to enter into executive session; establishing procedures for conducting executive session; removing requirement that Joint Committee on Government and Finance approve expenses of commission; establishing procedure for commission retention and disposal of records; defining new offense of impersonating a commission member or staff member and of 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 two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
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 261, Relating to increasing salary or wages of judgment debtor.

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,

Craig Blair,
Chair.

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

The Senate proceeded to the sixth order of business.

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

By Senators Takubo, Plymale, Stollings, Unger, Miller and Mullins:

Senate Bill 318—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated

§16-3-4a, relating to offering influenza immunizations to patients age sixty-five or older in specified facilities.

Referred to the Committee on Health and Human Resources.

By Senators Miller, Stollings and Unger:

Senate Bill 319—A Bill to amend and reenact §18-5-22 of the Code of West Virginia, 1931, as amended, relating to requirements for employment of nurses in public schools; changing student to school nurse staffing ratio; expanding its coverage to all grades; and eliminating county's ability to obtain contract services for nursing.

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

By Senator Trump:

Senate Bill 320—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-4-1, §4-4-2, §4-4-3, §4-4-4, §4-4-5 and §4-4-6, all relating to the Appropriation Supremacy Act of 2017; providing title; defining appropriation; stating findings and purpose; establishing that appropriations by the Legislature take precedence over contrary directives in statute or rules; providing for liberal construction of article; and recognizing constitutional restrictions on appropriations.

Referred to the Committee on the Judiciary.

By Senator Gaunch:

Senate Bill 321—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10D-12, relating to employee information reported to the Consolidated Public Retirement Board; requiring employers to report all individuals employed; and specifying required minimum reporting requirements.

Referred to the Committee on Pensions.

By Senators Karnes, Boso, Cline and Blair:

Senate Bill 322—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-6-4a, relating to requiring the Commissioner of the Division of Highways and the Director of the Division of Personnel to collaborate to develop a special hiring procedure for personnel positions in the Division of Highways; establishing requirements for the special hiring procedure; exempting the Division of Highways and the Division of Personnel from classified service hiring procedures upon implementation of the special hiring process; exceptions; establishing reporting requirements; and requiring emergency and legislative rulemaking.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senators Jeffries, Azinger, Cline, Facemire, Ojeda, Palumbo, Plymale, Romano, Smith, Sypolt, Woelfel, Stollings, Boso, Beach and Miller:

Senate Bill 323—A Bill to amend and reenact §11-21-8a of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-24-23a of said code, all relating to increasing the tax credit for qualified rehabilitated buildings investment; setting a date after which the increase applies to new rehabilitation expenditures; and adjusting the tax credits with respect to both personal income tax and corporate net income tax.

Referred to the Committee on Finance.

By Senators Beach and Romano:

Senate Bill 324—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-1-2a; and to amend said code by adding thereto a new section, designated §5-1A-6, all relating to prohibiting the Governor and Legislature from administering equal across-the-board budget cuts to all higher education; and protecting community colleges from disproportionate budget cuts.

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

By Senators Maynard, Cline and Boso:

Senate Bill 325—A Bill to amend and reenact §20-2-42a, §20-2-42q, §20-2-42s and §20-2-42v of the Code of West Virginia, 1931, as amended, all relating to crossbow hunting; and clarifying use of crossbows with certain licenses and stamps.

Referred to the Committee on Natural Resources.

By Senators Romano, Beach, Facemire, Jeffries, Miller, Ojeda, Plymale and Unger:

Senate Bill 326—A Bill to amend and reenact §49-2-802 of the Code of West Virginia, 1931, as amended, relating to requiring Department of Defense family advocacy groups to be notified about any abuse or neglect of a child of a military person.

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

By Senators Romano, Beach, Facemire, Jeffries, Miller, Ojeda, Weld and Plymale:

Senate Bill 327—A Bill to amend and reenact §18A-3-2a of the Code of West Virginia, 1931, as amended, relating to teaching certificates for teachers who are married to a member of the armed forces on active duty stationed in this state.

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

By Senators Romano, Beach, Jeffries, Miller, Ojeda, Smith, Swope and Plymale:

Senate Bill 328—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-3-33b, relating to creating a surcharge on fire and casualty insurance policies in order to relieve the burden from municipalities and counties of certain fire-related cleanup and demolition; requiring the assessment of a surcharge on certain policies; creating exceptions; setting forth collection and remittance requirements; authorizing penalties; creating the Political Subdivisions Fire Cleanup Relief Fund; permitting municipalities and counties to apply to the Treasurer for a

disbursement from the fund; authorizing the Treasurer to disburse funds; and granting rule-making authority.

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

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

Senate Concurrent Resolution 13—Requesting the Division of Highways to name a portion of County Route 19/12, Blue Jay Drive, near Beaver, WV, beginning at point (37.751566) (-81.147914), at the intersection of Ritter Drive and Skyline Drive, and ending at point (37.737316) (-81.136157), at the intersection of Oak Street and Rabbit Run, the “U. S. Army CPL James Russell Carter Memorial Road”.

Whereas, CPL James Russell Carter was born September 19, 1929, in Raleigh, West Virginia, to Russell and Agatha Carter; and

Whereas, CPL Carter grew up in Raleigh and Blue Jay, West Virginia and attended Shady Spring High School and the Raleigh Mine Institute; and

Whereas, Before enlisting in the United States Army, CPL Carter worked as a delivery driver for Coca-Cola; and

Whereas, On March 3, 1950, CPL Carter enlisted in the United States Army, attending basic training and artillery training in Fort Knox, Kentucky; and

Whereas, Upon completion of training, CPL Carter was sent to Fort Lewis, Washington, where he boarded a ship for Korea; and

Whereas, Upon arriving in Korea in August of 1950, CPL Carter was assigned to the 15th Field Artillery Battalion A Battery, participating in battles along the Naktong perimeter and the push north to the Chinese-Korean border along the Yalu River; and

Whereas, Following China's entry into the Korean theater, CPL Carter fought battles at Kunu-Ri and Hoengsong Valley north of Wonju; and

Whereas, On February 13, 1951, during the Battle of Hoengsong, later called the Hoengsong Valley Massacre, CPL Carter was captured while his unit was attempting to clear a Chinese road block; and

Whereas, CPL Carter subsequently died at the hands of his Chinese captors on the side of a remote Korean road never to be seen again; and

Whereas, A TIME correspondent called the Hoengsong Valley Massacre, "[P]art of the most horribly concentrated display of American dead since the Korean War began."; and

Whereas, Korean War veteran Dick Ecker described the massacre thusly, "It was, of course, the nature of the fatalities in this action that was the real tragedy—many of them MIA, never found and declared dead or captured and died in captivity."; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of County Route 19/12, Blue Jay Drive, near Beaver, WV, beginning at point (37.751566) (-81.147914), at the intersection of Ritter Drive and Skyline Drive, and ending at point (37.737316) (-81.136157), at the intersection of Oak Street and Rabbit Run, the "U. S. Army CPL James Russell Carter Memorial Road"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the road as the "U. S. Army CPL James Russell Carter Memorial Road"; and, be it

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

Which, under the rules, lies over one day.

Senators Jeffries, Azinger, Cline, Facemire, Ojeda, Palumbo, Plymale, Romano, Smith, Sypolt, Weld, Woelfel, Stollings and Beach offered the following resolution:

Senate Concurrent Resolution 14—Requesting the Division of Highways name bridge number 40-10-1.70 (40A008), (38.62608) (-81.94803), locally known as Oldaker Bridge, carrying County Route 10 over Eighteen Mile Creek in Putnam County, the “U. S. Army PVT Oren J. ‘Junior’ Johnson Memorial Bridge”.

Whereas, Oren J. “Junior” Johnson was born July 22, 1922, in Midway, Putnam County, West Virginia, to his parents William E. Johnson and Veralie Bell McAllister Johnson; and

Whereas, Until he entered into the United States Army, Junior worked as a farmhand. On January 6, 1943, at the age of twenty, Junior entered the United States Army in Huntington, West Virginia. He served in Company L 133rd Infantry at the rank of private as a rifleman; and

Whereas, PVT Johnson served in the European Theatre during World War II. He served in campaigns in Naples-Foggia, Rome-Arno and North-Appenines, Italy. In October 1944, PVT Johnson was wounded in action and lost his right arm and left leg; and

Whereas, PVT Johnson was awarded a Purple Heart. He also received European-African-Middle Eastern Campaign Medal with three Bronze Campaign Stars and the Honorable Service Lapel Button; and

Whereas, PVT Johnson was honorably discharged from the Army on June 18, 1945, at the Walter Reed General Hospital in Washington, D.C. He resided in the Buffalo, West Virginia, area until the time of his death on June 23, 1993; and

Whereas, It is fitting that an enduring memorial be established to commemorate his service and sacrifice to his country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 40-10-1.70 (40A008), (38.62608) (-81.94803), locally known as Oldaker Bridge, carrying County Route 10 over Eighteen Mile Creek in Putnam County, be named the “U. S. Army PVT Oren J. ‘Junior’ Johnson Memorial Bridge”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army PVT Oren J. ‘Junior’ Johnson Memorial Bridge”; and, be it

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

Which, under the rules, lies over one day.

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

Senate Concurrent Resolution 15—Requesting the Division of Highways to name bridge number 55-85-5.98 (55A098), locally known as Kopperston Mine Bridge, carrying WV Route 85 over Tug Fork in Wyoming County, the “Herbert ‘Herb’ Linkous Bridge”.

Whereas, Herbert ‘Herb’ Linkous lived in Kopperston, West Virginia, from 1957 until his death in 2015 with his wife Betty and their five children; and

Whereas, Herb worked for more than 30 years in the coal mines, retiring from Peabody Coal at Kopperston; and

Whereas, Herb served as an officer and representative of United Mine Workers Kopperston Local 7604 for nearly 20 years, working to make certain that miners were treated fairly and had safe working conditions; and

Whereas, Herb was a U. S. Army Veteran, serving in World War II in the Asiatic-Pacific Theater from September 5, 1946, until April 15, 1947, and was awarded the World War II Victory Medal; and

Whereas, Herb also served in the U. S. Army from January 30, 1948, until January 29, 1952, in Korea and was honorably discharged after obtaining the rank of Corporal. During his service in Korea, Herb and his company endured heavy artillery combat and were engaged in hand-to-hand combat. For his service, he was awarded the Bronze Star Medal, the Korean Service Medal with three Bronze Service Stars, the Good Conduct Medal, the Distinguished Unit Emblem and the Overseas Bar; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 55-85-5.98 (55A098), locally known as Kopperston Mine Bridge, carrying WV Route 85 over Tug Fork in Wyoming County, the “Herbert ‘Herb’ Linkous Bridge”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “Herbert ‘Herb’ Linkous Bridge”; and, be it

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

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 10, US Army SGT Arthur George Roush 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 11, USMC Lance Corporal Edwin Russell ‘Snook’ Danehart 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 12, Requesting Joint Committee on Children and Families study government benefit programs.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Health and Human Resources; and then to the Committee on Rules.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 151, Authorizing Department of Administration promulgate legislative rules.

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, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, 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: Clements—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. 151) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes,

Mann, Maroney, Maynard, Miller, Mullins, 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: Clements—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 S. B. 151) 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 169, Repealing article providing assistance to Korea and Vietnam veterans exposed to certain chemical defoliants.

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, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, 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: Clements—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 169) 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 170, Repealing state hemophilia program.

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, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, 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: Clements—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 170) 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 171, Repealing Programs of All-Inclusive Care for Elderly.

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, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, 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: Clements—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 171) 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 176, Repealing article concerning detection of tuberculosis, high blood pressure and diabetes.

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, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, 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: Clements—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 176) 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 237, Repealing obsolete rules of Department of Revenue.

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, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, 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: Clements—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 237) passed.

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

Eng. Senate Bill 237—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §64-12-1, §64-12-2 and §64-12-3, all relating generally to repealing certain legislative and procedural rules promulgated by certain agencies and boards which are no longer authorized or are obsolete; repealing certain legislative and procedural rules promulgated by certain agencies and boards under the Department of Revenue; repealing the Tax Division legislative rule relating to listing of interests in natural resources for purposes of first statewide appraisal; repealing the Tax Division legislative rule relating to guidelines for assessors to assure fair and uniform nonutility personal property values; repealing the Tax Division legislative rule relating to review by circuit court on certiorari; repealing the Tax Division legislative rule relating to review of appraisals by the county commission sitting as an administrative appraisal review board; repealing the Tax Division legislative rule relating to additional review and implementation of property appraisals; repealing the Tax Division legislative rule relating to review by circuit court on certiorari; repealing the Tax Division legislative rule relating to revision of levy estimates; repealing the Tax Division legislative rule relating to inheritance and transfer tax; repealing the Tax Division legislative rule relating to annual tax on incomes of certain carriers; repealing the Tax Division legislative rule relating to the telecommunications tax; repealing the Tax Division legislative rule relating to tax credit for employing former members of Colin Anderson Center; repealing the Tax Division legislative rule relating to tax credits for new value-added, wood manufacturing facilities; repealing the Tax Division legislative rule relating to tax credits for new steel, aluminum and polymer manufacturing operations; repealing the Tax Division legislative rule relating to the business investment and jobs expansion tax credit, corporation headquarters relocation tax credit and small business tax credit; repealing the Tax Division legislative

rule relating to appraisal of property for periodic statewide reappraisals for ad valorem property tax purposes; repealing the Banking Commissioner legislative rule relating to the West Virginia Consumer Credit and Protection Act; repealing the Banking Commissioner procedural rule relating to West Virginia Board of Banking and Financial Institutions; repealing the Office of the Insurance Commissioner legislative rule relating to utilization management; and repealing the Office of the Insurance Commissioner legislative rule relating to Medicare supplement insurance coverage.

Senator Ferns moved that the bill take effect from passage.

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

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 237) takes effect from passage.

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.

Senate Bill 174, Exempting transportation of household goods from PSC jurisdiction.

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

At the request of Senator Blair, as chair of the Committee on Government Organization, and by unanimous consent, the unreported Government Organization committee amendment to the bill was withdrawn.

The bill (S. B. 174) was then ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Senate Bill 127, Authorizing Department of Revenue to promulgate legislative rules.

Com. Sub. for Senate Bill 230, Relating to certain WV officials carrying concealed firearm nationwide.

And,

Com. Sub. for Senate Bill 233, Excluding from protection oral communications uttered in child care center under Wiretapping and Electronic Surveillance Act.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Jeffries, the name of Senator Jeffries was removed as a sponsor of **Eng. Senate Bill 169** (*Repealing article providing assistance to Korea and Vietnam veterans exposed to certain chemical defoliants*).

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Thursday, February 16, 2017, at 11 a.m.

THURSDAY, FEBRUARY 16, 2017

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Chad Cowan, Pastor of Care Ministries, Bible Center Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael J. Romano, a senator from the twelfth district.

Pending the reading of the Journal of Wednesday, February 15, 2017,

At the request of Senator Takubo, 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 communications from various state agencies as required by the provisions of law:

Transportation, Department of
Office of Administrative Hearings (§17C-5C-2)

Office of Tax Appeals (§11-10A-7)

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2006—A Bill to amend and reenact §6C-1-6 of the Code of West Virginia, 1931, as amended, relating to increasing the penalties for violating the Whistle-Blower Law; increasing the civil fine; clarifying that the civil fine is a personal liability; removing the authority of the court to suspend a person from public service; authorizing a Court's finding of a violation to be deemed a finding of official misconduct and malfeasance in office; providing that a court finding of a violation may be relied upon as admissible evidence in any subsequent proceeding or petition to remove the person from public office; authorizing a Court's finding of a violation to be relied upon by the public body as a basis to impose discipline upon an employee; and clarifying that a civil action, civil penalty or a court finding under

this section is not a condition or prerequisite for a public body to take disciplinary action.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

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 25, Creating farm-to-food bank tax credit.

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,

Dave Sypolt,
Chair.

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

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

Your Committee on the Judiciary has had under consideration

Senate Bill 132, 133, 134, 135, 136 and 137, DNR rule relating to point system for revocation of hunting; repeal.

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

Com. Sub. for Senate Bill 134 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-10-1 and §64-10-2 of the Code of West Virginia, 1931, as amended, all relating to authorizing the Division of Natural Resources to promulgate a

legislative rule relating to the point system for the revocation of hunting – repeal; authorizing the Division of Natural Resources to promulgate a legislative rule relating to revocation of hunting and fishing licenses; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special waterfowl hunting; authorizing the Division of Natural Resources to promulgate a legislative rule relating to the commercial sale of wildlife; authorizing the Division of Natural Resources to promulgate a legislative rule relating to miscellaneous permits and licenses; and authorizing the Office of Miners’ Health, Safety and Training to promulgate a legislative rule relating to certification, recertification and training of EMT-Miners and the certification of EMT-M instructors.

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 202, Limiting pawnbrokers from purchasing gift cards as pawn.

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

Com. Sub. for Senate Bill 202 (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 §47-26-2a, relating generally to pawnbrokers; prohibiting pawnbrokers from purchasing, accepting in pawn, receiving in trade, accepting in exchange for goods any general-use prepaid card, gift certificate or store gift card; creating misdemeanor offense of pawnbrokers purchasing, accepting in pawn, receiving

in trade or exchanging for goods a general-use prepaid card, gift certificate or store gift card; defining terms; creating exceptions; and establishing penalties.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Swope, from the Committee on the Workforce, submitted the following report, which was received:

Your Committee on the Workforce has had under consideration

Senate Bill 222, Providing disqualification for unemployment benefits for individual who left or lost job as result of strike.

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

Com. Sub. for Senate Bill 222 (originating in the Committee on the Workforce)—A Bill to amend and reenact §21A-6-3 of the Code of West Virginia, 1931, as amended, relating to disqualification for unemployment benefits; providing that an individual is disqualified for benefits for any week or portion of a week in which he or she left or lost his or her job as a result of a strike or other bona fide labor dispute; clarifying that a lockout is not a strike; providing that operation of a facility by nonstriking employees, contractors or other personnel is not reason to grant benefits; establishing the circumstances when a worker is determined to leave or lose employment by reason of a lockout; providing the circumstances when a worker is determined to be permanently replaced by another employee; providing that contractors or employees who perform the work of a striking worker on a temporary basis are not to be determined to have permanently replaced a striking worker; and describing the circumstances under which employees and contractors are hired to perform striking employees' work on a temporary basis.

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

Respectfully submitted,

Chandler Swope,
Chair.

The bill (Com. Sub. for S. B. 222), under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 249, Relating to information required in abstract of judgment.

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

Com. Sub. for Senate Bill 249 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §38-3-4 of the Code of West Virginia, 1931, as amended, relating generally to the information required in an abstract of judgment; including, to the extent possible, the present address and date of birth of the judgment debtor in abstract of judgment; and clarifying that compliance with this section does not constitute a violation of state law or create a civil cause of action.

With the recommendation that the committee substitute do pass.

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 Woelfel, Plymale, Palumbo and Stollings:

Senate Bill 329—A Bill to amend and reenact §60A-1-101 of the Code of West Virginia, 1931, as amended; to amend and reenact §60A-2-204 of said code; and to amend said code by adding thereto a new section, designated §60A-4-414, all relating to addressing the recent increase in fentanyl, fentanyl derivatives and analogs, including misrepresented substances, in this state; defining “fentanyl derivative or analog”; adding fentanyl derivative or analog to the list of Schedule I drugs and substances; creating a felony offense for manufacturing, possessing, distributing, dispensing or transporting any quantity of fentanyl, or any fentanyl derivative or analog, unless otherwise authorized, and providing penalties; creating a felony offense for selling or distributing any Schedule I controlled substance while misrepresenting the identity of the Schedule I controlled substance being sold or distributed as a legitimate pharmaceutical product and providing penalties; and stating that these new felony offenses are separate offenses from others in the code.

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

By Senators Trump, Boso and Blair:

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 of the act; eliminating provisions addressing the construction of the West Virginia Workplace Freedom Act; eliminating language regarding the applicability of the West Virginia Workplace Freedom Act to collective bargaining or collective bargaining agreements in the building and construction industry; clarifying dates of applicability; and specifying that changes are to be applied retroactively.

Referred to the Committee on the Judiciary.

By Senators Sypolt, Smith, Boso, Blair, Cline and Miller:

Senate Bill 331—A Bill to amend and reenact §11-14C-2 and §11-14C-9 of the Code of West Virginia, 1931, as amended, all relating to exempting heating oil for residential use from the motor fuel excise tax.

Referred to the Committee on Finance.

By Senators Sypolt, Boso, Smith and Miller:

Senate Bill 332—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-3-7a, relating to providing for the refusal to renew a motor vehicle registration for failure to pay child support payments for six months or more.

Referred to the Committee on the Judiciary.

By Senators Takubo, Palumbo, Stollings, Romano, Cline and Maroney:

Senate Bill 333—A Bill to amend and reenact §60A-9-5a of the Code of West Virginia, 1931, as amended, relating to requiring any in- or out-patient facility licensed by the Secretary of the Department of Health and Human Resources to access the West Virginia Controlled Substances Monitoring Database; providing for inclusion in a patient's medical chart of the information obtained; and providing for rulemaking.

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

By Senators Weld, Cline and Miller:

Senate Bill 334—A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to cruelty to animals; creating the felony offense of aggravated cruelty to animals; and providing a criminal penalty for the offense.

Referred to the Committee on the Judiciary.

By Senators Karnes, Carmichael (Mr. President), Maroney, Mullins, Maynard, Weld, Clements, Ferns, Cline, Smith, Sypolt, Rucker, Azinger, Swope, Blair, Gaunch, Takubo, Boso, Mann and Trump:

Senate Bill 335—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-26; to amend said code by adding thereto a new section, designated §11-15-34; to amend said code by adding thereto a new section, designated §11-15A-30; to amend said code by adding thereto a new article, designated §11-15C-1, §11-15C-2, §11-15C-3, §11-15C-4, §11-15C-5, §11-15C-6, §11-15C-7, §11-15C-8, §11-15C-9, §11-15C-10, §11-15C-11, §11-15C-12, §11-15C-13, §11-15C-14, §11-15C-15, §11-15C-16, §11-15C-17, §11-15C-18, §11-15C-19, §11-15C-20, §11-15C-21, §11-15C-22, §11-15C-23, §11-15C-24, §11-15C-25, §11-15C-26 and §11-15C-27; to amend said code by adding thereto a new section, designated §11-21-97; to amend said code by adding thereto a new article, designated §11-21A-1, §11-21A-2, §11-21A-3, §11-21A-4, §11-21A-5, §11-21A-6 and §11-21A-7; and to amend and reenact §11-24-4 of said code, all relating generally to the prospective repeal of the consumers sales and service tax and of the use tax; repealing personal income tax and the phase out and repeal of corporation net income tax and to the enactment of the general consumption tax law and of the temporary single rate income tax; making findings; defining terms; imposing the tax; authorizing exemptions; providing compliance procedures; and establishing an effective date with respect thereto.

Referred to the Select Committee on Tax Reform; and then to the Committee on Finance.

By Senators Trump, Boso, Blair, Romano, Sypolt and Maroney:

Senate Bill 336—A Bill to amend and reenact §29-22B-1101 of the Code of West Virginia, 1931, as amended, relating to increasing number of limited video lottery terminals allowed at retail locations; requiring Lottery Commission to conduct bid only open to current permit holders prior to September 1, 2017, for permits expiring June 30, 2021; and establishing procedure for bid process.

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

By Senator Blair:

Senate Bill 337—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §25-1-11f, relating to the hiring of correctional officers without regard to their placement on the correctional officer register.

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

By Senators Trump, Smith, Blair, Swope, Azinger, Mullins, Ferns, Weld, Gaunch and Cline:

Senate Bill 338—A Bill to amend and reenact §55-7B-2, §55-7B-4, §55-7B-10 and §55-7B-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §55-7B-9e, all relating to medical professional liability; defining the term “occurrence”; providing venue preference; establishing an attorney’s fee schedule based upon amount recovered; establishing the effective date; and providing for severability.

Referred to the Committee on the Judiciary.

By Senators Takubo, Cline and Maroney:

Senate Bill 339—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-52-1, §16-52-2, §16-52-3, §16-52-4, §16-52-5 and §16-52-6, all relating to creating a legislative coalition on chronic pain management; setting forth findings and purpose; providing for administrative functions of the coalition to be performed by legislative staff; setting forth membership of the coalition; providing for appointments to be made by the President of the Senate and Speaker of the House of Delegates; setting forth powers and duties of the coalition; setting forth required reporting; setting forth reporting data elements; providing for compensation of members; and providing a sunset date.

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

Senators Sypolt, Boso and Maroney offered the following resolution:

Senate Concurrent Resolution 16—Urging West Virginia’s congressional delegation to require the federal Department of Health and Human Services to renegotiate state Medicaid expansion contracts to allow new ideas that have been approved for other states to be incorporated into existing contracts of any state.

Whereas, When the federal Department of Health and Human Services has allowed another state to do something different with its Medicaid expansion contracts, then it should be required to allow other states to include these other “new” options in their contracts, at least every four years; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature of the State of West Virginia urges West Virginia’s congressional delegation to require the federal Department of Health and Human Services to renegotiate state Medicaid expansion contracts to allow new ideas that have been approved for other states to be incorporated into existing contracts of any state; and, be it

Further Resolved, That Clerk of the Senate is hereby directed to forward a copy of this resolution to: United States Senators Joe Manchin III and Shelley Moore Capito; and to Congressional Representatives David McKinley, Alex Mooney and Evan Jenkins.

Which, under the rules, lies over one day.

Senators Karnes, Plymale, Romano, Gaunch, Sypolt, Blair, Cline, Trump, Swope, Maroney, Smith, Mann and Rucker offered the following resolution:

Senate Resolution 14—Designating Thursday, February 16, 2017, as West Virginia Homeschool Day at the Capitol.

Whereas, The State of West Virginia is committed to excellence in education; and

Whereas, The State of West Virginia recognizes that parental involvement and individualized attention to educational success are the unique and basic ingredients of homeschooling; and

Whereas, Homeschooled students exhibit self-confidence and good citizenship and are prepared academically to meet the challenges of today's society; and

Whereas, Contemporary studies continue to confirm that children who are educated at home score exceptionally well on nationally-normed achievement tests; and

Whereas, Homeschooled students have scored above the national average on the SAT and on the ACT tests; and

Whereas, Homeschooled students have been shown to be competitive with publicly and privately schooled students at the college level; therefore, be it

Resolved by the Senate:

That the Senate hereby designates Thursday, February 16, 2017, as West Virginia Homeschool Day at the Capitol; and, be it

Further Resolved, That the Senate hereby recognizes all West Virginia homeschool families for their dedication to excellence and their success in the education of West Virginia's children; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Home Educators Association and the Christian Home Educators of West Virginia.

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

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 13, US Army CPL James Russell Carter 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 14, US Army PVT Oren J. “Junior” Johnson 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 15, Herbert “Herb” Linkous 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. Senate Bill 174, Exempting transportation of household goods from PSC jurisdiction.

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

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 127, Authorizing Department of Revenue to promulgate legislative rules.

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 230, Relating to certain WV officials carrying concealed firearm nationwide.

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 233, Excluding from protection oral communications uttered in child care center under Wiretapping and Electronic Surveillance Act.

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

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Senate Bill 116, Authorizing MAPS promulgate legislative rules.

Senate Bill 172, Eliminating salary for Water Development Authority board members.

Senate Bill 215, Allowing county commissions authority to amend proposed rates, fees and charges proposed by public service districts.

Com. Sub. for Senate Bill 247, Authorizing prosecuting attorney designate and deliver grand jury records for investigative purposes.

And,

Com. Sub. for Senate Bill 248, Clarifying composition and chairmanship of Commission on Special Investigations.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Woelfel.

Thereafter, at the request of Senator Blair, and by unanimous consent, the remarks by Senator Woelfel 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, Friday, February 17, 2017, at 11 a.m.

FRIDAY, FEBRUARY 17, 2017

The Senate met at 11 a.m.

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

Prayer was offered by Dr. D. W. Cummings, Senior Pastor, Bethlehem Apostolic Temple, Wheeling, West Virginia.

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

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

At the request of Senator Boley, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the 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

Senate Bill 37, Raising legal age for purchase of tobacco, alternative nicotine and vapor products to 21.

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,

Tom Takubo,
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

Senate Bill 40, Requiring inclusion of protocols for response to after-school emergencies in school crisis response plans.

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

Com. Sub. for Senate Bill 40 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §18-9F-9 of the Code of West Virginia, 1931, as amended, relating to requiring that the State Board of Education include, in the legislative rule on a model school crisis plan that it promulgates, certain protocols for responding to injuries and other medical emergencies on school property after normal school hours in school crisis response plans by certain date; providing the applicability and requirements of those protocols as they apply to sports injuries; setting forth a limitation of liability; and providing for an effective date.

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

Respectfully submitted,

Tom Takubo,
Chair.

The bill (Com. Sub. for S. B. 40), under the original double committee reference, was then referred to the Committee on Education.

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 106, DEP rule relating to various permits.

Senate Bill 110, DEP rule relating to emission standards for hazardous air pollutants.

Senate Bill 111, DEP rule relating to ambient air quality standards.

Senate Bill 112, DEP rule relating to voluntary remediation and redevelopment.

And,

Senate Bill 113, DEP rule relating to awarding of matching grants for local litter control programs.

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,

Randy E. Smith,
Chair.

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

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 187, Providing for confidentiality of patients' medical records.

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,

Tom Takubo,
Chair.

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

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 188, Correcting definition of "telehealth" in medication-assisted treatment programs.

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

Respectfully submitted,

Tom Takubo,
Chair.

Senator Swope, from the Committee on the Workforce, submitted the following report, which was received:

Your Committee on the Workforce has had under consideration

Senate Bill 191, Relating to tax credits for apprenticeship training in construction trades.

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

Com. Sub. for Senate Bill 191 (originating in the Committee on the Workforce)—A Bill to amend and reenact §11-13W-1 of the Code of West Virginia, 1931, as amended, relating to tax credits for apprenticeship training in construction trades; removing requirement that eligibility is limited to programs jointly administered by labor and management trustees; and requiring that taxpayers seeking to take advantage of the apprenticeship tax credit must perform an employment eligibility check with the E-verify system and maintain those records for a minimum of five years.

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,

Chandler Swope,
Chair.

The bill (Com. Sub. for S. B. 191), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 222 (originating in the Committee on the Workforce), Relating to disqualification for unemployment benefits.

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

Com. Sub. for Com. Sub. for Senate Bill 222 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §21A-6-3 of the Code of West Virginia, 1931, as amended, relating to disqualification for unemployment benefits; providing that an individual is disqualified for benefits for any week or portion of a week in which he or she left or lost his or her job as a result of a strike or other bona fide labor dispute; clarifying that a lockout is not a strike; providing that operation of a facility by nonstriking employees, contractors or other personnel is not reason to grant benefits; establishing the circumstances when a worker is determined to leave or lose employment by reason of a lockout; providing the circumstances when a worker is determined to be permanently replaced by another employee; providing that contractors or employees who perform the work of a striking worker on a temporary basis are not to be determined to have permanently replaced a striking worker; and describing the circumstances under which employees and contractors are hired to perform striking employees' work on a temporary basis.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Education has had under consideration

Senate Bill 242, Relating to primary and secondary school instructional terms.

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

Com. Sub. for Senate Bill 242 (originating in the Committee on Education)—A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended; and to amend and reenact

§18-5A-5 of said code, all relating to school calendars; removing the word “separate” throughout the section as it relates to the number of instructional days in the school calendar; designating one noninstructional day for teachers as a preparation day for opening school and another for teachers as a preparation day for closing school; allowing teacher preparation days to be used for certain other purposes at teacher’s discretion; increasing number of two-hour blocks for faculty senate meetings from four to six; removing requirement that faculty senate meetings be held once every forty-five days; permitting certain accrued minutes to be used for lost instructional days; requiring that any reimagining student instructional days be exhausted prior to using accrued minutes for lost instructional days; and encouraging the use of reimagining student instructional days to achieve the one hundred eighty instructional day requirement.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Kenny Mann,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 320, Creating Appropriation Supremacy Act of 2017.

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

Com. Sub. for Senate Bill 320 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-4-1, §4-4-2, §4-4-3, §4-4-4, §4-4-5 and §4-4-6, all relating to the Appropriation Supremacy Act of 2017; creating short title; defining terms; setting forth legislative findings and purpose;

establishing that appropriations by the Legislature take precedence over contrary directives in statute or rules; clarifying that no statutory changes are required to correspond with conflicting budget appropriations; providing for liberal construction of article; setting forth manner in which statute can be exempt from scope of article; and recognizing constitutional restrictions on appropriations.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

Senator Hall moved that the bill (Com. Sub. for S. B. 320) contained in the foregoing report from the Committee on the Judiciary be referred to the Committee on Finance.

Senator Hall then requested unanimous consent that his foregoing motion be withdrawn.

Senator Beach objecting.

The Chair stated that, under Rule XVI, Clause 2, of the Rules of the House of Representatives, the Senator is allowed to withdraw his motion.

Whereupon, Senator Hall's aforestated motion was withdrawn.

Thereafter, on motion of Senator Hall, the bill (Com. Sub. for S. B. 320) contained in the foregoing report from the Committee on the Judiciary was then referred to the Committee on Rules.

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 330, Relating to WV Workplace Freedom Act.

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

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 Senator Trump:

Senate Bill 340—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-31, relating to an offer of settlement; acceptance or rejection; consequences; frivolous claims or defenses.

Referred to the Committee on the Judiciary.

By Senators Ferns, Palumbo, Plymale, Mullins, Stollings, Takubo, Cline, Maroney and Unger:

Senate Bill 341—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13DD-1, §11-13DD-2, §11-13DD-3, §11-13DD-4, §11-13DD-5, §11-13DD-6, §11-13DD-7, §11-13DD-8, §11-13DD-9 and §11-13DD-10, 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.

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

By Senators Rucker, Azinger, Blair, Maynard, Ojeda, Mullins, Cline and Unger:

Senate Bill 342—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §56-4-72, relating to providing compensation to victims of abusive

lawsuits; and providing that a party in a civil action is entitled to recover attorney's fees and costs after a court dismisses a claim as lacking any basis in law or fact.

Referred to the Committee on the Judiciary.

By Senator Beach:

Senate Bill 343—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §17-29-15a and §17-29-15b, all relating to prohibiting transportation network company drivers from soliciting rides or occupying designated cab stands; requiring such drivers to register annually with the local county commission at the commission's discretion; and criminal penalties.

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

By Senators Trump, Gaunch, Azinger and Blair:

Senate Bill 344—A Bill to amend and reenact §46A-2-115 of the Code of West Virginia, 1931, as amended; and to amend and reenact §46A-3-111, §46A-3-112 and §46A-3-113 of said code, all relating to application of payments and partial payments on a consumer credit sale and consumer loans; and assessing delinquency charges on such loans.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

By Senators Maynard, Jeffries, Mullins, Takubo, Cline, Weld and Maroney:

Senate Bill 345—A Bill to repeal §20-2-19a of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-2-5, §20-2-42g and §20-2-42h of said code, all relating to hunting; and removing restrictions for hunting or trapping on private lands on Sundays.

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

By Senators Blair and Boso:

Senate Bill 346—A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating generally to the jurisdiction of the Public Service Commission over motor carriers; and exempting vehicles engaged in nonemergency transportation of Medicaid members from permit requirements.

Referred to the Committee on Government Organization.

By Senators Takubo, Stollings and Maroney:

Senate Bill 347—A Bill to repeal §30-3E-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-3-5 of said code; to amend and reenact §30-3E-1, §30-3E-2, §30-3E-3, §30-3E-4, §30-3E-6, §30-3E-7, §30-3E-9, §30-3E-10, §30-3E-11, §30-3E-12, §30-3E-15, §30-3E-16 and §30-3E-17 of said code; and to amend said code by adding thereto a new section, designated §30-3E-12a, all relating to modernization of the Physician Assistant Practice Act; modifying the Board of Medicine to add an additional physician assistant to the board; substituting collaborating physician for supervising physician; defining terms; allowing a physician assistant to prescribe Schedule II and Schedule III drugs with specified limitations; eliminating the requirement that physician assistants be required to take a recertification exam after passing the initial exam; allowing for reimbursement rates from insurance plans and public payers at the same rate physicians and advance practice registered nurses in specified circumstances; adding requirements to the practice agreement; granting physician assistants signatory authority on certain forms; and making conforming amendments.

Referred to the Committee on Health and Human Resources.

By Senator Trump:

Senate Bill 348—A Bill to amend and reenact §17C-2-8 of the Code of West Virginia, 1931, as amended, relating to parking along state highways; prohibiting local authorities from allowing parking along U. S. and primary state highways when doing so reduces flow of traffic to less than one lane of traffic moving in each direction; providing exception for one-way state highways; and requiring Division of Highways to erect appropriate signage.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

By Senators Trump, Blair and Boso:

Senate Bill 349—A Bill to repeal §25-1-10 of the Code of West Virginia, 1931, as amended, relating to the Commissioner of the Division of Corrections being responsible to insure all state buildings and property.

Referred to the Committee on Government Organization.

Senators Rucker, Azinger, Blair, Boley, Boso, Cline, Maynard, Miller, Ojeda, Smith, Sypolt, Trump, Plymale and Stollings offered the following resolution:

Senate Concurrent Resolution 17—Requesting the Division of Highways name bridge number 19-340-14.66 (19A037), (39.32014, - 77.74155), locally known as Harpers Ferry Bridge, carrying US 340 over the Shenandoah River, Park Access Road and CSX Railroad in Jefferson County, the “John Hancock Hall Memorial Bridge”.

Whereas, John Hancock Hall was the inventor of the M1819 Hall breech-loading rifle and was a mass production innovator; and

Whereas, In 1819, John Hancock Hall, a New England gun maker, signed a contract with the United States War Department to produce 1,000 breech-loading rifles, a weapon he had designed and patented in 1811; and

Whereas, Under the terms of the contract, Hall came to Harpers Ferry where he constructed an industrial complex along the Shenandoah River. This site soon became known as Hall’s Rifle Works and the small island on which it stood was called Lower Hall Island; and

Whereas, Hall spent several years tooling new workshops and perfecting precision machinery for producing rifles with interchangeable parts—a boldly ambitious goal for an industry which was traditionally based on the manual labor of skilled craftsmen; and

Whereas, Hall's innovations in construction, tools, controls, stops and gauges were historic breakthroughs in milling iron and machine tools; and

Whereas, The men who had learned Hall's methods of interchangeable parts, while working at his factories in Harpers Ferry, went on to apply those methods to production of shoes, watches, clocks, bicycles, clothing, rubber goods, and later, automobiles. Hall's methods transformed the United States from an economy of workshop craftsmen to a nation of industrialized mass production, the American System; and

Whereas, Hall's achievement formed the basis of mass production that ushered in our modern age; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 19-340-14.66 (19A037), (39.32014, - 77.74155), locally known as Harpers Ferry Bridge, carrying US 340 over the Shenandoah River, Park Access Road and CSX Railroad in Jefferson County, the "John Hancock Hall Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "John Hancock Hall Memorial Bridge"; and, be it

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

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 16, Urging WV congressional delegation require DHHR renegotiate state Medicaid expansion contracts.

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 127, Authorizing Department of Revenue to promulgate legislative rules.

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, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Clements 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. 127) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Clements 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. 127) 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 174, Exempting transportation of household goods from PSC jurisdiction.

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, Blair, Boley, Boso, Cline, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—29.

The nays were: Beach, Facemire and Miller—3.

Absent: Clements 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. 174) 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 230, Relating to certain WV officials carrying concealed firearm nationwide.

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, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Clements 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. 230) 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 233, Excluding from protection oral communications uttered in child care center under Wiretapping and Electronic Surveillance Act.

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, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Clements 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. 233) 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 116, Authorizing MAPS promulgate legislative rules.

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

Senate Bill 172, Eliminating salary for Water Development Authority board members.

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

Senate Bill 215, Allowing county commissions authority to amend proposed rates, fees and charges proposed by public service districts.

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 247, Authorizing prosecuting attorney designate and deliver grand jury records for investigative purposes.

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 248, Clarifying composition and chairmanship of Commission on Special Investigations.

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

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Senate Bill 134, Authorizing Bureau of Commerce to promulgate legislative rules.

Com. Sub. for Senate Bill 202, Relating to pawnbrokers generally.

And,

Com. Sub. for Senate Bill 249, Relating to information required in abstract of judgment.

The Senate proceeded to the thirteenth order of business.

On motion of Senator Unger, a leave of absence for the day was granted Senator Romano.

At the request of Senator Karnes, and by unanimous consent, the Senate returned to the twelfth order of business.

Remarks were made by Senator Karnes.

The Senate again proceeded to the thirteenth order of business.

At the request of Senator Facemire, the name of Senator Facemire was removed as a sponsor of **Senate Bill 60** (*Relating to eligibility and fraud requirements for public assistance*).

Pending announcement of meetings of standing and select committees of the Senate, including a majority party caucus,

On motion of Senator Ferns, the Senate adjourned until Monday, February 20, 2017, at 11 a.m.

MONDAY, FEBRUARY 20, 2017

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Rick Swearingin, Madison United Methodist Church, Madison, West Virginia.

Nitro High School Air Force Junior ROTC from Nitro, West Virginia, proceeded in the posting of the Colors. The Honorable Robert D. Beach, a senator from the thirteenth district, then led the Senate in the recitation of the Pledge of Allegiance.

Pending the reading of the Journal of Friday, February 17, 2017,

At the request of Senator Blair, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2099—A Bill to amend and reenact §17C-4-1 of the Code of West Virginia, 1931, as amended, relating to crashes involving death or personal injuries; defining terms; clarifying when a driver may leave the scene of a crash for the purpose of rendering assistance to an injured person in the crash; clarifying the crime of leaving the scene of a crash that causes bodily injury; creating a felony crime of leaving the scene of a crash that proximately causes serious bodily injury and providing criminal penalties; and clarifying the crime of leaving the scene of a crash that causes death.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

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 182, Providing procedures that prevent disqualifying low bids for government construction contracts due to document technicalities.

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

Com. Sub. for Senate Bill 182 (originating in the Committee on Government Organization)—A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-1D-5 of said code; and to amend and reenact §21-11-11 of said code, all relating to the submission of bids for government construction contracts; information and documents required for the awarding of certain contracts; providing procedures for the required submission of a list of subcontractors who will perform more than \$25,000 of work on certain projects; providing procedures for the required submission of a drug-free workplace affidavit for any solicitation for a public improvement contract; and providing procedures for the required submission of a contractor's license number with certain bid documents.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 240, Creating crime of distribution of sexual images.

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

Com. Sub. for Senate Bill 240 (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 §61-8-28a, relating to creating the offenses of nonconsensual disclosure of privately taken images of a sexual nature causing or

threatening the nonconsensual disclosure of such an image; defining terms; setting forth elements of the crime; and providing for criminal penalties.

With the recommendation that the committee substitute do pass.

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 Senator Blair:

Senate Bill 350—A Bill to amend and reenact §30-31-3, §30-31-6 and §30-31-11 of the Code of West Virginia, 1931, as amended, all relating to licenses, temporary permits and exemptions from licensure for professional counselors, marriage and family therapists.

Referred to the Committee on Government Organization.

By Senators Smith and Cline:

Senate Bill 351—A Bill to amend and reenact §16-4C-3, §16-4C-4, §16-4C-5 and §16-4C-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto three new sections, designated §16-4C-4a, §16-4C-4b and §16-4C-5a, all relating to emergency medical services; continuing the Office of Emergency Medical Services as an independent office within the Department of Military Affairs and Public Safety; updating definitions; creating the positions of executive director, medical director and administrative director for the office; establishing and clarifying the powers and duties of the directors; establishing the Emergency Medical Services Commission with nine members; and requirements for the state medical protocols.

Referred to the Committee on Government Organization.

By Senators Smith, Cline and Rucker:

Senate Bill 352—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-6-111, relating to permitting utility consumers to use the consumer protection laws when billing issues are in question; providing the Attorney General with the power to inquire about a billing issue; providing that the remedy is in addition to other remedies available from the West Virginia Public Service Commission; and providing that the powers and responsibilities of the commission are not affected.

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

By Senators Smith, Cline, Rucker, Sypolt and Boso:

Senate Bill 353—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2E-4, relating to third-party telecommunications services provided to residential and business consumers billed through the customer's telephone company or telecommunications service provider.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

By Senators Gaunch, Cline and Maroney:

Senate Bill 354—A Bill to amend and reenact §8-22-20 of the Code of West Virginia, 1931, as amended, relating to allowing certain municipalities with fully funded pension plans to not pay normal cost as determined by the actuarial report.

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

By Senator Gaunch:

Senate Bill 355—A Bill to amend and reenact §5-10-27b of the Code of West Virginia, 1931, as amended; to amend and reenact §7-14D-9b of said code; to amend and reenact §8-22A-11 of said code; to amend and reenact §15-2-45 of said code; to amend

and reenact §15-2A-6b of said code; to amend and reenact §16-5V-13 of said code; to amend and reenact §18-7A-28b of said code; to amend and reenact §18-7B-12a of said code; and to amend and reenact §51-9-12b of said code, all relating to required minimum distribution of retirement benefits of plans administered by the Consolidated Public Retirement Board; clarifying treatment of benefits in the event of a member's death; and bringing code into conformity with federal law.

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

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 356—A Bill to amend and reenact §18-9D-8 of the Code of West Virginia, 1931, as amended, relating to allowing the School Building Authority to transfer funds allocated into the School Construction Fund to a special revenue account in the state Treasury.

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

At the request of Senator Ojeda, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the sixth order of business.

Senators Gaunch, Jeffries, Plymale, Stollings and Boso offered the following resolution:

Senate Resolution 15—Recognizing the centennial year of the City of Nitro.

Whereas, The City of Nitro, West Virginia, was founded during World War I as a result of the Deficiency Appropriation Act of October 6, 1917, which authorized funds for the construction of United States Government explosives plants; and

Whereas, The City of Nitro was recognized as a “Living Memorial to World War I” on the floor of the 97th Congress of the United States Senate on September 29, 1982; and

Whereas, The citizens of the City of Nitro, in this, their one hundredth year, are working diligently towards dedicating the City of Nitro as a National Memorial to World War I; and

Whereas, The City of Nitro is celebrating its centennial throughout the year of 2017, with dedications, ceremonies, parades, fireworks and appropriate displays; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the centennial year of the City of Nitro; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate officials representing the City of Nitro.

At the request of Senator Gaunch, 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 Gaunch regarding the adoption of Senate Resolution 15 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 Takubo, Plymale, Stollings, Prezioso, Boso, Cline and Maroney offered the following resolution:

Senate Resolution 16—Designating June as West Virginia Post-Traumatic Stress Injury Awareness Month and June 27 as West Virginia Post-Traumatic Stress Injury Awareness Day.

Whereas, All citizens of the United States possess the basic human right to the preservation of personal dignity; and

Whereas, All citizens of the United States deserve the investment of every possible resource to ensure their lasting physical, mental and emotional well-being; and

Whereas, The brave men and women of the United States armed forces who proudly serve the United States risk their lives to protect our freedom; and

Whereas, The diagnosis now known as Post-Traumatic Stress Disorder was first defined by the American Psychiatric Association in 1980 to commonly and more accurately understand and treat veterans who had endured severe traumatic combat stress; and

Whereas, Combat stress has historically been viewed as a mental illness caused by a pre-existing flaw of character and/or ability and the word “disorder” carries a stigma that perpetuates this misconception; and

Whereas, Post-Traumatic Stress Injury can occur after experiencing a severely traumatic event to include, but not be exclusive to: Sexual assault, child abuse, high-impact collisions and crashes, natural disasters, acts of terrorism and military combat; and

Whereas, Post-Traumatic Stress Injury is a very common injury to the brain that is treatable and repairable; and

Whereas, Referring to the complications from post-traumatic stress as a disorder perpetuates the stigma of, and bias against, mental illness and this stigma can discourage the injured from seeking proper and timely medical treatment; and

Whereas, Making Post-Traumatic Stress Injury less stigmatizing and more honorable can favorably influence those affected and encourage them to seek help without fear of retribution or shame; and

Whereas, Proper and timely treatment can diminish suicide rates; and

Whereas, All citizens suffering from Post-Traumatic Stress Injury deserve our compassion and consideration. Those who have received these wounds in action against an enemy of the United States further deserve our tribute and acknowledgement: therefore, be it

Resolved by the Senate:

That the Senate hereby designates June as West Virginia Post-Traumatic Stress Injury Awareness Month and June 27 as West Virginia Post-Traumatic Stress Injury Awareness Day; and, be it

Further Resolved, The Senate respectfully urges our Bureau for Public Health, Department of Military Affairs and Public Safety and the Department of Veterans' Assistance to continue working to educate victims of abuse, crime and natural disaster, service members, veterans and their families, as well as the general public, about the causes, symptoms and treatment of Post-Traumatic Stress Injury and designate June as West Virginia Post-Traumatic Stress Injury Awareness Month; and, be it

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

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

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 17, John Hancock Hall Memorial Bridge.

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 116, Authorizing MAPS promulgate legislative rules.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Mullins and Swope—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. 116) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, 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, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Mullins and Swope—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. 116) 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 172, Eliminating salary for Water Development Authority board members.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: Miller—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. 172) passed with its title.

Senator Ferns moved that the bill take effect July 1, 2017.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: Miller—1.

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. S. B. 172) takes effect July 1, 2017.

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

Eng. Senate Bill 215, Allowing county commissions authority to amend proposed rates, fees and charges proposed by public service districts.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: Ojeda—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. 215) 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 247, Authorizing prosecuting attorney designate and deliver grand jury records for investigative 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, 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. 247) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, 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, 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. 247) takes effect from passage.

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 248, Clarifying composition and chairmanship of Commission on Special Investigations.

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, 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. 248) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, 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, 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. 248) takes effect from passage.

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 134, Authorizing Bureau of Commerce to promulgate legislative rules.

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 202, Relating to pawnbrokers generally.

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 249, Relating to information required in abstract of judgment.

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

The Senate proceeded to the tenth order of business.

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

Senate Bill 188, Correcting definition of “telehealth” in medication-assisted treatment programs.

Com. Sub. for Com. Sub. for Senate Bill 222, Relating to disqualification for unemployment benefits.

Com. Sub. for Senate Bill 242, Relating to school calendars.

And,

Senate Bill 330, Relating to WV Workplace Freedom Act.

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senator Ferns.

At the request of Senator Woelfel, and by unanimous consent, the Senate returned to the eleventh order of business and the introduction of guests.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Romano, unanimous consent being granted, it was ordered that the Journal show had Senator Romano been present in the chamber on Friday, February 17, 2017, he would have voted “yea” on the passage of Engrossed Committee Substitute for Senate Bill 127, Engrossed Committee Substitute for Senate Bill 230 and Engrossed Committee Substitute for Senate Bill 233 and “nay” on the passage of Engrossed Senate Bill 174.

At the request of Senator Rucker, the name of Senator Rucker was removed as a sponsor of **Senate Bill 335** (*Repealing consumers sales and service tax, use tax and personal income tax*).

On motion of Senator Ferns, a leave of absence for the day was granted Senator Mullins.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Tuesday, February 21, 2017, at 11 a.m.

TUESDAY, FEBRUARY 21, 2017

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Dylan Frercks, Heritage Baptist Church, Elkview, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Glenn D. Jeffries, a senator from the eighth district.

Pending the reading of the Journal of Monday, February 20, 2017,

At the request of Senator Cline, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2303—A Bill to amend and reenact §22-15A-4 of the Code of West Virginia, 1931, as amended, relating to the criminal offense of littering, clarifying that no person may place, deposit, dump throw or cause to be placed, deposited, dumped or thrown any litter on the private property of another, increasing criminal penalties for littering in an amount not exceeding one hundred pounds in weight or twenty-seven cubic feet in size, increasing criminal penalties for littering in an amount greater than one hundred pounds in weight or twenty-seven cubic feet in size, but less than five hundred pounds in weight or two hundred sixteen cubic feet in size, modifying the penalties for littering greater than five hundred pounds in weight or two hundred sixteen cubic feet in size or any amount which had been collected for commercial purposes, increasing penalties for second or subsequent violations for littering in an amount not exceeding one hundred pounds in weight or twenty-seven cubic feet in size, increasing penalties for second or subsequent violations for littering in an amount greater than one hundred pounds in weight or twenty-seven cubic feet in size, but less than five hundred pounds in weight or two hundred sixteen cubic feet in size and increasing civil penalties for littering.

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 2319—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-8-15, relating to requiring timely disclosure of fund-raising events, including contributions, of candidates or candidate committees for legislative office while the Legislature is in session; defining terms; imposing the same reporting requirements upon former candidates or candidate committees for legislative office who are still in office; clarifying that reporting

under this section does not relieve a candidate or candidate's committee from regular reporting requirements; requiring the Secretary of State to create a form for disclosure; requiring the Secretary of State to publish information on the Secretary of State's website; authorizing the Secretary of State to establish a means for electronic filing and disclosure as an alternative; and authorizing the Secretary of State to promulgate legislative and emergency rules.

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 41, Extending time person may be subject to probation.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 105, 106, 107, 108, 109, 110, 111, 112 and 113, DEP rule relating to awarding of matching grants for local litter control programs.

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

Com. Sub. for Senate Bill 113 (originating in the Committee on the Judiciary)—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 awarding of matching grants for local litter control programs; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to alternative emission limitations during startup, shutdown and maintenance operations; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to permits for construction, modification, relocation and operation of stationary sources of air pollutants, notification requirements, administrative updates, temporary permits, general permits, permission to commence construction and procedures for evaluation; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to permits for construction and major modification of major stationary sources for the prevention of significant deterioration of air quality; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the control of air pollution from hazardous waste treatment, storage and disposal facilities; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards; and authorizing the Department of Environmental Protection to promulgate a legislative rule relating to voluntary remediation and redevelopment.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Natural Resources has had under consideration

Senate Bill 325, Relating to crossbow hunting.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

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

Your Committee on Natural Resources has had under consideration

Senate Bill 345, Allowing hunting and trapping on Sundays.

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

Com. Sub. for Senate Bill 345 (originating in the Committee on Natural Resources)—A Bill to repeal §20-2-19a of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-2-5, §20-2-42g and §20-2-42h of said code, all relating to hunting; repealing limitations on trappers on Sundays; eliminating local option election regarding hunting on Sunday on private land; permitting hunting on Sunday on private land; and clarifying hunting on Sunday on public lands is unlawful.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill (Com. Sub. for S. B. 345), under the original double committee reference, was then referred to the Committee on the Judiciary.

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 Weld, Plymale, Takubo, Miller, Maroney and Cline:

Senate Bill 357—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-63, relating to exempting certain persons from fees for hunting, fishing and trapping licenses; providing that fees for hunting, trapping and fishing licenses are waived for volunteer firefighters; including eligibility requirements; requiring compliance with all other requirements to obtain license; and granting rule-making authority.

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

By Senators Trump, Sypolt and Boso:

Senate Bill 358—A Bill to amend and reenact §36-9-15 of the Code of West Virginia, 1931, as amended, relating to permitting a timeshare-managing entity to foreclose upon its statutory lien for assessments in the manner of sales under trust deeds; providing for the naming of a trustee by the managing entity to carry out the sale; and requiring notice.

Referred to the Committee on the Judiciary.

By Senators Rucker, Azinger, Cline, Karnes, Maynard and Sypolt:

Senate Bill 359—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 Takubo, Stollings, Maroney, Plymale and Miller:

Senate Bill 360—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5Z-1, §16-5Z-2, §16-5Z-3, §16-5Z-4 and §16-5Z-5, all relating to creating the Legislative Coalition on Diabetes Management; setting forth findings and purpose; providing for administrative functions of the coalition to be performed by legislative staff; setting forth membership of the coalition; providing for appointments to be made by the President of the Senate and Speaker of the House of Delegates; setting forth powers and duties of the coalition; setting forth required reporting; setting forth reporting data elements; providing for compensation of members; and providing a sunset date.

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

By Senators Boley, Azinger, Takubo, Maroney and Cline:

Senate Bill 361—A Bill to amend and reenact §16-2D-11 of the Code of West Virginia, 1931, as amended, relating to allowable exemptions from certificate of need to develop and operate a nursing home in any county in the state which is without a skilled nursing facility.

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

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 362—A Bill to amend and reenact §23-2C-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-22A-10d and §29-22A-10e of said code, all relating to

authorizing the redirection of certain amounts to the General Revenue Fund; authorizing the redirection of amounts collected from certain surcharges and assessments on Workers' Compensation insurance policies for periods prior to July 1, 2018; and authorizing the redirections of amounts collected from certain deposits of revenues from net terminal income for periods prior to July 1, 2018.

Referred to the Committee on Finance.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 363—A Bill to amend and reenact §11-24-3 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act; and specifying effective dates.

Referred to the Committee on Finance.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 364—A Bill to amend and reenact §11-15B-2a and §11-15B-32 of the Code of West Virginia, 1931, as amended, all relating to incorporating changes to the Streamlined Sales and Use Tax Agreement; and providing new effective dates.

Referred to the Committee on Finance.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 365—A Bill to amend and reenact §21A-8-16 of the Code of West Virginia, 1931, as amended, relating to maintaining the solvency of the Unemployment Compensation Fund; and extending the time period for borrowing funds from the Revenue Shortfall Reserve Fund for the Unemployment Compensation Fund to September 1, 2018.

Referred to the Committee on Finance.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 366—A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to the creation of the West Virginia Second Chance Act; defining terms; expanding eligibility for expungement to persons convicted of nonviolent felonies; defining “nonviolent felony”; providing exceptions to eligibility and timing of filing a petition for expungement; creating petition requirements and court procedure for evaluating preliminary and final orders of expungement for nonviolent felonies; providing limitations on preliminary orders of expungement; clarifying disclosure requirements with respect to the information sealed pursuant to an order of expungement, including exemptions; providing standard for inspection of sealed records; and making technical changes.

Referred to the Committee on the Judiciary.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 367—A Bill to amend and reenact §5A-3-44 and §5A-3-52 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §5A-12-1, §5A-12-2, §5A-12-3 and §5A-12-4; to amend and reenact §17A-3-23 of said code; to amend said code by adding thereto a new section, designated §17A-3-23a; and to amend and reenact §29B-1-4 of said code, all relating to state vehicles; creating the Fleet Management Office; defining terms; establishing powers and duties of the director; continuing the special fund; requiring reporting of state vehicles; authorizing a rental pool; requiring new title, registration and license plates for state vehicles; allowing the Commissioner of the Division of Motor Vehicles to issue special plates to organizations and entities; requiring agencies to apply for a new uniform vehicle title and registration plate; and exempting confidential information relating to certain vehicles from public disclosure.

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

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 368—A Bill to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of “federal adjusted gross income” and certain other terms used in the West Virginia Personal Income Tax Act; and specifying effective dates.

Referred to the Committee on Finance.

By Senators Sypolt, Miller, Boso, Maroney and Smith:

Senate Bill 369—A Bill to amend and reenact §11A-3-19, §11A-3-21, §11A-3-23, §11A-3-52, §11A-3-54 and §11A-3-56 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto two new sections, designated §11A-3-23a and §11A-3-58a; and to amend and reenact §11A-4-4 of said code, all relating to permitting surface owners to purchase the mineral interests that lay below the property when the mineral interest becomes subject to a tax lien; establishing procedures; requiring notice; establishing the purchase prices; establishing nonrefundable \$20 administrative fee; providing a procedure if more than one surface owner seeks to purchase the delinquent mineral interest; modifying notices to redeem that are sent to property owners; and providing remedies relating to tax sales.

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

By Senators Sypolt, Facemire, Boso, Maroney and Smith:

Senate Bill 370—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §37-4-9, relating to requiring proceeds of partition of any interest in real property that includes oil and gas but not surface that are due to a person whose name or location are unknown and are unclaimed for five years be paid to the Oil and Gas Reclamation Fund rather than paid or delivered to the Treasurer as abandoned and unclaimed property.

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

By Senators Gaunch and Boso:

Senate Bill 371—A Bill to amend and reenact §18-7A-11 of the Code of West Virginia, 1931, as amended, relating to requiring the Consolidated Public Retirement Board to adopt a four-year smoothing method relating to actuarial gains and losses on Teachers Retirement System Fund assets.

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

By Senator Boso:

Senate Bill 372—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5A-1, relating to prohibiting the requesting of employee wage verification.

Referred to the Committee on Government Organization.

By Senators Trump, Takubo and Maroney:

Senate Bill 373—A Bill to amend and reenact §16-30-6 of the Code of West Virginia, 1931, as amended, relating to authorizing a medical power of attorney representative under stated circumstances to sign a binding arbitration agreement with a nursing home or assisted living facility.

Referred to the Committee on the Judiciary.

By Senator Ferns:

Senate Bill 374—A Bill to amend and reenact §5-10-2 and §5-10-52 of the Code of West Virginia, 1931, as amended, all relating to the manner of computing retirement benefits for certain members of the Legislature under the West Virginia Public Employees Retirement Act; and requiring that the final average salary for members of the Legislature taking office after June 30, 2017, and thereafter participating in the retirement system as a member of the Legislature be the average of the member's annual rate of compensation during his or her total years of credited service.

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

By Senators Boso and Smith:

Senate Bill 375—A Bill to amend and reenact §11-13A-3 of the Code of West Virginia, 1931, as amended, relating to the rate and measure of severance taxes on certain natural resources; changing the rate of tax on limestone, sandstone and other stone products from a percentage of sale price to a flat rate; clarifying the effect of existing law on rates of coal produced by underground mining methods; correcting an internal reference; and removing outdated language.

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

By Senator Boso:

Senate Bill 376—A Bill to amend and reenact §15-12-2 of the Code of West Virginia, 1931, as amended, relating to requiring any person who has been convicted or adjudicated delinquent of a qualifying offense to comply with registration requirements of the Sex Offender Registration Act.

Referred to the Committee on the Judiciary.

By Senators Karnes, Miller, Boso, Maroney, Mullins, Gaunch, Cline and Weld:

Senate Bill 377—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13D-1, §11-13D-2, §11-13D-3 and §11-13D-4, all relating to creating a fixed income credit for low income senior citizens; establishing procedures for claiming credit; and defining terms.

Referred to the Select Committee on Tax Reform; and then to the Committee on Finance.

By Senators Karnes, Miller, Boso, Maroney, Mullins, Gaunch, Cline and Weld:

Senate Bill 378—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13D-1, §11-13D-2, §11-13D-3 and §11-13D-4, all relating to creating an earned income tax credit for low income workers; establishing procedures for claiming credit; and defining terms.

Referred to the Select Committee on Tax Reform; and then to the Committee on Finance.

By Senators Gaunch and Jeffries:

Senate Bill 379—A Bill to amend and reenact §17A-6A-3 of the Code of West Virginia, 1931, as amended, relating to excluding certain manufacturers and motor vehicles from the definitions of “manufacturer” and “motor vehicle” under the law regulating motor vehicle dealers, distributors, wholesalers and manufacturers.

Referred to the Committee on the Judiciary.

By Senators Maynard and Plymale:

Senate Bill 380—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-3-3a, relating to creating a two-year pilot program permitting all-terrain or recreational vehicles on designated roads and trails in Cabwaylingo State Forest; and making it unlawful to operate all-terrain or recreational vehicles in Cabwaylingo State Forest without a special permit.

Referred to the Committee on Natural Resources; and then to the Committee on Government Organization.

By Senator Boso:

Senate Bill 381—A Bill to amend and reenact §17-16A-18 of the Code of West Virginia, 1931, as amended, relating to Parkways Authority and maintaining status quo if bond indebtedness relative to Parkways Authority is eliminated; continuing tolls; and maintaining projects with Parkways Authority.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senator Boso:

Senate Bill 382—A Bill to amend and reenact §17-24A-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17A-4-10 of said code, all relating to allowing automobile auctions to obtain title to abandoned vehicles.

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

By Senator Boso:

Senate Bill 383—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-5C-2a, relating to prohibiting local government entities from setting prevailing wages.

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

By Senator Boso:

Senate Bill 384—A Bill to amend and reenact §11-1C-2 of the Code of West Virginia, 1931, as amended, relating to the definition of “managed timberland”; and providing that property that is described as “any tract or parcel of real estate that is being leased by the owner to another party for monetary gain” is not considered as managed timberland.

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

By Senator Stollings:

Senate Bill 385—A Bill to amend and reenact §11-19-1 and §11-19-2 of the Code of West Virginia, 1931, as amended, all relating to the tax on bottled soft drinks; modifying the tax to one cent per ounce; redistributing the revenue generated to all three medical schools in the state; rearranging and updating definitions; and providing an effective date.

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

By Senators Ojeda, Beach, Facemire, Miller, Palumbo, Plymale, Romano, Rucker, Stollings, Swope, Woelfel and Boso:

Senate Bill 386—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-8A-1, §16-8A-2, §16-8A-3, §16-8A-4, §16-8A-5, §16-8A-6, §16-8A-7, §16-8A-8, §16-8A-9, §16-8A-10, §16-8A-11, §16-8A-12,

§16-8A-13, §16-8A-14, §16-8A-15 and §16-8A-16, all relating to creating the West Virginia Medical Cannabis Act; defining terms; creating the West Virginia Medical Cannabis Commission; setting forth members of the West Virginia Medical Cannabis Commission; setting forth responsibilities for the West Virginia Medical Cannabis Commission; creating a special revenue account known as the West Virginia Medical Cannabis Commission Fund; detailing the fund's revenue sources and disbursements; detailing requirements of the commission to implement the provisions of the act; setting requirements for becoming a certifying physician; authorizing the commission to approve physician applications for certain medical conditions; requiring certain annual reports to the Governor and Legislature; authorizing the commission to license medical cannabis growers and grower agents that meet certain requirements; setting forth certain parameters for licensed growers and grower agents; authorizing the commission to license dispensaries and register dispensary agents; setting forth certain requirements for dispensaries and dispensary agents; authorizing the commission to license medical cannabis processors and register processor agents; authorizing testing laboratories; naming the Marshall University Forensic Science Center as the primary testing laboratory; stating requirements for the commission's registration of independent laboratories; requiring the State Police and commission to enter a memorandum of understanding for criminal records checks and setting forth basic requirements; providing that certain persons licensed, registered and authorized under the act may not be subject to arrest, prosecution or any civil or administrative penalty, including a civil penalty or disciplinary action by a professional licensing board, or be denied any right or privilege, for the medical use of cannabis; creating a new criminal offense of distributing, possessing, manufacturing or using cannabis that has been diverted from an authorized medicinal use; specifically stating conduct related to cannabis that is not protected by the provisions of the act; authorizing state employees to recover certain counsel fees; empowering the Governor to suspend implementation of the act if the Governor determines certain federal action may occur; and requiring promulgation of emergency rules and the submission of legislative rules for approval by the Legislature.

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

Senators Hall, Stollings and Beach offered the following resolution:

Senate Concurrent Resolution 18—Requesting the Division of Highways to name bridge number 20-60-2.86, EB-WB (20A820-20A821), (38.39623, -81.84824), locally known as Amandaville Railroad Overpass, carrying US 60 over CSX Railroad in Kanawha County the “U. S. Marine Corps CPL Walter Vincent Filipek Memorial Bridge”.

Whereas, Walter V. Filipek was born in Raleigh, West Virginia, on June 16, 1925, into a family with a tremendous tradition of service to the United States. Walter’s father, Anton, served as an Army Sergeant in a machine gun crew. Walter’s brothers also served: Joseph served in the Army in Italy during World War II; Edward served in the Navy during the Korean War from 1952-1954; Theodore served in the Air Force in Korea from 1955-1959; and Andrew served in the Army in Korea; and

Whereas, Walter served with the Sixth Marine Division and fought at Okinawa. During the Battle of Okinawa, while under intense enemy fire, Walter moved forward from his concealed position and rescued his wounded squad leader. Thereafter, Walter neutralized an enemy machine gun that was impeding the advance of his platoon. His selfless actions earned him a Bronze Star; and

Whereas, On May 29, 1945, Walter sustained injuries from shrapnel to his right side at Okinawa Island, Ryuku Islands, but, after receiving treatment, returned to duty on the same day; and

Whereas, On June 23, 1945, Walter similarly sustained shrapnel injuries to his left knee, but, after receiving treatment, once again returned to duty on the same day; and

Whereas, In August 1945, while serving in Guam, Walter received a Purple Heart; and

Whereas, On October 25, 1945, Walter participated in the ceremony of surrender of the Japanese military forces in the area of Tsingtao, China; and

Whereas, For his bravery and exemplary service, Walter was awarded numerous medals including a Purple Heart, Gold Star, Combat Action Medal, Good Conduct Medal, American Campaign Medal, Asiatic-Pacific Campaign Medal, Bronze Star, World War II Victory Medal, Rifle Marksmanship Badge, Presidential Unit Citation and Combat V Medal; and

Whereas; Walter's service honors his family, his community and the entire State of West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 20-60-2.86, EB-WB (20A820-20A821), (38.39623, -81.84824), locally known as Amandaville Railroad Overpass, carrying US 60 over CSX Railroad in Kanawha County the "U. S. Marine Corps CPL Walter Vincent Filipek Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Marine Corps CPL Walter Vincent Filipek Memorial Bridge"; and, be it

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

Which, under the rules, lies over one day.

Senators Maynard, Boley, Trump, Stollings and Beach offered the following resolution:

Senate Concurrent Resolution 19—Requesting the Division of Highways name bridge number 19-0.01 (24A293), (37.41606, -81.43625), originally known as the Northfork Bridge, located in

Northfork, McDowell County, carrying County Route 24-52 over Elkhorn Creek, the “Blue Demon Bridge”.

Whereas, The Northfork High School’s sobriquet, going back to 1966, was the Blue Demons; and

Whereas, Sports fans from across this state still talk about the Blue Demon’s boys’ basketball teams that won Class AA state championships in 1971 and 1984, as well as a national record eight straight from 1974 through 1981; and

Whereas, When this state inaugurated the first girls’ basketball tournament in 1976, the Demonettes won then as well in 1977 and 1979; and

Whereas, The Blue Demons’ 1973 football team had a perfect season record of 12 and 0; and

Whereas, Over the nineteen years in which Northfork High School was in existence, the boys’ basketball team compiled an amazing record of 112 wins to only 12 losses on their home floor; and

Whereas, Although Northfork High School has been closed for over thirty years, the memories are just as vivid today as when they were being made decades ago for all who attended this legendary school, forever holding a place in the hearts of former students and teachers; and

Whereas, This school will always be remembered by all who saw the Blue Demons play or heard of their exploits, as the source of the nickname for the town that is still known today as the basketball capital of the United States; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 19-0.01 (24A293), (37.41606, -81.43625), originally known as the Northfork Bridge, located in Northfork, McDowell County, carrying County Route 24-52 over Elkhorn Creek, the “Blue Demon Bridge”; and, be it

Further Resolved, That the Commissioner of Highways is hereby requested to have made and be placed signs identifying the bridge as the “Blue Demon Bridge”; and, be it

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

Which, under the rules, lies over one day.

Senators Azinger, Plymale, Boso, Rucker, Stollings, Beach and Cline offered the following resolution:

Senate Resolution 17—Designating February 21, 2017, as West Virginia Child Care Association—Celebrating Children and Families Day at the Legislature.

Whereas, The State of West Virginia and the West Virginia Child Care Association have some of the best child welfare professionals and agencies in the country. These child welfare professionals and agencies have dedicated their time to making life better for West Virginia’s children and families and these West Virginian professionals and agencies have a compassion that never ends, a hope for a better tomorrow and a dedication to their efforts over the long haul. They work with West Virginia’s child welfare and behavioral health stakeholders to eliminate policy barriers and day to day practices that reduce the effective utilization of in-state resources; and

Whereas, These professionals and agencies are regulated by the State of West Virginia through legislation and by oversight of the West Virginia Department of Health and Human Resources and Department of Education. By using West Virginian child welfare professionals and agencies our State is doing what is best for West Virginia’s children and their families. These West Virginia child care professionals and agencies advocate for, and deliver services and support to provide for, the safety, wellbeing and opportunities for children and families to achieve their hopes, dreams and goals. They provide family driven, youth guided, culturally competent and trauma informed care for the citizens of West Virginia; and

Whereas, The West Virginia professionals, who care for the at-risk children in our state and the organizations that exist to impact the lives of these children and their families, provide quality care in our communities. This quality care is provided in a variety of settings, including community agencies, hospitals, residential treatment, family and treatment foster care and educational institutions, and seeks to provide resources and guidance that promotes the safety, wellbeing and permanency of West Virginia's children and families. West Virginia's child welfare providers dedicate themselves to excellence in their profession through licensing, advocacy, education and professional development; and

Whereas, The West Virginia Senate recognizes and appreciates the outstanding dedication, devotion and care of the West Virginia Child Care Association professionals and agencies for their caring, commitment and for making a difference in the lives of children in the State of West Virginia, their families and communities; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 21, 2017, as West Virginia Child Care Association—Celebrating Children and Families Day at the Legislature; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to all the appropriate officials, including those representing the West Virginia Child Care Association.

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

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

Upon expiration of the recess, the Senate reconvened.

Following a point of inquiry by Senator Woelfel, with resultant response by Senator Ferns,

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 134, Authorizing Bureau of Commerce to promulgate legislative rules.

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, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Hall—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. 134) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Hall—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. 134) takes effect from passage.

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 202, Relating to pawnbrokers generally.

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: Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—30.

The nays were: Azinger and Karnes—2.

Absent: Beach and Hall—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. 202) 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 249, Relating to information required in abstract of judgment.

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, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Hall—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. 249) 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.

Senate Bill 188, Correcting definition of “telehealth” in medication-assisted treatment programs.

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

Com. Sub. for Com. Sub. for Senate Bill 222, Relating to disqualification for unemployment benefits.

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 242, Relating to school calendars.

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

Senate Bill 330, Relating to WV Workplace Freedom Act.

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

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

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Senate Bill 182, Providing procedures that prevent disqualifying low bids for government construction contracts due to document technicalities.

And,

Com. Sub. for Senate Bill 240, Creating crime of nonconsensual distribution of sexual images.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Wednesday, February 22, 2017, at 11 a.m.

WEDNESDAY, FEBRUARY 22, 2017

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Jim Butcher, Madison Baptist Church, Madison, West Virginia.

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

Pending the reading of the Journal of Tuesday, February 21, 2017,

At the request of Senator Mullins, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the 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 9, Regulating unmanned aircraft systems.

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

Com. Sub. for Senate Bill 9 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-2B-1, §29-2B-2, §29-2B-3, §29-2B-4, §29-2B-5, §29-2B-6, §29-2B-7 and §29-2B-8, all relating to regulation of unmanned aircraft systems; requiring compliance with federal laws and regulations relating to such systems; defining terms; creating criminal offenses for certain conduct using an unmanned aircraft system and setting penalties therefor; regulating law-enforcement use of unmanned aircraft systems; limiting uses by law enforcement of unmanned aircraft systems; requiring search warrants to be obtained before unmanned aircraft systems may be used in criminal investigations and creating exemptions thereto; requiring documentation of law-enforcement flights of unmanned aircraft systems and maintenance of records; exempting images obtained pursuant to law-enforcement action from application of the Freedom of Information Act; precluding admissibility in civil, criminal and administrative proceedings of images or the evidence obtained in violation of the provisions of this article; requiring the West Virginia Aeronautics Commission in consultation with the Secretary of the West Virginia Department of Military Affairs and Public Safety, the West Virginia State Police and the Law-Enforcement Professional Standards Subcommittee of the Governor's Committee on Crime, Delinquency and Correction to propose legislative rules and authorizing the promulgation of emergency rules; and specifically directing and authorizing the proposal and promulgation of certain rules.

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 80, Equalizing criminal 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 80 (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 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 penalty for burglary.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 121, DHHR rule relating to medication-assisted opioid treatment programs.

And has amended same.

And,

Senate Bill 122, DHHR rule relating to medication-assisted treatment, office-based medication-assisted treatment.

And has amended same.

And reports the same back with the recommendation that they each do pass, as amended; 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, with amendments from the Committee on Health and Human Resources pending.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 164, Relating to traffic regulations and special load limits.

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

Respectfully submitted,

Gregory L. Boso,
Chair.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 173, Relating to autocycles.

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

Com. Sub. for Senate Bill 173 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17B-1-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-2-7b of said code; to amend said code by adding thereto a new section, designated §17C-1-69; and to amend and reenact §17C-15-44 of said code, all relating to autocycles; defining “autocycle”; creating an autocycle exemption from motorcycle examination, licensing and endorsement requirements; allowing a person with a valid driver’s license to operate an autocycle; creating an autocycle exemption from helmet and certain other motorcycle or motor-driven cycle safety requirements; deleting obsolete language regarding the motorcycle safety and education committee; and making technical corrections.

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

Respectfully submitted,

Gregory L. Boso,
Chair.

The bill (Com. Sub. for S. B. 173), under the original double committee reference, was then referred to the Committee on the Judiciary.

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 204, Requiring persons appointed to fill vacancy by Governor have same qualifications for vacated office and receive same compensation and expenses.

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

Com. Sub. for Senate Bill 204 (originating in the Committee on Government Organization)—A Bill to amend and reenact §5-1-22 of the Code of West Virginia, 1931, as amended, relating to filling vacancies in offices by appointment of the Governor; providing for what shall be considered an appointment; and requiring that persons appointed to fill a vacancy have the same qualifications for the vacated office and receive same compensation and expenses for the office otherwise provided by law.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Weld, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

Senate Bill 209, Defining term “veteran” as it relates to veteran-owned business.

And,

Senate Bill 280, Moving administration of Civil Air Patrol to Adjutant General.

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 Government Organization.

Respectfully submitted,

Ryan W. Weld,
Chair.

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

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 210, Providing for fair distribution of costs for county development by authorizing assessment and collection of fees.

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

Com. Sub. for Senate Bill 210 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §7-20-1, §7-20-2, §7-20-3, §7-20-6, §7-20-7, §7-20-7a, §7-20-14, §7-20-15, §7-20-16, §7-20-23 and §7-20-24 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto twenty-seven new sections, designated §7-20-25, §7-20-26, §7-20-27, §7-20-28, §7-20-29, §7-20-30, §7-20-31, §7-20-32, §7-20-33, §7-20-34, §7-20-35, §7-20-36, §7-20-37, §7-20-38, §7-20-39, §7-20-40, §7-20-41, §7-20-42, §7-20-43, §7-20-44, §7-20-45, §7-20-46, §7-20-47, §7-20-48, §7-20-49, §7-20-50 and §7-20-51; and to amend said code by adding thereto a new section, designated §31-15-16d, all relating to Local Powers Act; renaming short title the County Local Powers Act; amending its purpose and legislative findings; amending certain definitions and adding definitions; amending criteria and requirements to implement and collect certain fees; making technical corrections; amending authorization for county commissions related to imposition of impact fees, services fees and other taxes; providing for county commission review and permissive approval of impact fees; amending use of proceeds from sale of bonds; adding payment sources for bonds; allowing the reallocation of certain ad valorem property taxes after ratification of constitutional amendment and procedures and requirements related to reallocation of ad valorem property taxes; specifying effective date; providing requirements

and procedures concerning creation and finalization of county road construction project plans and amendments thereto; specifying public hearing and notice requirements and opportunity for public comment; requiring consent; permitting joint road construction projects; setting forth duties, authorities and jurisdiction of Commissioner of Highways; authorizing intergovernmental agreements and setting forth requirements related thereto; providing for the termination of road construction projects plan; providing for application for approval of road construction project plans and application content; providing for certification of road construction project; providing rule-making authority; providing for acceptance into state road system; qualifying road construction projects as public improvements; providing for reporting by Commissioner of Highways; creating special revenue revolving fund and for county subaccounts; providing for funding and expenditures from account; authorizing West Virginia Economic Development Authority to issue revenue bonds and refunding bonds; permitting cash-basis projects; setting forth requirements concerning issuance, selling, execution and use of bonds; permitting trust agreements; specifying that bonds and other obligations undertaken by the West Virginia Economic Development Authority do not constitute a debt or a pledge of the faith and credit or taxing power of this state or of any county, municipality or any other political subdivision; specifying that bonds are negotiable instruments; providing exemption from taxation; waiving and exempting personal liability; providing that authority for exercise of powers are cumulative and neither powers nor bonds are limited; permitting cash-basis projects; providing for termination of special allocation of property taxes; providing for excess fund deposit; specifying that powers are supplemental; providing for severability; and providing authority and requirements related to West Virginia Economic Development Authority, including authority to issue bonds, limitations, payments, certification and return of unused funds.

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

Respectfully submitted,

Gregory L. Boso,
Chair.

The bill (Com. Sub. for S. B. 210), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Education has had under consideration

Senate Bill 231, Relating to State Board of Education and Medicaid-eligible children.

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

Respectfully submitted,

Kenny Mann,
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 236, Relating to damages for medical monitoring.

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

Com. Sub. for Senate Bill 236 (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 §55-7-31, relating to claims or damages for medical monitoring; providing for certain elements for a claim for medical monitoring damages in addition to the underlying cause of action; requiring future medical surveillance, screening tests or monitoring

procedures are directly related to a presently existing and diagnosable physical disease or injury of a plaintiff; requiring that a plaintiff's presently existing physical disease or injury was caused by the defendant's conduct; and providing that an increased risk of disease is not a compensable basis for damages in any civil action.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Weld, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

Senate Bill 257, Relating to Civil Air Patrol leave and protection of employees performing missions.

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

Com. Sub. for Senate Bill 257 (originating in the Committee on Military)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-1K-3, §15-1K-4, §15-1K-5, §15-1K-6, §15-1K-7, §15-1K-8 and §15-1K-9, all relating to Civil Air Patrol leave and protection of employees performing Civil Air Patrol missions; providing that employers may not discriminate based on an employee's membership in the Civil Air Patrol; and providing that an employee may bring a civil action to enforce the provisions of this article but shall not recover monetary damages.

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

Respectfully submitted,

Ryan W. Weld,
Chair.

The bill (Com. Sub. for S. B. 257), under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 281, Increasing number of limited video lottery machines retailer may have.

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

Com. Sub. for Senate Bill 281 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §29-22B-1101 of the Code of West Virginia, 1931, as amended, relating to increasing the number of limited video lottery terminals allowed at a retail location; increasing the number of limited video lottery terminals located on the premises of certain tax exempt organizations; and requiring Lottery Commission to conduct a bid for permits held by current permit holders expiring June 30, 2021, prior to September 1, 2017.

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

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 337, Hiring correctional officers without regard to placement on correctional officer register.

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,

Craig Blair,
Chair.

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

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 349, Repealing outdated code related to Division of Corrections.

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

Respectfully submitted,

Craig Blair,
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 Weld, Ferns and Maroney:

Senate Bill 387—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2A-1, §16-2A-2, §16-2A-3, §16-2A-4, §16-2A-5 and §16-2A-6, all relating to creating the Ryan Brown Addiction Prevention and Recovery Fund Act; providing funding for drug addiction prevention and treatment not otherwise covered by legislative appropriations, Medicare, Medicaid or private insurance; and requiring West Virginia Department of Health and Human Resources to administer the fund.

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

By Senators Sypolt, Azinger, Boso, Cline, Ferns, Karnes, Maynard, Ojeda, Rucker, Smith, Takubo, Trump and Maroney:

Senate Bill 388—A Bill to amend and reenact §61-7-6, §61-7-11a and §61-7-14 of the Code of West Virginia, 1931, as amended, all relating to dangerous weapons.

Referred to the Committee on the Judiciary.

By Senators Takubo, Stollings, Blair and Mullins:

Senate Bill 389—A Bill to amend and reenact §16-2D-10 of the Code of West Virginia, 1931, as amended, relating to creating an exemption from certificate of need for services and equipment purchased solely for use in private physician offices.

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

By Senators Takubo, Stollings, Unger, Blair and Maroney:

Senate Bill 390—A Bill to amend and reenact §30-3-13a of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-14-12d of said code, all relating to the practice of medicine and telemedicine; providing exception to prescribing

limitation for Schedule II controlled substances via telemedicine for certain diagnosed pediatric patients.

Referred to the Committee on Health and Human Resources.

By Senators Takubo, Stollings, Unger and Boso:

Senate Bill 391—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5W-1, §16-5W-2 and §16-5W-3, all relating to requiring the Commissioner of the Bureau for Public Health to establish a call-in center for state residents to receive assistance with health care; setting forth requirements for operation of a center; setting powers and duties of the commissioner; and granting rule-making authority.

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

By Senator Gauch:

Senate Bill 392—A Bill to amend and reenact §8-22A-2, §8-22A-17 and §8-22A-18 of the Code of West Virginia, 1931, as amended, all relating to the Municipal Police Officers and Firefighters Retirement System; defining the term “vested”; clarifying factors determining duty/nonduty disability payouts; and requiring ten or more years of contributory service as a municipal police officer or municipal firefighter for a member to be eligible to receive benefits for nonduty disability.

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

By Senators Gauch and Maroney:

Senate Bill 393—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 administration of municipal pensions; establishing procedures to correct errors in the administration of municipal pensions; making the act of fraud in relation to a record of a municipal pension a felony; and providing for criminal penalties.

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

By Senators Plymale, Unger and Maroney:

Senate Bill 394—A Bill to amend and reenact §18-2-6 of the Code of West Virginia, 1931, as amended, relating to generally 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.

By Senators Ferns, Blair, Takubo and Mullins:

Senate Bill 395—A Bill to repeal §9-5-19 of the Code of West Virginia, 1931, as amended; to repeal §16-2D-1, §16-2D-2, §16-2D-3, §16-2D-4, §16-2D-5, §16-2D-5c, §16-2D-5f, §16-2D-6, §16-2D-7, §16-2D-8, §16-2D-9, §16-2D-10, §16-2D-11, §16-2D-12, §16-2D-13, §16-2D-14, §16-2D-15, §16-2D-16, §16-2D-17, §16-2D-18, §16-2D-19 and §16-2D-20 of said code; to repeal §16-29I-1, §16-29I-2, §16-29I-3, §16-29I-4, §16-29I-5, §16-29I-6, §16-29I-7, §16-29I-8, §16-29I-9 and §16-29I-10 of said code; to repeal §33-15B-5 of said code; to amend and reenact §5F-1-3a of said code; to amend and reenact §6-7-2a of said code; to amend and reenact §9-4C-7 and §9-4C-8 of said code; to amend and reenact §16-5B-17 of said code; to amend and reenact §16-5F-2, §16-5F-3, §16-5F-4, §16-5F-5 and §16-5F-6 of said code; to amend said code by adding thereto a new section, designated §16-5F-8; to amend said code by adding thereto two new sections, designated §16-29B-30 and §16-29B-31; to amend and reenact §16-29G-1, §16-29G-2, §16-29G-3, §16-29G-4, §16-29G-5, §16-29G-6, §16-29G-7 and §16-29G-8 of said code; to amend and reenact §21-5F-4 of said code; and to amend and reenact §33-16D-

16 of said code, all relating to the West Virginia Health Care Authority; eliminating the Health Care Authority; providing for an effective date for closure of the Health Care Authority; eliminating the salaries of board members from code; eliminating an outdated report; eliminating the Health Care Authority from the Health Care Provider Medicaid Enhancement Act; eliminating certificate of need; providing for an effective date for the elimination of certificate of need; providing that any pending applications for certificate of need are deemed approved following the effective date; continuing the moratorium on specified services; moving the Infection Control Advisory Panel to the Department of Health and Human Resources; transferring health care financial disclosure to the Department of Health and Human Resources; providing for an effective date for the transfer of the health care financial disclosure; requiring the Health Care Authority to develop a transition and closure plan; providing for an effective date for submittal of the transition and closure plan; setting out required elements of the plan; transferring the State Privacy Office to the Office of the Governor; providing for an effective date for the transfer of the State Privacy Office; transferring the West Virginia Health Information Network to the Office of Technology; providing for an effective date for the transfer of the West Virginia Health Information Network; transferring funding of the West Virginia Health Information Network to the Office of Technology; transferring rule-making authority for the West Virginia Health Information Network from the Health Care Authority to the Office of Technology; providing for continuation of existing rules until amended, modified, repealed or superseded by the Office of Technology; modifying payment of administrative penalties for violation of the Nurse Overtime and Patient Safety Act into the General Revenue Fund; substituting the Insurance Commission for duties of the Health Care Authority relative to marketing and rate practices for small employer accident and sickness insurance policies; and making conforming amendments.

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

By Senators Sypolt, Azinger, Blair, Boso, Smith and Swope:

Senate Bill 396—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §54-2-14b, relating to setting forth how minerals are to be valued in eminent domain actions.

Referred to the Committee on the Judiciary.

By Senators Takubo and Maroney:

Senate Bill 397—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-7K-1, §55-7K-2, §55-7K-3, §55-7K-4, §55-7K-5, §55-7K-6, §55-7K-7, §55-7K-8, §55-7K-9, §55-7K-10, §55-7K-11 and §55-7K-12, all relating to granting immunity to health care providers who provide medical services to low-income persons in this state; setting out findings and intent; defining terms; providing immunity from civil liability upon execution of a contract; setting out contract requirements; setting out contract terms; requiring notice to patients; setting out notice contents; required reporting of adverse incidents; requiring a quality assurance program to be developed; required reporting to the Legislature; providing for payment of litigation costs; setting out applicability; setting out construction of the article; and requiring rulemaking.

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

By Senators Takubo, Stollings, Unger and Maroney:

Senate Bill 398—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-30-1, §29-30-2, §29-30-3, §29-30-4, §29-30-5, §29-30-6, §29-30-7, §29-30-8, §29-30-9, §29-30-10, §29-30-11 and §29-30-12, all relating to creating the Emergency Volunteer Health Practitioners Act; defining terms; providing for applicability of the article; regulating the practice of volunteer health practitioners during an emergency; creating a registration system; granting reciprocity to licenses issued to volunteer health practitioners in other states during an emergency; allowing for credentialing and privileges of a volunteer health practitioner; providing for sanctions; relating

article to other laws of the state; providing for limitation of liability; allowing volunteer health practitioners to collect workers' compensation; and providing for rulemaking by the Secretary of the Department of Health and Human Resources.

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

By Senators Ferns, Blair and Trump:

Senate Bill 399—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 and §21-5A-5, all relating to prohibiting political subdivisions from enacting local ordinances regulating benefits employers provide to their employees.

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

By Senator Blair:

Senate Bill 400—A Bill to amend and reenact §31-15A-3 of the Code of West Virginia, 1931, as amended, relating to eliminating an unnecessary and contradictory provision concerning appointments to the West Virginia Infrastructure and Jobs Development Council.

Referred to the Committee on Government Organization.

By Senators Gaunch and Takubo:

Senate Bill 401—A Bill to amend and reenact §18A-4-7a of the Code of West Virginia, 1931, as amended, relating to permitting a county board of education to base its employment decisions, transfers, reassignments, reducing the number of professional personnel, reductions in classroom teaching positions and reductions in the workforce on an individual's qualifications; and setting forth the factors to be considered when determining an individual's qualifications.

Referred to the Committee on Education.

By Senators Takubo, Stollings and Romano:

Senate Bill 402—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-

11E-1, §47-11E-2, §47-11E-3, §47-11E-4 and §47-11E-5, all relating to covenants not to compete between physicians and hospitals; defining terms; setting forth prohibition against contract terms in certain circumstances; providing for enforceability of other contract terms; providing for exemptions; and setting forth an effective date.

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

By Senators Gaunch, Takubo, Maroney, Romano and Boso:

Senate Bill 403—A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to reducing state income tax liability for certain retired public employees; increasing the amount of retirement income received from certain state and federal retirement systems that is excluded from the calculation of income subject to state personal income taxes; and establishing an effective date for the increased exclusion.

Referred to the Committee on Finance.

By Senators Gaunch, Takubo, Maroney, Romano, Boso and Plymale:

Senate Bill 404—A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to reducing state income tax liability for certain retired public employees; increasing the amount of retirement income received from certain state and federal retirement systems that is excluded from the calculation of income subject to state personal income taxes; and establishing an effective date for the increased exclusion.

Referred to the Committee on Finance.

Senators Stollings, Unger, Gaunch, Cline, Prezioso, Takubo, Maroney, Romano, Boso and Plymale offered the following resolution:

Senate Resolution 18—Designating the week of March 5-11, 2017, as MS Awareness Week.

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

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

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

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

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

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

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

Resolved by the Senate:

That the Senate hereby designates the week of March 5-11, 2017, as MS Awareness Week; and, be it

Further Resolved, The Senate encourages all West Virginians to learn more about multiple sclerosis and what they can do to support individuals with MS and their families; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of MS Awareness Week.

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 Unger, and by unanimous consent, the remarks by Senators Stollings and Ojeda regarding the adoption of Senate Resolution 18 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 18, US Marine CPL Walter Vincent Filipek 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 19, Blue Demon 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. Senate Bill 188, Correcting definition of “telehealth” in medication-assisted treatment programs.

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

The nays were: None.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 188) 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 Com. Sub. for Senate Bill 222, Relating to disqualification for unemployment benefits.

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

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Committee Substitute for Senate Bill 222 pass?”

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld and Carmichael (Mr. President)—22.

The nays were: Facemire, Jeffries, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger and Woelfel—11.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 222) 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 242, Relating to school calendars.

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

The nays were: None.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 242) passed with its title.

Senator Ferns moved that the bill take effect July 1, 2017.

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

The nays were: None.

Absent: Beach—1.

So, 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. 242) takes effect July 1, 2017.

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 182, Providing procedures that prevent disqualifying low bids for government construction contracts due to document technicalities.

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

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

On page three, section one, line thirty-nine, after the word “shall” by inserting the word “promptly”;

On page five, section five, line four, after the word “shall” by inserting the word “promptly”;

And,

On page ten, section eleven, line seven, after the word “shall” by inserting the word “promptly”.

The bill (Com. Sub. for S. B. 182), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 240, Creating crime of nonconsensual distribution of sexual images.

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

Senate Bill 330, Relating to WV Workplace Freedom Act.

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

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

The Senate proceeded to the tenth order of business.

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

Senate Bill 41, Extending time person may be subject to probation.

Com. Sub. for Senate Bill 113, Authorizing DEP promulgate legislative rules.

And,

Senate Bill 325, Relating to crossbow hunting.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Prezioso, Palumbo, Blair and Gaunch.

Thereafter, at the request of Senator Woelfel, and by unanimous consent, the remarks by Senators Prezioso, Palumbo, Blair and Gaunch were ordered printed in the Appendix to the Journal.

Remarks were made by Senator Hall.

Following a point of inquiry to the President, with resultant response thereto,

Remarks were made by Senator Unger.

Thereafter, at the request of Senator Ferns, unanimous consent being granted, the remarks by Senators Hall and Unger were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Cline, the name of Senator Cline was removed as a sponsor of **Senate Bill 351** (*Relating to emergency medical services*).

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Thursday, February 23, 2017, at 11 a.m.

THURSDAY, FEBRUARY 23, 2017

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Michael Brown, Cowen First Baptist Church, Summersville, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Ron Stollings, a senator from the seventh district.

Pending the reading of the Journal of Wednesday, February 22, 2017,

At the request of Senator Smith, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2167—A Bill to amend and reenact §15-3B-3 and §15-3B-4 of the Code of West Virginia, 1931, as amended, relating to including senior citizens in the Silver Alert program; defining a senior citizen; providing a date to include senior citizens in the program; and including senior citizens in criteria to activate the Silver Alert.

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 2300—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-4o; to amend said code by adding thereto a new section, designated §33-16-3aa; to amend said code by adding thereto a new section, designated §33-24-7p; to amend said code by adding thereto a new section, designated §33-25-8m; and to amend said code by adding thereto a new section, designated §33-25A-8o, all relating to regulating step therapy protocols in health benefit plans which provide prescription drug benefits; providing for an exception from the protocols; setting out criteria for the exception; providing for an effective date; and setting out exclusions.

Referred to the Committee on Health and Human Resources.

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

Eng. Com. Sub. for House Bill 2301—A Bill to repeal §16-2J-1, §16-2J-2, §16-2J-3, §16-2J-4, §16-2J-5, §16-2J-6, §16-2J-7, §16-2J-8 and §16-2J-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §30-3F-1, §30-3F-2, §30-3F-3, §30-3F-4 and §30-3F-5, all relating to direct primary care; defining terms; permitting individuals to enter into agreements, for direct primary care with an individual or other legal entity authorized to provide primary

care services, outside of an insurance plan or outside of the Medicaid or Medicare program and pay for the care outside of insurance plans and the Medicaid or Medicare program; providing that insurance benefits are not forfeited by certain purchases; providing that certain products are not the offer of insurance; providing that direct primary care membership agreement is not considered insurance; prohibiting direct primary care providers from billing third-party payers for services or products under the direct primary care membership agreement; providing that a direct primary care provider is not required to obtain certain credentials; prohibiting the billing of third party providers for direct primary care services; stating certain requirements for direct primary care membership agreement; providing rule-making authority by the West Virginia Board of Medicine; the West Virginia Board of Osteopathic Medicine and the West Virginia Board of Examiners for Registered Professional Nurses to effectuate the provisions of this new article; and authorizing civil penalties in the form of sanctions by the respective boards for violations that constitute unprofessional conduct.

Referred to the Committee on Health and Human Resources.

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

Eng. Com. Sub. for House Bill 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; defining terms; repealing existing civil remedies, criminal offense and

penalties for human trafficking; creating criminal felony offenses and penalties for trafficking an individual; creating criminal felony offenses and penalties for using an individual in forced labor; creating criminal felony offenses and penalties for using an individual in debt bondage; creating criminal felony offenses and penalties for compelling an adult through coercion to engage in commercial sexual activity; creating a criminal felony offense for maintaining or making available a minor 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 offense; creating a criminal felony offense of patronizing an individual to engage in commercial sexual activity; clarifying that each victim shall be considered 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; providing for disgorgement of profits and debarment from state and local government contracts; making victims 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 of an offense under this article; 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.

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 2347—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-27-15, relating to allowing schools licensed to provide barber, cosmetology and related training to hold

theory classes and clinical classes at separate locations; and prohibiting schools licensed to provide barber, cosmetology and related training from being established within the same physical structure as a salon, spa, or similar business.

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 2348—A Bill to amend and reenact §30-27-12 of the Code of West Virginia, 1931, as amended, relating to eliminating any requirement that class hours of students be consecutive.

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 2431—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-3-4a, relating to allowing influenza immunizations to be offered to patients and residents of specified facilities on a voluntary basis.

Referred to the Committee on Health and Human Resources.

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 Bills 118, 119, 120, 121, 122, 123, 124, 125 and 126, Health Care Authority rule relating to Hospital Assistance Grant Program.

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

Com. Sub. for Senate Bill 125 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-5-1 and §64-5-2 of the Code of West Virginia, 1931, as amended, all relating to authorizing the Health Care Authority to promulgate a legislative rule relating to the Hospital Assistance Grant Program; authorizing the Health Care Authority to promulgate a legislative rule relating to certificate of need; authorizing the Health Care Authority to promulgate a legislative rule relating to exemption from certificate of need; authorizing the Health Care Authority to promulgate a legislative rule relating to Rural Health Systems Grant Program; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to expedited partner therapy; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to clinical laboratory technician and technologist licensure and certification; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to clandestine drug laboratory remediation; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medication-assisted treatment—opioid treatment programs; and authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medication-assisted treatment—office-based, medication-assisted treatment.

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 214, Adopting Uniform Electronic Legal Material Act.

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

Com. Sub. for Senate Bill 214 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §39-6-1, §39-6-2, §39-6-3, §39-6-4, §39-6-5, §39-6-6, §39-6-7, §39-6-8, §39-6-9, §39-6-10 and §39-6-11, all relating to adopting the Uniform Electronic Legal Material Act; providing a short title; providing applicability to legal materials designated official; designating legal material in official records; providing for authentication of electronic records; addressing effects of authentication; providing for preservation and security of legal material in official electronic record; providing for public access to legal materials in electronic records; creating standards for preservation and authentication; providing uniformity of application and construction; and addressing its effect on the Electronic Signatures in Global and National Commerce Act.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
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 238, Increasing tax credits allowed for rehabilitation of certified historic structures.

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 Gaunch, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 321, Reporting requirements of employee information to CPRB.

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

Respectfully submitted,

C. Edward Gaunch,
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 341, Establishing WV business growth in low-income communities tax credit.

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

Com. Sub. for Senate Bill 341 (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 §11-13DD-1, §11-13DD-2, §11-13DD-3, §11-13DD-4, §11-13DD-5, §11-13DD-6, §11-13DD-7, §11-13DD-8, §11-13DD-9 and §11-13DD-10, 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 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. 341), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Pensions has had under consideration

Senate Bill 354, Relating to municipalities' policemen and firemen pension plans.

Senate Bill 355, Relating to required minimum distribution of retirement benefits from plans administered by CPRB.

And,

Senate Bill 371, Requiring CPRB adopt smoothing method regarding gains and losses on Teachers Retirement System Fund assets.

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 Finance.

Respectfully submitted,

C. Edward Gaunch,
Chair.

The bills, under the original double committee references, were 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 and joint resolution were introduced, read by their titles and referred to the appropriate committees:

By Senator Blair:

Senate Bill 405—A Bill to amend and reenact §17A-3-23 of the Code of West Virginia, 1931, as amended, relating to providing the West Virginia Attorney General the ability to operate state-owned or -leased vehicles without a green “State Car” registration plate.

Referred to the Committee on Government Organization.

By Senator Takubo:

Senate Bill 406—A Bill to amend and reenact §30-5-12b of the Code of West Virginia, 1931, as amended, relating to generic drug products; and making these provisions retroactive.

Referred to the Committee on the Judiciary.

By Senators Gaunch, Blair, Maroney, Trump and Romano:

Senate Bill 407—A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-7-5 and §61-7-6a of said code, all relating to concealed weapons permits; clarifying the right of certain persons to carry a concealed weapon while hunting or fishing; when a license to carry a deadly weapon may be revoked; and making technical changes

to the statute relating to reciprocity and recognition of out-of-state gun permits.

Referred to the Committee on the Judiciary.

By Senators Trump and Blair:

Senate Bill 408—A Bill to repeal §29-6-1, §29-6-2, §29-6-3, §29-6-4, §29-6-5, §29-6-6, §29-6-7, §29-6-7a, §29-6-8, §29-6-9, §29-6-10, §29-6-10a, §29-6-11, §29-6-12, §29-6-14, §29-6-16, §29-6-17, §29-6-19, §29-6-20, §29-6-21, §29-6-22, §29-6-23, §29-6-24, §29-6-25, §29-6-26, §29-6-27 and §29-6-28 of the Code of West Virginia, 1931, as amended; to amend and reenact §6C-2-2 of said code; and to amend said code by adding thereto a new article, designated §6C-5-1, §6C-5-2, §6C-5-3, §6C-5-4, §6C-5-5, §6C-5-6, §6C-5-7, §6C-5-8, §6C-5-9, §6C-5-10, §6C-5-11, §6C-5-12, §6C-5-13 and §6C-5-14, all relating to public employees; and eliminating the state classified service system.

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

By Senator Karnes:

Senate Bill 409—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-21-97, all relating to modifying exemptions for the consumers sales and service tax; and repealing the personal income tax.

Referred to the Select Committee on Tax Reform; and then to the Committee on Finance.

By Senator Sypolt:

Senate Bill 410—A Bill to amend and reenact §20-2-19 of the Code of West Virginia, 1931, as amended, relating to marking traps with a Division of Natural Resources identification tag.

Referred to the Committee on Natural Resources.

By Senator Blair:

Senate Bill 411—A Bill to repeal §21-5-7 of the Code of West Virginia, 1931, as amended, relating to a prime contractor's responsibility for wages and benefits.

Referred to the Committee on the Judiciary.

By Senator Blair:

Senate Bill 412—A Bill to amend and reenact §21-1C-5 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Jobs Act; reporting requirements; and providing that certified payroll information is not required but that other information as to persons employed may be submitted.

Referred to the Committee on Government Organization.

By Senator Blair:

Senate Bill 413—A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended, relating to bidding on government construction contracts; limiting number of alternate bids on government construction contracts; and setting forth procedures for consideration of alternate bids.

Referred to the Committee on Government Organization.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 414—A Bill to repeal §17-16B-1, §17-16B-2, §17-16B-3, §17-16B-4, §17-16B-5, §17-16B-6, §17-16B-7, §17-16B-7a, §17-16B-7b, §17-16B-8, §17-16B-9, §17-16B-10, §17-16B-11, §17-16B-12, §17-16B-13, §17-16B-14, §17-16B-15, §17-16B-16, §17-16B-17, §17-16B-18, §17-16B-19, §17-16B-20, §17-16B-21 and §17-16B-22 of the Code of West Virginia, 1931, as amended; to repeal §29-2A-1, §29-2A-2, §29-2A-3, §29-2A-3a, §29-2A-4, §29-2A-5, §29-2A-6, §29-2A-7, §29-2A-8, §29-2A-9, §29-2A-10, §29-2A-11, §29-2A-11a, §29-2A-11b, §29-2A-11c, §29-2A-11d, §29-2A-11e, §29-2A-11f, §29-2A-12, §29-2A-13, §29-2A-14, §29-2A-17, §29-2A-18, §29-2A-19, §29-2A-20, §29-2A-21, §29-2A-22, §29-2A-23, §29-2A-24, §29-2A-25, §29-2A-26, §29-2A-27 and §29-2A-28 of said code; to repeal §29-18-1, §29-18-2, §29-18-3, §29-18-4, §29-18-4a, §29-18-5, §29-18-6, §29-18-7, §29-18-8, §29-18-9, §29-18-10, §29-18-11, §29-18-12, §29-18-13, §29-18-14, §29-18-15, §29-18-16, §29-18-17, §29-18-18, §29-18-19, §29-18-20, §29-18-21, §29-18-22, §29-18-23, §29-18-24 and §29-18-25 of said code; to amend and reenact §5F-2-1 of said code; and

to amend said code by adding thereto a new article, designated §17-16F-1, §17-16F-2, §17-16F-3, §17-16F-4, §17-16F-5, §17-16F-6, §17-16F-7, §17-16F-8, §17-16F-9, §17-16F-10, §17-16F-11, §17-16F-12, §17-16F-13, §17-16F-14, §17-16F-15, §17-16F-16, §17-16F-17, §17-16F-18, §17-16F-19, §17-16F-20, §17-16F-21, §17-16F-22, §17-16F-23, §17-16F-24, §17-16F-25, §17-16F-26, §17-16F-27, §17-16F-28, §17-16F-29, §17-16F-30, §17-16F-31 and §17-16F-32, all relating to the creation of the Division of Multimodal Transportation; combining the powers and duties and eliminating certain references to the Public Port Authority, the West Virginia State Rail Authority and the state Aeronautics Commission; providing for legislative findings and creation of the division; transferring employees, equipment, assets, liabilities, contracts, agreements, functions and duties to the division; providing for all property currently held by the Public Port Authority, the West Virginia State Rail Authority and the state Aeronautics Commission to be transferred to the division; authorizing the Secretary of the Department of Transportation to appoint the director; providing for qualifications for the director; establishing general powers and duties of the director; defining terms; establishing the powers and duties of the division generally; requiring division to promote, supervise and support safe, adequate and efficient transportation, preserve rail, water, highway and airway facilities and promote economic development and tourism; authorizing division to work cooperatively with similar entities within and without the state; providing for siting, development and operation of facilities; authorizing employment of trained and qualified staff and consultants and compensating therefor; providing the right to enter into contracts and agreements; authorizing acquisition of various types and interests in property to be held in the name of the state; authorizing use of eminent domain; authorizing acquisition and disposal of property by various means; authorizing interagency cooperation; authorizing division to act on behalf of the state in planning, financing, development, construction and operation of port, railroad and aeronautic projects or facilities; reporting annually to Legislature on status of projects, operations, finances and related information; authorizing study and assessment of state transportation needs; authorizing use of various financing options including issuing revenue bonds and receipt of

grants and loans; authorizing division to make grants and loans to governmental agencies and persons for multimodal transportation projects; permitting collection of reasonable fees and charges connected to making and servicing loans, notes, bonds and other obligations; granting rule-making authority to the division; continuing all rules, policies and orders of the combined entities until revised and reissued by the division; requiring strategic plan and reports to the Governor and the Legislature; requiring collection and analysis of shipping through state ports; providing for confidentiality of collected information and providing criminal penalty for violation; providing that division employees may not have direct or indirect financial interest in contracts, sale of property of the division and providing criminal penalty for violation; providing that activities of division are for public purpose; authorizing the division to use certain property or facilities of a public utility, common carrier, public road, highway or railroad for certain public projects; requiring the division to relocate any such property or facilities; providing for rules regarding relocation or removal of railroad or public utility located on division property; requiring the division to pay for said relocation or removal; encouraging participation of private enterprise in construction and operation of facilities; authorizing lease back to division; authorizing development of foreign trade zones, free trade zones, ports of entry and customs zones; providing for specific duties related to port projects; authorizing the division to act on behalf of the state in developing, operating, improving and maintaining ports; authorizing the division to coordinate and cooperate with other port entities; creating the West Virginia Multimodal Operations Fund and transference of funds and liabilities of the West Virginia Public Port Authority Operations Fund; eliminating local port authority districts; providing for specific duties related to rail projects; authorizing the exercise of powers necessary to qualify for federal subsidies; authorizing various means to carry out rail projects that are consistent with state plan with other entities; providing authority for the division to establish, fund, construct, reconstruct, acquire, repair, replace, operate, maintain and make available to other entities railroad projects; providing that research and development of railroads may be conducted; providing that contracts may be entered into to

acquire various rolling stock, equipment or trackage and providing the requirements therefor; providing for the authority to enter into agreements that are beneficial to railroad projects notwithstanding other code provisions, including the authority to reject bids; authorizing division to purchase various types of insurance; authorizing the collection of fees for use of rail projects; providing for the administration and coordination of a state plan, including the distribution of federal subsidies; providing for investigation, research, promotion and development with public participation; authorizing the provision of fiscal assurances and adoption of accounting procedures necessary to continue subsidies; authorizing compliance with applicable federal regulations; authorizing all actions necessary to maximize federal assistance for rail subsidies; providing powers necessary to coordinate with the Maryland Transit Administration for continued operation in the state, including negotiation and contracting authority; providing that any commuter rail operation agreement will meet certain service standards; providing that any track access fees to be paid pursuant to the agreement shall be paid from the West Virginia Commuter Rail Access Fund; authorizing sale or transfer of interest in rail other property with federal approval when required; authorizing assistance to entities seeking federal railroad service certification, including the provision of any necessary assurances or guarantees; authorizing division to retain attorney or others to title ownership of rail properties within the state; requiring rail properties offered for sale within the state to be offered first to the state; providing that division may acquire railroad rights in other states and may cooperate with other states in so purchasing any rail properties; providing for the division to give consideration to county or municipality interest in acquiring abandoned property interest and providing for the division to acquire any such abandoned property for subsequent conveyance to a county or municipality; authorizing the division to apply for and utilize federal funds or loans in carrying out its purposes of this article; authorizing the purchase of any railroad rolling stock, equipment and machinery necessary for the operation and maintenance of state rail properties and authorizing contracts with the Division of Highways for maintenance or purchase of vehicles; authorizing maintenance, rebuilding or relocation of state rail properties and authorizing

expenditures for the modernization, rebuilding and relocation of any rail properties owned by the state or private carrier; providing for contracting with domestic or foreign entities to provide, maintain or improve rail transportation service on state rail properties; providing for transfer of rail properties to other entities within the state when permitted by the Governor; authorizing the division to resolve conflicts when multiple entities want to utilize the same rail property; providing for proceeds from the sale of state rail property to be deposited in Railroad Maintenance Fund; terminating Railroad Maintenance Authority Fund and creating a Railroad Maintenance Fund for proceeds and expenditures related to division's purpose; authorizing expenditure from any fund for study of proposed rail projects and use of funds from Railroad Maintenance Fund for study and engineering costs; authorizing the issuance of railroad maintenance revenue bonds and notes for costs of rail projects, including issuance of renewal notes and bond refund, with aggregate amount of all issues of bonds and notes outstanding at one time not exceeding amount capable of being serviced by revenues received; providing that issues of bonds or notes are negotiable instruments and are obligations of the division and are payable out of the revenues which are pledged for such payment; providing for maturity date, terms of execution, sale, redemption and delivery; authorizing the establishment of various conditions necessary to secure sufficient funds to protect bonds or notes; providing that person executing bonds or notes is not personally liable therefor; providing for trust agreement to secure bonds issued by division and creating conditions therefor, not including mortgage of any rail project; allocating expenses of bond issuance or trust agreement to rail projects; providing for civil action for bondholders seeking to enforce rights granted; providing that bonds are payable from division revenues and are not a debt of state or political subdivision; restricting division from incurring debt on behalf of state or political subdivision; authorizing use of proceeds from bonds to carry out division's powers and prohibiting commingling with other funds; providing for the investment of excess funds by West Virginia State Board of Investments; authorizing division to collect rents or revenues for use of rail projects; providing for cooperation with other governmental agencies to effect acquisition of rail project or bond issuance;

authorizing division to maintain rail projects in good repair; providing that railroad maintenance bonds are lawful investments for various entities; continuing West Virginia Commuter Rail Access Fund which is administered by division director; requiring division to establish a state rail plan that complies with federal requirements for funding; providing for specific duties related to aeronautics projects; authorizing division to advance development of aeronautics in cooperation with municipalities; authorizing rules necessary for public safety related to airports and aeronautics; providing for the expenditure of funds for various needs of Civil Air Patrol; authorizing division to fund grants for public airport authorities; authorizing division to receive federal funding to support airports or air navigation facilities; and providing for procedures and conditions for use of federal funds.

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

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 415—A Bill to amend and reenact §11-13A-3a of the Code of West Virginia, 1931, as amended, relating generally to severance tax imposed on privilege of severing natural gas for sale, profit or commercial use; specifying effective date; and making technical corrections.

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

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 416—A Bill to amend and reenact §17-27-5 and §17-27-9 of the Code of West Virginia, 1931, as amended, all relating to the Public-Private Transportation Facilities Act; removing the cost limitation on projects completed by the Division of Highways; and eliminating the sunset provision.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 417—A Bill to amend and reenact §17-2D-2 of the Code of West Virginia, 1931, as amended, relating to eliminating the financial limitations on utilizing the Highway Design-Build Program for highway construction.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 418—A Bill to repeal §18B-11B-1, §18B-11B-2, §18B-11B-3, §18B-11B-4, §18B-11B-5 and §18B-11B-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-1-2 and §16-1-4 of said code; to amend said code by adding thereto a new article, designated §16-1D-1, §16-1D-2, §16-1D-3, §16-1D-4, §16-1D-5, §16-1D-6, §16-1D-7, §16-1D-8 and §16-1D-9; to amend said code by adding thereto a new article, designated §16-1E-1, §16-1E-2, §16-1E-3, §16-1E-4, §16-1E-5 and §16-1E-6; to amend and reenact §16-2-2 and §16-2-11 of said code; to amend said code by adding thereto a new section, designated §18-2-41; to amend said code by adding thereto a new section, designated §21A-1-9; to amend said code by adding thereto a new section, designated §60A-4-414; to amend and reenact §60A-9-3, §60A-9-4, §60A-9-5, §60A-9-5a, §60A-9-6 and §60A-9-7 of said code, all relating to the Comprehensive Substance Use Reduction Act, a comprehensive response to the state's opioid drug crisis; amending the definition of "basic public health services" to include "harm reduction"; creating the Office of Drug Control Policy; authorizing approval and certification of harm reduction programs; authorizing the State Health Officer to engage in an examination of prescribing and treatment of persons suffering a fatal or nonfatal opiate overdose; authorizing the State Health Officer, in conjunction with the Office of Drug Control Policy, to develop guidelines for prescribing opioids for acute pain; authorizing pilot projects for prevention and treatment services for low-income, pregnant substance abusers; prioritizing pregnant women for substance use disorder treatment referrals; establishing a duty for

health care providers to encourage counseling and treatment of pregnant women suffering from substance use disorder; prohibiting the filing of a petition to terminate parental rights when a pregnant woman initiates drug abuse treatment; requiring the Secretary of the Department of Health and Human Resources to establish and maintain an unused prescription drug disposal program; continuing the West Virginia Poison Control Center under the supervision and direction of the State Health Officer; requiring the Department of Education and the Bureau for Public Health to develop a comprehensive health education curriculum for grades K through 12; authorizing the State Board of Education to adopt the comprehensive health education curriculum developed by the Bureau for Public Health for grades K through 12; requiring the creation of a liaison position in WorkForce West Virginia to coordinate employment services for persons seeking substance use disorder treatment; requiring WorkForce West Virginia to develop a pilot project to foster collaboration between employers and organizations providing substance use disorder treatment; prohibiting the prosecution of persons who disclose the possession of a hypodermic needle or syringe containing any minuscule or residual controlled substance to law enforcement or other first responders; continuing the Controlled Substance Monitoring Program under the supervision and direction of the Office of Drug Control Policy; and authorizing the secretary to propose legislative rules, including the promulgation of emergency rules.

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

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 419—A Bill to amend and reenact §21-3-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-3C-11 of said code; to amend and reenact §21-3D-8 of said code; to amend and reenact §21-5-5c of said code; to amend and reenact §21-9-9 of said code; to amend and reenact §21-10-4 of said code; to amend and reenact §21-11-17 of said code; to amend and reenact §21-14-9 of said code; to amend and reenact §21-15-7 of said code; to amend and reenact §21-16-10 of said code; to

amend and reenact §47-1-8, §47-1-20, §47-1-21 and §47-1-22 of said code; and to amend and reenact §47-1A-10 and §47-1A-14 of said code, all relating to the creation of special revenue funding sources for the Division of Labor to meet its statutory obligations; establishing Steam Boiler Fund; establishing HVAC Fund; establishing Plumbing Work Fund; establishing Psychophysiological Examiners Fund; establishing Bedding and Upholstery Fund; removing requirement that fees from issuing licenses to administer psychophysiological detection of deception, lie detector or similar examinations be deposited in the General Revenue Fund; authorizing the commissioner to charge fees for the registration of service persons and service agencies, and the registration of businesses that use weighing and measuring devices for commercial purposes and directing such fees to the Weights and Measures Fund; authorizing the commissioner to promulgate emergency legislative rules to administer and enforce fees on service persons and service agencies and businesses using weighing and measuring devices; directing civil penalty fees to the Weights and Measures Fund; removing requirement that the commissioner approve applications for sterilization permits held in states other than West Virginia only after personal inspection of such sterilizer or disinfectant; increasing fees for the issuance of certificates of operation of elevators; establishing late fees; establishing reissuance fee for revoked or expired permits; increasing registration fees for manufacturers of bedding, upholsters and renovators; increasing permitting fees for sterilizers; authorizing the commissioner to promulgate legislative rules; and making general edits and clarifications.

Referred to the Committee on Finance.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 420—A Bill to amend and reenact §18-2-5b, §18-2-24, §18-2-26 and §18-2-26a of the Code of West Virginia, 1931, as amended; to amend and reenact §18-2E-5 of said code; to amend and reenact §18-5-13 and §18-5-45 of said code; to amend and reenact §18-9A-8a of said code; to amend and reenact §18-9D-16 of said code; to amend and reenact §18A-4-2 and §18A-4-14 of

said code; and to amend and reenact §30-31-11 of said code, all relating generally to education; abolishing regional education service agencies and providing for the transfer of property and records; establishing the County Superintendents' Advisory Council; setting forth the council's authority and responsibilities, including the formation of four geographic quadrants to carry out the work of the council; requiring reports; removing requirement of county boards within Regional Education Service Agency (RESA) areas to meet to identify areas of shared services; removing the requirement of the West Virginia School Board Association to submit annual reports on recommended county level shared services and functions to the Legislative Oversight Committee on Education Accountability; requiring state summative assessments in English language arts and math to be administered in grades three through eight and once in grades nine through twelve; requiring state summative assessment in science to be administered once in grades three through eight, six through nine and ten through twelve; requiring the State Board of Education to review or develop and approve a college- and career- readiness assessment to be administered in eleventh grade; eliminating the Office of Education Performance Audits and transitioning to a process of continuous improvement and performance measures; amending school accreditation, accountability and school performance to include multiple measures; preventing the use of one measure for accreditation of schools and school systems; including student growth as a measure that may be used for school and school system accreditation; eliminating intervention at the school level; changing the county level intervention process by the State Board of Education; transferring coordination functions of RESA to county school systems; requiring the State Board of Education to set a minimum number of hours or minutes of instructional time per year to use to meet one hundred eighty separate days of instruction; providing up to five days in the school calendar that may be "reimagined" and used to meet the one hundred eighty separate days of instruction requirement; reducing funding allowance for RESA; removing "economies of scale" language from guidelines for the School Building Authority project proposals; providing for a pay raise for classroom teachers; requiring uninterrupted time for planning periods each week to be

used for instructional planning; and removing the outdated requirement for the State Board of Education to conduct a study on planning periods and report findings to the Legislative Oversight Committee on Education Accountability.

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

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 421—A Bill to amend and reenact §17-17A-1 of the Code of West Virginia, 1931, as amended, relating to increasing the amount of authorized federal Grant Anticipation Notes the Division of Highways may apply for from \$200 million to \$500 million.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senators Takubo and Stollings:

Senate Bill 422—A Bill to amend and reenact §60A-2-204 of the Code of West Virginia, 1931, as amended, relating to the Uniform Controlled Substances Act; the schedule of drugs and hallucinogenic substances; and providing that the sale, wholesale, dispensing or prescribing of cannabidiol in a product approved by the Food and Drug Administration with a tetrahydrocannabinol content below 0.2% per dosage is permitted.

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

By Senator Weld:

Senate Bill 423—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-25, relating to operation of licensed group homes; requiring the Department of Health and Human Resources to seek a waiver from the Centers for Medicare and Medicaid Services for existing group homes in this state; and requiring the Department of Health and Human Resources to amend filings with the Centers for Medicare

and Medicaid Services to allow a greater number of occupants to be served in licensed group homes.

Referred to the Committee on Health and Human Resources.

By Senators Rucker, Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Ojeda, Prezioso, Smith, Swope, Sypolt, Takubo, Trump, Unger and Weld:

Senate Bill 424—A Bill to amend and reenact §16-2F-1, §16-2F-2, §16-2F-3, §16-2F-4, §16-2F-5, §16-2F-6 and §16-2F-8 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-2F-6a, all relating generally to requirements and provisions for notice of requested abortions to parties responsible for care of unemancipated minors and other incompetent females; updating findings and definitions; prohibiting an abortion for an unemancipated minor patient in the absence of written notice to a responsible parent or other party; creating an exception and a documentation process in the event of a medical emergency; establishing a procedure for waiver of notice requirements through court petition; providing a right of appeal; requiring physicians to submit reports and documentation to the Secretary of the Department of Health and Human Resources; requiring the production of annual statistical reports; and creating a civil cause of action for knowing failure to provide required notice.

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

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 425—A Bill to amend and reenact §5-26-1 and §5-26-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §5-26-3 and §5-26-4, all relating to responsibilities and functions of the Herbert Henderson Office of Inclusion; changing the name of the Herbert Henderson Office of Minority Affairs to the Herbert Henderson Office of Inclusion; requiring the office to report to the Select Committee on Minority Affairs; requiring the director to

review and consider any recommendations of the Select Committee on Minority Affairs; defining terms; continuing the Minority Affairs Fund under the name of the Office of Inclusion Fund; establishing a community-based pilot demonstration project; providing for operation and funding of a pilot project; setting forth objectives and goals of said pilot project; and requiring the leveraging of existing resources.

Referred to the Committee on Government Organization.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Joint Resolution 6—Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof by adding thereto a new section, designated section twelve, relating to authorizing the Legislature to issue and sell state bonds not exceeding the aggregate amount of \$1.6 billion to be used for improvement and construction of state roads; numbering and designating such proposed amendment; authorizing a special election on the ratification or rejection of the amendment to take place in 2017 to be set by the Governor; and providing a summarized statement of the purpose of such proposed amendment.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

Senators Maynard and Stollings offered the following resolution:

Senate Concurrent Resolution 20—Requesting the Division of Highways to name bridge number 50-152-5.70, (50A112), (37.99842, -82.40667), locally known as the Missouri Branch Beam Span, carrying West Virginia Route 152 over the West Fork of Twelvepole Creek, the “Curtis ‘Pap’ and Millie ‘Mammie’ Asbury Bridge”.

Whereas, Curtis Asbury was born on September 24, 1917, in Wayne, West Virginia, and his devoted wife, Millie Ferguson, was born on April 24, 1924, and were married in 1939; and

Whereas, Curtis and Millie Asbury established, owned and operated Asbury's Grocery located at the entrance to Cabwaylingo Park Road for fifty-two years. The grocery store became a vital source for community members. For five generations, the store not only provided necessary food and other goods but also became a meeting place for community members to gather in the mornings and evenings to discuss everything from politics to family life. It was the bus stop where school children of all ages would go and be met with a smile, a hug and a piece of fruit or candy; and

Whereas, Almost every person in the community of Dunlow, West Virginia, has been touched by Curtis and Millie's kindness and generosity. The love that they both had for their community was displayed by their hardworking, gentle and giving spirits. They were devoted to making their small community a better place to live by always extending a helping hand, providing jobs, caring for the elderly and encouraging and guiding the youth. They helped develop and organize their small community by creating local churches, directing Sunday school classes and working to fulfill the needs of the entire community. They treated everyone as their own family and were lovingly referred to as "Mammie" and "Pap". Curtis and Millie Asbury have touched every family in their small community and they should be honored by having this bridge named to commemorate them; and

Whereas, This dedication would serve as an on-going reminder of Curtis and Millie's commitment to making our community a better place to live and to making our citizens better people; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 50-152-5.70, (50A112), (37.99842, -82.40667), locally known as the Missouri Branch Beam Span, carrying West Virginia Route 152 over the West Fork of Twelvepole Creek, the "Curtis 'Pap' and Millie 'Mammie' Asbury Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs

identifying the bridge as the “Curtis ‘Pap’ and Millie ‘Mammie’ Asbury Bridge”; and, be it

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

Which, under the rules, lies over one day.

Senators Clements, Boso, Maroney, Weld and Stollings offered the following resolution:

Senate Concurrent Resolution 21—Requesting the Division of Highways to name bridge number 31-79-142.37, NB & SB (31A159, 31A160), (39.51978, -80.04148), locally known as Whiteday Creek Bridge, carrying Interstate 79 NB and SB over Whiteday Creek and County Route 73/1 in Monongalia County, the “U. S. Army CPL Daniel Frederick Mehringer Memorial Bridge”.

Whereas, Daniel Frederick Mehringer was born in Randolph County, West Virginia, on June 23, 1986. He resided in Barbour County, West Virginia, until he was 15 years of age, when he moved to Monongalia County. He graduated from Morgantown High School in 2004; and

Whereas, Daniel Frederick Mehringer enlisted in the Army prior to graduation, as he had always wanted to serve his country in the military. Following graduation, he completed basic training at Ft. Benning, Georgia, and was then assigned to the 82nd Airborne Division at Ft. Bragg, NC. He was very proud to be a paratrooper; and

Whereas, Daniel Frederick Mehringer married his high school sweetheart, Marialies, on June 18, 2006. They resided together on base at Ft. Bragg until he was deployed to Afghanistan, just a short six months later, in January 2007. He continued his college education via the internet and hoped one day to be an engineer. He worked in the Army intelligence section, doing classified work; and

Whereas, Daniel Frederick Mehringer died on April 27, 2007, in Bagram, Afghanistan, in a noncombat incident. He was promoted posthumously to Corporal for his meritorious service. He was a proud American and West Virginian; and

Whereas, Naming this bridge is an appropriate recognition of U. S. Army CPL Daniel Frederick Mehringer; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 31-79-142.37, NB & SB (31A159, 31A160), (39.51978, -80.04148), locally known as Whiteday Creek Bridge, carrying Interstate 79 NB and SB over Whiteday Creek and County Route 73/1 in Monongalia County, the “U. S. Army CPL Daniel Frederick Mehringer Memorial Bridge”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army CPL Daniel Frederick Mehringer Memorial Bridge”; and, be it

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

Which, under the rules, lies over one day.

Senators Trump, Cline, Blair and Rucker offered the following resolution:

Senate Resolution 19—Expressing the support of the West Virginia Senate for the confirmation of Judge Neil M. Gorsuch to the United States Supreme Court.

Whereas, The unexpected death of United States Supreme Court Justice Antonin Scalia on February 13, 2016, has left a vacancy in the United States Supreme Court for more than a year; and

Whereas, Justice Scalia's passing was a great loss for the United States Supreme Court, as he was one of the most influential Justices of the last quarter-century; and

Whereas, Justice Scalia's passing has not only left a great void on the United States Supreme Court but has also resulted in a number of tie decisions on legal issues of the utmost importance to the citizens of the United States; and

Whereas, President Donald Trump pledged during his campaign for President to nominate judges to the United States Supreme Court that would follow in the mold of Justice Scalia, bringing a commitment to the statutory text and original meaning of the United States Constitution; and

Whereas, President Donald Trump followed through on his campaign pledge by nominating Judge Neil M. Gorsuch of the United States Court of Appeals for the Tenth Circuit to serve on the United States Supreme Court; and

Whereas, Judge Gorsuch has served for more than a decade as a federal judge on the U. S. Court of Appeals for the Tenth Circuit, developing a distinguished judicial record and reputation; and

Whereas, Judge Gorsuch has a strong record of adherence to the United States Constitution and deciding cases based on the law and not personal policy preferences; and

Whereas, Judge Gorsuch has an incredible academic record, having graduated from Columbia University with honors and Harvard Law School cum laude; and

Whereas, Judge Gorsuch previously served as a law clerk for United States Supreme Court Justices Byron White and Anthony Kennedy; and

Whereas, Judge Gorsuch is an exceptionally qualified and experienced judge who is respected by all; and

Whereas, Judge Gorsuch is exactly the sort of judge that President Donald Trump promised and exactly the type of judge the American people want; and

Whereas, Judge Gorsuch was previously confirmed by the United States Senate without opposition on July 20, 2006, to the United States Court of Appeals for the Tenth Circuit; and

Whereas, Judge Gorsuch is the epitome of a “mainstream judge” that should easily be confirmed; therefore, be it

Resolved by the Senate:

That the West Virginia Senate hereby expresses its support for the confirmation of Judge Neil M. Gorsuch to the United States Supreme Court; and, be it

Further Resolved, That the West Virginia Senate urges the United States Senate to move swiftly to confirm Judge Gorsuch as the next Justice of the United States Supreme Court so as to alleviate the current 4-4 split on the court; and, be it

Further Resolved, That the West Virginia Senate expresses its concern that certain members of the United States Senate might attempt to filibuster Judge Gorsuch’s nomination for political purposes; and, be it

Further Resolved, That the West Virginia Senate thus urges West Virginia’s representatives in the United States Senate, Senators Joe Manchin and Shelley Moore Capito, to resist any efforts to filibuster Judge Gorsuch’s nomination and instead support an “up or down” vote on Judge Gorsuch; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to each member of the United States Senate, including both members of West Virginia’s delegation in the United States Senate.

Which, under the rules, lies over one day.

Senators Miller, Mann, Takubo, Stollings, Romano, Blair, Unger and Plymale offered the following resolution:

Senate Resolution 20—Recognizing the West Virginia School of Osteopathic Medicine for excellence in medical education and its many contributions to the State of West Virginia.

Whereas, The West Virginia School of Osteopathic Medicine’s main campus is proudly located in Lewisburg, West Virginia, and its statewide campus offices are located throughout the Mountain State; and

Whereas, The mission of the West Virginia School of Osteopathic Medicine is to educate students from diverse backgrounds as lifelong learners in osteopathic medicine and complementary health-related programs; to support and develop graduate medical education training; to advance scientific knowledge through academic, clinical and basic science research; and to promote patient-centered, evidence-based medicine; and

Whereas, The West Virginia School of Osteopathic Medicine is dedicated to serving, first and foremost, the State of West Virginia and the health care needs of its residents, emphasizing primary care in rural areas; and

Whereas, The West Virginia School of Osteopathic Medicine is a leader in producing graduates who practice in rural settings and has a nationally recognized faculty and has developed innovative programs using funding from the Rural Health Initiative, such as its Green Coat program; and

Whereas, *U. S. News & World Report* has ranked the West Virginia School of Osteopathic Medicine among the top medical schools in the nation in primary care, rural and family medicine for the past eighteen years, solidifying the school’s reputation as a place where scientific study and compassion are joined in one curriculum; and

Whereas, The West Virginia School of Osteopathic Medicine is known nationwide for its efforts in rural, family and primary care medicine and has earned many accolades to support its efforts,

including: First among all medical schools in the United States graduating physicians who practice in rural areas (Academic Medicine); fifth in the nation for percentage of medical school graduates entering primary care residency specialties (*U. S. News & World Report*); twelfth in the nation for family medicine (*U. S. News & World Report*); and

Whereas, Third and fourth year students from the West Virginia School of Osteopathic Medicine completed 1,519 rural clinical rotations in West Virginia this past academic year; and

Whereas, The West Virginia School of Osteopathic Medicine has been recognized by The Chronicle of Higher Education for six consecutive years as a Great College to Work For, the first institution in West Virginia to receive this honor; and

Whereas, Graduates of the West Virginia School of Osteopathic Medicine practice medicine in forty-seven of West Virginia's fifty-five counties and in forty-six states and the District of Columbia, and making a significant contribution to the health care needs of the citizens of West Virginia and the nation; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the West Virginia School of Osteopathic Medicine for excellence in medical education and its many contributions to the State of West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia School of Osteopathic Medicine.

At the request of Senator Miller, 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 Miller and Takubo regarding the adoption of Senate Resolution 20 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 Miller, Cline, Stollings, Romano, Unger and Plymale offered the following resolution:

Senate Resolution 21—Designating February 23, 2017, as West Virginia Local Foods Day at the Capitol.

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

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

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

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

Whereas, The alliance, with its partners, aids in building and strengthening food and farm businesses and seeks to spur economic growth through building strong local food economies in regional

foodshed areas, where food is produced, transported and consumed in West Virginia; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 23, 2017, as West Virginia Local Foods Day at the Capitol; and, be it

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

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

At the request of Senator Miller, 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 Miller and Rucker regarding the adoption of Senate Resolution 21 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, at the request of Senator Ferns, unanimous consent being granted, returned 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 426 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §64-12-1, relating to repealing a Division of Natural Resources' legislative rule relating to the litter control grant program.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 182, Providing procedures that prevent disqualifying low bids for government construction contracts due to document technicalities.

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

The nays were: None.

Absent: Beach, Clements and Sypolt—3.

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. 182) 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 240, Creating crime of nonconsensual distribution of sexual images.

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

The nays were: None.

Absent: Beach, Clements and Sypolt—3.

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. 240) 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.

Senate Bill 41, Extending time person may be subject to probation.

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 113, Authorizing DEP promulgate legislative rules.

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

Senate Bill 325, Relating to crossbow hunting.

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

Senate Bill 330, Relating to WV Workplace Freedom Act.

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

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

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Senate Bill 9, Regulating unmanned aircraft systems.

Com. Sub. for Senate Bill 80, Equalizing criminal penalty for entering without breaking regardless of time of day.

Senate Bill 164, Relating to traffic regulations and special load limits.

Com. Sub. for Senate Bill 204, Requiring persons appointed to fill vacancy by Governor have same qualifications for vacated office and receive same compensation and expenses.

Senate Bill 231, Relating to State Board of Education and Medicaid-eligible children.

Com. Sub. for Senate Bill 236, Relating to damages for medical monitoring.

And,

Senate Bill 349, Repealing outdated code related to Division of Corrections.

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

The Senate then proceeded to the thirteenth order of business.

On motion of Senator Ferns, a leave of absence for the day was granted Senator Sypolt.

Senator Carmichael (Mr. President) announced the replacement of Senator Unger on the Committee on Pensions with Senator Romano.

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

On motion of Senator Ferns, the Senate adjourned until tomorrow, Friday, February 24, 2017, at 11 a.m.

FRIDAY, FEBRUARY 24, 2017

The Senate met at 11 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 Roman W. Prezioso, Jr., a senator from the thirteenth district.

Pending the reading of the Journal of Thursday, February 23, 2017,

At the request of Senator Trump, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2404—A Bill to amend and reenact §36-1-20 of the Code of West Virginia, 1931, as amended; and to amend and reenact §42-4-2 of said code, all relating generally to barring persons who are convicted of certain criminal offenses from acquiring property from their victims through joint tenancy or inheritance; barring a person who has been convicted of an offense causing the death of an incapacitated adult as a principal, aider and abettor, or accessory before the fact from taking or acquiring real or personal property by survivorship when the joint tenant is a victim of the criminal offense; barring a person who has been convicted of an offense of abuse or neglect of an incapacitated adult, or a felony offense of financial exploitation of an elderly person, protected person or an incapacitated adult from taking or acquiring real or personal property by survivorship when the victim of the criminal offense is the joint holder of the title to the property and providing exceptions therefor; barring a person who has been convicted of an offense causing the death of an incapacitated adult taking or acquiring money, property, or any interest therein by descent and distribution, will, or any policy or certificate of insurance; and barring a person who has been convicted of an offense of abuse or neglect of an incapacitated adult, or a felony offense of financial exploitation of an elderly person, protected person or an incapacitated adult from taking or acquiring money, property, or any interest therein by descent and distribution, will, or any policy or certificate of insurance and providing exceptions therefor.

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 2447—A Bill to repeal §14-2-6 and §14-2-18 of the Code of West Virginia, 1931, as amended; to repeal §14-2A-7 of said code; to amend and reenact §14-2-3,

§14-2-4, §14-2-4a, §14-2-5, §14-2-7, §14-2-8, §14-2-9, §14-2-10, §14-2-11, §14-2-12, §14-2-13, §14-2-14, §14-2-15, §14-2-16, §14-2-17, §14-2-19, §14-2-20, §14-2-21, §14-2-22, §14-2-23, §14-2-24, §14-2-25, §14-2-26, §14-2-27 and §14-2-28 of said code; to amend said code by adding thereto a new section, designated §14-2-17a; and to amend and reenact §14-2A-5, §14-2A-6, §14-2A-9, §14-2A-10, §14-2A-11, §14-2A-12, §14-2A-13, §14-2A-14, §14-2A-15, §14-2A-16, §14-2A-17, §14-2A-18, §14-2A-19, §14-2A-19a, §14-2A-19b, §14-2A-20, §14-2A-21, §14-2A-25, §14-2A-26 and §14-2A-28 of said code, all relating to renaming the Court of Claims the state Claims Commission; renaming judges commissioners; modifying definitions; providing explicit powers of removal of commissioners; providing authority to the Joint Committee on Government and Finance for the hiring of a clerk, chief deputy clerk, and deputy clerks; and establishing a shortened procedure for certain road condition claims.

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 2465—A Bill to amend and reenact §62-6B-2, §62-6B-3 and §62-6B-4 of the Code of West Virginia, 1931, as amended, all relating to modifying the requirements that allow a child witness to testify by live, closed circuit television; defining terms; expanding the allowance of closed circuit testimony to other alleged criminal offenses; authorizing use for persons with certain intellectual disabilities; clarifying the use and requirements of closed-circuit television; granting the court discretion to allow testimony via live, closed circuit television; granting court discretion to decide whether it be through one-way or two-way closed-circuit television; setting forth findings to be made by the circuit court prior to ordering testimony through live, closed circuit television; granting the court discretion to appoint a psychiatrist, licensed psychologist or licensed social worker to provide an expert opinion regarding the factors and findings to be made by the court in deciding whether to order testimony through live, closed circuit television; requiring court-

appointed expert witness to provide written report within established deadline; providing for the effect of failure to comply with filing deadline; revising the procedures required for taking testimony of child witness by live, closed-circuit television; setting forth the procedures for testimony by live, closed-circuit television; establishing a location for witness testimony and individuals allowed in the witness room; setting requirements for display in the courtroom; providing who may question the child witness and the procedures therefor; providing for requirement of electronic means for defendant to confer with counsel during the taking of the testimony; providing for instruction to jury regarding use of live, closed-circuit television; authorizing the defendant to waive jury instruction regarding use of live, closed-circuit television; prohibiting counsel from making comments in the presence of the jury; authorizing the court to establish measures for the physical safety of the child witness and for the confidentiality of sensitive information; authorizing the court to allow accommodations for child witness testimony in court rather than by live, closed-circuit television; authorizing the allowance of a toy, blanket or similar item to be in possession of child witness while testifying; authorizing the allowance of a designated support person and seating of the support person in the courtroom; and providing requirements for allowance of a designated support person by motion.

Referred to the Committee on the Judiciary.

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

Senate Bill 4, Allowing licensed professionals donate time to care of indigent and needy in clinical setting.

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

Com. Sub. for Senate Bill 4 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §30-3-10a of the Code of West Virginia, 1931, as amended; to amend and reenact §30-3E-14 of said code; to amend and reenact §30-4-15 of said code; to amend and reenact §30-5-17 of said code; to amend and reenact §30-7-6a of said code; to amend said code by adding thereto a new section, designated §30-7A-6a; to amend and reenact §30-8-16 of said code; to amend and reenact §30-14-12b of said code; to amend said code by adding thereto a new section, designated §30-16-7a; to amend and reenact §30-20-13 of said code; to amend and reenact §30-21-17 of said code; and to amend and reenact §30-28-8a of said code, all relating to allowing specified licensed health care professionals to donate time to the care of indigent and needy in a clinical setting; providing for special volunteer license for licensed practical nurses and chiropractors; and providing that a special volunteer license for any health care professional for which a special volunteer license is allowed is not required for a charitable function not exceeding seven days.

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

Respectfully submitted,

Tom Takubo,
Chair.

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

Senator 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 5, Disqualifying CDL for DUI conviction in certain cases.

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

Com. Sub. for Senate Bill 5 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §17E-1-9 and §17E-1-13 of the Code of West Virginia, 1931, as amended, all relating to disqualification from holding commercial driver's license for certain convictions of driving a motor vehicle under the influence of alcohol or a controlled substance; clarifying that person committing disqualifying offense prior to possessing commercial driver's license is eligible for commercial driver's license once period of revocation and safety and treatment program have been completed; expanding range of offenses eligible for reinstatement after ten years and completion of safety and treatment program; providing that a person who committed certain offenses more than ten years before the initial issuance of a commercial driver's license by any state shall be deemed to have served the period of disqualification from holding a commercial driver's license if certain conditions are met; and setting forth conditions to be met.

Senate Bill 225, Allowing magistrates to conduct proceeding for temporary emergency protective order dealing with temporary custody by family court.

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

Com. Sub. for Senate Bill 225 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §48-27-402 of the Code of West Virginia, 1931, as amended, relating to permitting magistrates to modify, through a domestic violence protective order, a temporary custody order of the family court in circumstances where violence against a minor child or children is alleged.

Senate Bill 261, Relating to increasing salary or wages of judgment debtor.

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

Com. Sub. for Senate Bill 261 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §38-5A-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §38-5B-2 of said code, all relating to suggestions of salary and wages of judgment debtors engaged in private and public employment; increasing the amount of salary or wages of persons engaged in private and public employment that are protected from a suggestee execution from thirty times the federal minimum hourly wage then in effect to fifty times the federal minimum hourly wage then in effect; requiring judgment creditor to provide additional personal information about the judgment debtor including, to the extent available, the present address and date of birth of the judgment debtor; and making technical changes.

And,

Senate Bill 337, Hiring correctional officers without regard to placement on correctional officer register.

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

Com. Sub. for Senate Bill 337 (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 §25-1-11f, relating to authorizing the hiring of correctional officers without regard to his or her placement on the correctional officer register; and granting employment preference to otherwise qualified persons on a preference register.

With the recommendation that the four committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

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

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

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,

Randy E. Smith,
Chair.

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

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

Your Committee on Education has had under consideration

Senate Bill 18, Requiring ACT and ACT Aspire to be used as comprehensive statewide student assessment.

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

Com. Sub. for Senate Bill 18 (originating in the Committee on Education)—A Bill to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, relating to requiring the state board to use a new comprehensive statewide student assessment program beginning with the 2017-2018 school year; setting forth requirements for the new assessment program; removing authorization to require student proficiencies be measured through the ACT EXPLORE and the ACT PLAN assessments or other comparable assessments; allowing state board to waive certain requirements for the new assessment program if less than two vendors submit bids; clarifying that state board may issue more than one request for proposals and contract with more than one

vendor; prohibiting the Smarter Balance Assessment System or the PARCC Assessment System from being used; requiring the state board to include in its rule accountability measures for students taking the comprehensive statewide assessment; prohibiting certain summative assessments from taking more than two percent of a student's instructional time; prohibiting a student from being required to complete a greater number of summative assessments than is required by the Every Student Succeeds Act; providing exception; and prohibiting collection of personal data as part of the assessment process except for what is necessary for the students' instruction, academic and college and career search needs.

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,

Kenny Mann,
Chair.

The bill (Com. Sub. for S. B. 18), under the original double committee reference, was then referred to the Committee on Finance.

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 180, Relating to PSC jurisdiction over certain telephone company and internet services.

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

Com. Sub. for Senate Bill 180 (originating in the Committee on Government Organization)—A Bill to amend and reenact §24-2-1 of the Code of West Virginia, 1931, as amended, relating to Internet protocol-enabled service and voice-over Internet protocol-

enabled service; prohibiting Public Service Commission jurisdiction of Internet protocol-enabled service and voice-over Internet protocol-enabled service; and limiting Public Service Commission jurisdiction of certain telephone company transactions.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Swope, from the Committee on the Workforce, submitted the following report, which was received:

Your Committee on the Workforce has had under consideration

Senate Bill 224, Repealing requirement for employer's bond for wages and benefits.

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

Com. Sub. for Senate Bill 224 (originating in the Committee on the Workforce)—A Bill to repeal §21-5-14, §21-5-14a and §21-5-16 of the Code of West Virginia, 1931, as amended; and to amend and reenact §21-5-15 of said code, relating to repealing the requirement for an employer's bond for wages and benefits for certain designated employers; and related requirements.

And,

Senate Bill 239, Limiting use of wages by employers and labor organizations for political activities.

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

Com. Sub. for Senate Bill 239 (originating in the Committee on the Workforce)—A Bill to amend and reenact §3-8-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-1A-4 of said code; and to amend and reenact §21-5-1 of said code, all relating to limitations on the use of wages and agency shop fees by employers and labor organizations for political activities; prohibiting any person from coercing or intimidating any employee into making a political contribution or engaging in any form of political activity; prohibiting employers and any other persons responsible for the disbursement of wages and salaries from withholding or diverting any portion of an employee’s wages or salary for political activities without express, written authorization; providing that the prohibition against withholding or diverting wages for political activities applies to any written or oral contract or agreement entered into, modified, renewed or extended on or after July 1, 2017, and shall not otherwise apply or abrogate a written or oral contract or agreement in effect on or before June 30, 2017; providing for criminal penalties; setting forth requirements for employees to provide written authorization for disbursement of wages and salaries by an employer or other person for political activities; requiring the Secretary of State to promulgate forms; defining terms “political activities” and “agency shop fees”; modifying definition of “deductions” to exclude amounts for union or club dues; and making it an unfair labor practice under the Labor-Management Relations Act for the Private Sector for a labor organization to use agency shop fees paid by nonmembers for political activities, unless expressly authorized by the individual.

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

Respectfully submitted,

Chandler Swope,
Chair.

The bills (Com. Sub. for S. B. 224 and 239), under the original double committee references, were then referred to the Committee on the Judiciary.

At the request of Senator Woelfel, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the fourth order of business.

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 235, Relating to motorcycle registration renewal.

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,

Craig Blair,
Chair.

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

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

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 257 (originating in the Committee on Military), Relating to Civil Air Patrol leave and protection of employees performing missions.

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

Com. Sub. for Com. Sub. for Senate Bill 257 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-1K-1, §15-1K-2, §15-1K-3, §15-1K-4, §15-1K-5,

§15-1K-6 and §15-1K-7, all relating to Civil Air Patrol leave and protection of employees performing Civil Air Patrol missions; providing that employers may not discriminate based on an employee's membership in the Civil Air Patrol; and providing that an employee may bring a civil action to enforce the provisions of this article but shall not recover monetary damages.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 345 (originating in the Committee on Natural Resources), Allowing hunting and trapping on Sundays.

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

Com. Sub. for Com. Sub. for Senate Bill 345 (originating in the Committee on the Judiciary)—A Bill to repeal §20-2-19a of the Code of West Virginia, 1931, as amended; to amend and reenact §20-2-5, §20-2-42g and §20-2-42h of said code; and to amend said code by adding thereto a new section, designated §20-2-5i, all relating to hunting; repealing limitations on trappers on Sundays; eliminating local option election regarding hunting on Sunday on private land; permitting hunting on Sunday on private land; clarifying hunting on Sunday on public lands is unlawful; and superseding ballot measures relating to Sunday hunting that have passed or failed prior to the effective date of the amendments.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Government Organization has had under consideration

Senate Bill 346, Relating generally to jurisdiction of PSC over motor carriers.

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

Respectfully submitted,

Craig Blair,
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 347, Relating to modernization of Physician Assistant Practice Act.

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

Com. Sub. for Senate Bill 347 (originating in the Committee on Health and Human Resources)—A Bill to repeal §30-3E-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-3-5 of said code; to amend and reenact §30-3E-1, §30-3E-2, §30-3E-3, §30-3E-4, §30-3E-6, §30-3E-7, §30-3E-9, §30-3E-10, §30-3E-11, §30-3E-12, §30-3E-15, §30-3E-16 and §30-3E-17 of said code; and to amend said code by adding thereto a new section, designated §30-3E-12a, all relating to modernization of the

Physician Assistant Practice Act; modifying the Board of Medicine to add an additional physician assistant to the board; substituting “collaborating physician” for “supervising physician”; defining terms; modifying the prescriptive authority of physician assistants; eliminating the requirement that physician assistants be required to take a recertification exam after passing the initial exam; allowing for reimbursement rates from insurance plans and public payers at the same rate physicians and advance practice registered nurses in specified circumstances; adding requirements to the practice agreement; granting physician assistants signatory authority on certain forms; and making conforming amendments.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Tom Takubo,
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 Blair and Boso:

Senate Bill 427—A Bill to amend and reenact §22-2-4 of the Code of West Virginia, 1931, as amended; to amend and reenact §22-3-11 of said code; to amend and reenact §22-4-22, §22-4-23 and §22-4-26 of said code; to amend and reenact §22-6-29 of said code; to amend and reenact §22-11-10 and §22-11-25 of said code; to amend and reenact §22-12-9 of said code; to amend and reenact §22-14-18 and §22-14-19 of said code; to amend and reenact §22-15A-9 of said code; to amend and reenact §22-16-12 of said code; to amend and reenact §22-17-20, §22-17-21 and §22-17-22 of said code; to amend and reenact §22-18-22 of said code; and to amend and reenact §22C-2-3 of said code, all relating to special revenue funds administered or used by the Department of Environmental Protection; providing that expenditures from certain funds are not

authorized from collections but shall be authorized only by line item appropriation by the Legislature; eliminating authorization for certain funds to be expended for administrative purposes; the Abandoned Land Reclamation Fund; the Special Reclamation Water Trust Fund; the Bond Pooling Fund; the Quarry Reclamation Fund; the Quarry Inspection and Enforcement Fund; the Oil and Gas Operating Permit and Processing Fund; the Oil and Gas Reclamation Fund; the Water Quality Management Fund; the Natural Resources Game Fish and Aquatic Life Fund; the Groundwater Protection Fund; the Groundwater Remediation Fund; the Dam Safety Fund; the Dam Safety Rehabilitation Revolving Fund; the A. James Manchin Fund; the Closure Cost Assistance Fund; the Underground Storage Tank Administrative Fund; the Leaking Underground Storage Tank Response Fund; the Underground Storage Tank Insurance Fund; the Hazardous Waste Management Fund; and the West Virginia Water Pollution Control Revolving Fund.

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

By Senators Weld, Stollings and Takubo:

Senate Bill 428—A Bill to amend and reenact §30-5-27 of the Code of West Virginia, 1931, as amended, relating to partial filling of prescriptions; permitting partial filling of prescriptions for controlled substances listed in Schedule II under certain circumstances; setting conditions for partial filling of prescriptions for controlled substances listed in Schedule II; permitting remaining portion of prescription to be filled within thirty days of first partial filling; setting forth steps to be followed if pharmacist is unable to fill remaining portion of prescription; and prohibiting further quantities from being supplied beyond seventy-two hours in absence of new prescription.

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

By Senators Blair, Maroney and Trump:

Senate Bill 429—A Bill to amend and reenact §25-1-17 and §25-1-18 of the Code of West Virginia, 1931, as amended, all

relating to eliminating the need for a court order prior to receiving recordings or copies of inmate communications under certain circumstances; and the monitoring of inmates' electronic communications.

Referred to the Committee on the Judiciary.

By Senators Takubo and Boso:

Senate Bill 430—A Bill to amend and reenact §16-5G-2, §16-5G-3, §16-5G-4 and §16-5G-6 of the Code of West Virginia, 1931, as amended, all relating to hospital open meetings; expanding the definition of a hospital's "governing body"; requiring notice to those persons who are the subject of the proceedings; setting forth what the notice must contain; providing for a time frame of the notice; providing that an affected party may attend an executive session of the hospital's governing body; and eliminating a requirement that a person who brings a frivolous action against the governing body may have to pay the governing body's costs and attorney fees.

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

By Senators Gaunch, Romano, Stollings and Facemire:

Senate Bill 431—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-18f, relating to county boards of education; licensed school psychologists; and providing that maximum licensed school psychologist-pupil ratio is one thousand five hundred pupils for each licensed school psychologist.

Referred to the Committee on Education.

By Senators Boley, Maynard, Boso and Cline:

Senate Bill 432—A Bill to amend and reenact §18-2-6 of the Code of West Virginia, 1931, as amended, relating to the demonstration of proficiency in civics as a condition of receiving a high school diploma, Test Assessing Secondary Completion diploma or equivalent diploma.

Referred to the Committee on Education.

By Senator Trump:

Senate Bill 433—A Bill to amend and reenact §11-22-2 of the Code of West Virginia, 1931, as amended, relating to permitting counties to increase the excise tax on the privilege of transferring real property.

Referred to the Committee on Government Organization.

By Senators Gaunch and Boso:

Senate Bill 434—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 Banking and Insurance; and then to the Committee on the Judiciary.

By Senators Weld, Miller, Ojeda, Palumbo, Swope, Takubo, Trump, Woelfel, Boso, Facemire and Romano:

Senate Bill 435—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-12-1, §47-12-2, §47-12-3, §47-12-4, §47-12-5, §47-12-6 and §47-12-7, all relating to the Youth Mental Health Protection Act; legislative findings; purpose; definitions; prohibition on conversion therapy; referral services; and discipline.

Referred to the Committee on Health and Human Resources.

By Senators Gaunch, Blair, Maroney, Trump, Unger, Boso, Takubo, Rucker, Cline, Facemire and Romano:

Senate Bill 436—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-3-6, relating to Attorney General's investigators; and allowing them to carry firearms under certain circumstances.

Referred to the Committee on the Judiciary.

By Senators Karnes, Boso, Cline, Trump and Blair:

Senate Bill 437—A Bill to amend and reenact §19-23-7, §19-23-10, §19-23-12b, §19-23-13 and §19-23-13c of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §19-23-10a; to amend and reenact §29-22-18a of said code; to amend and reenact §29-22A-3, §29-22A-7, §29-22A-10, §29-22A-10b, §29-22A-10d, §29-22A-10e and §29-22A-12 of said code; and to amend and reenact §29-22C-3, §29-22C-8, §29-22C-10, §29-22C-27 and §29-22C-27a of said code, all relating generally to horse and dog racing lottery; discontinuing the West Virginia Racing Commission special account known as the West Virginia Greyhound Breeding Development Fund; transferring all moneys in the West Virginia Greyhound Breeding Development Fund to the State Excess Lottery Revenue Fund for appropriation by the Legislature; requiring that upon transfer of moneys from the West Virginia Greyhound Breeding Development Fund to the State Excess Lottery Revenue Fund, a certain amount be withheld and deposited in the special account known as the Administration, Promotion, Education, Capital Improvement and Greyhound Adoption Programs to include Spaying and Neutering Account; requiring that all moneys previously required to be directed to the West Virginia Greyhound Breeding Development Fund be redirected to the State Excess Lottery Revenue Fund for appropriation by the Legislature; requiring that all moneys previously required to be directed into any fund or paid for the purpose of funding purses, awards or provide any other funding for greyhound races be redirected to the State Excess Lottery Revenue Fund for appropriation by the Legislature; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to qualify for such license; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to contract to receive telecasts and

accept wagers; eliminating the requirement that a video lottery licensee at a dog track must hold a racing license to renew a video lottery license or racetrack table games license; eliminating the requirement, for a video lottery licensee at a dog track, that operational video lottery must be located in the same building or structure as a racetrack and area where pari-mutuel wagering is permitted; eliminating the requirement that an applicant for a video lottery license or license renewal at a dog track must provide evidence of the existence of an agreement regarding proceeds from lottery terminals with certain parties; eliminating the requirement that a racetrack table games licensee at a dog track must race a minimum number of dates; and eliminating the requirement that a video lottery licensee at a dog track must hold a racing license to conduct simulcast racing.

Referred to the Committee on Finance.

By Senators Trump, Smith, Weld and Blair:

Senate Bill 438—A Bill to amend and reenact §36-8-2 of the Code of West Virginia, 1931, as amended, relating generally to Uniform Unclaimed Property Act; clarifying intent of Legislature that the state's insurance laws regulating insurance apply to proceeds of unclaimed life or endowment insurance policies and annuities payable upon death; eliminating any perceived inconsistency between insurance laws and Uniform Unclaimed Property Act; eliminating unintended interpretation of law expressed in the case of *State of West Virginia ex rel. John D. Perdue v. Nationwide Life Insurance Company*, No. 14-0100 (W. Va. June 16, 2015); clarifying that law as it existed prior to such decision regarding when presumption of abandonment arises with respect to a life or endowment insurance policy or annuity payable upon proof of death be consistent with insurance laws; and providing that this amendment has retroactive effect given its intent to restate and clarify law as it did exist and was intended to exist prior to above-referenced court decision.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

By Senators Trump, Clements, Facemire, Maroney and Romano:

Senate Bill 439—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §25-1-9, relating to venue for civil and criminal actions at the Salem Correctional Center.

Referred to the Committee on the Judiciary.

By Senators Trump and Blair:

Senate Bill 440—A Bill to amend and reenact §31-20-10 of the Code of West Virginia, 1931, as amended, relating to the use and investment of Regional Jail and Correctional Facility Authority funds.

Referred to the Committee on Finance.

By Senators Sypolt, Boso and Smith:

Senate Bill 441—A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to municipal home rule; establishing the Municipal Home Rule Pilot Program as a permanent program; allowing all municipalities to participate in the Municipal Home Rule Program; and allowing municipalities to use their own city collector's offices to administer, enforce and collect a sales and use tax levied pursuant to the Municipal Home Rule Program.

Referred to the Committee on Government Organization.

Senators Romano, Facemire and Stollings offered the following resolution:

Senate Concurrent Resolution 22—Requesting the Division of Highways name bridge number 17-9-0.35 (17A053), (39.28632, -80.38919), locally known as Wilsonburg T-beam Bridge, carrying County Route 9 over Limestone Run in Harrison County, the "Walter E. Swiger, Jr., Memorial Bridge".

Whereas, Walter E. Swiger, Jr., is a lifelong resident of Harrison County, a graduate of Victory High School and West Virginia Business College; and

Whereas, Walter E. Swiger, Jr., retired after 43 years in petroleum marketing having operated his own business; and

Whereas, Walter E. Swiger, Jr., was appointed to the Harrison County Solid Waste Authority in 1990 by the Harrison County Commission and served as chairman of the authority; and

Whereas, Walter E. Swiger, Jr., was chosen as the Volunteer of the Year by the Association of West Virginia Solid Waste Authorities during their twelfth annual conference in the fall of 2000; and

Whereas, Walter E. Swiger, Jr., was an outstanding community leader with many years of service in various organizations serving the local emergency planning committee, Clarksburg Lions Club, Central West Virginia Community Action Association and others; and

Whereas, As chairman, Walter E. Swiger, Jr., worked to help develop a recycling ordinance for the county and established a recycling hotline and was recognized in several issues of The Solid Waste Reporter for his leadership in “one of the top integrated waste management programs in West Virginia”; and

Whereas, Walter E. Swiger, Jr., worked with county education leaders through the solid waste authorities’ efforts as Partner in Education with 10 county schools; and

Whereas, It is fitting that a permanent memorial be established to honor the work of Walter E. Swiger, Jr.; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 17-9-0.35 (17A053), (39.28632, -80.38919), locally known as Wilsonburg T-beam Bridge, carrying County Route 9 over Limestone Run in Harrison County, the “Walter E. Swiger, Jr., Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the “Walter E. Swiger, Jr., Memorial Bridge”; and, be it

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

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 20, Curtis ‘Pap’ and Millie ‘Mammie’ Asbury 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 21, US Army CPL Daniel Frederick Mehringer 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 Resolution 19, Expressing support for confirmation of Judge Neil M. Gorsuch to US Supreme Court.

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

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 Blair, and by unanimous consent, the remarks by Senator Trump regarding the adoption of Senate Resolution 19 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the eighth order of business.

Eng. Senate Bill 41, Extending time person may be subject to probation.

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

The nays were: None.

Absent: Beach, Plymale and Sypolt—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 41) 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 113, Authorizing DEP promulgate legislative rules.

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, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Sypolt—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. 113) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Sypolt—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. 113) 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 325, Relating to crossbow hunting.

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, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Sypolt—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 325) 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 9, Regulating unmanned aircraft systems.

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

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

Com. Sub. for Senate Bill 80, Equalizing criminal penalty for entering without breaking regardless of time of day.

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

Senate Bill 164, Relating to traffic regulations and special load limits.

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 204, Requiring persons appointed to fill vacancy by Governor have same qualifications for vacated office and receive same compensation and expenses.

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

Senate Bill 231, Relating to State Board of Education and Medicaid-eligible children.

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 236, Relating to damages for medical monitoring.

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

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

Senate Bill 330, Relating to WV Workplace Freedom Act.

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

Senate Bill 349, Repealing outdated code related to Division of Corrections.

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

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Senate Bill 125, Authorizing DHHR promulgate legislative rules.

Com. Sub. for Senate Bill 214, Adopting Uniform Electronic Legal Material Act.

Senate Bill 321, Reporting requirements of employee information to CPRB.

And,

Senate Bill 426, Repealing DNR legislative rule on litter control grant program.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Prezioso.

The Senate then proceeded to the thirteenth order of business.

On motion of Senator Ferns, a leave of absence for the day was granted Senator Sypolt.

Senator Carmichael (Mr. President) announced the replacement of Senator Boso on the Committee on Energy, Industry and Mining with Senator Ferns; the replacement of Senator Boso as Vice Chair on the Committee on Natural Resources with Senator Mann; and the replacement of Senator Boso on the Committee on Pensions with Senator Maroney.

At the request of Senator Unger, the name of Senator Unger was removed as a sponsor of **Senate Bill 394** (*Relating generally to applied associate of science degrees targeting workforce needs*).

Pending announcement of meetings of standing and select committees of the Senate, including a minority party caucus,

On motion of Senator Ferns, the Senate adjourned until Monday, February 27, 2017, at 11 a.m.

MONDAY, FEBRUARY 27, 2017

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Father Brian Crenwelge, Sacred Heart Co-Cathedral, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable John R. Unger II, a senator from the sixteenth district.

Pending the reading of the Journal of Friday, February 24, 2017,

At the request of Senator Mann, 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:

Medicine, Board of (§30-1-12)

The Senate then 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 Weld and Cline:

Senate Bill 442—A Bill to amend and reenact §61-2-9 and §61-2-28 of the Code of West Virginia, 1931, as amended, all relating generally to crimes against the person; modifying definitions of “assault”, “battery”, “domestic assault” and “domestic battery” to conform with federal laws relating to firearms possession criminal offenses.

Referred to the Committee on the Judiciary.

By Senators Trump, Weld, Miller, Gaunch, Blair and Takubo:

Senate Bill 443—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-15-9a, relating to establishing a new special revenue fund, designated the Adult Drug Court Participation Fund, for the purpose of collecting and remitting moneys to the State Treasury for participation in an adult drug court program administered by the Supreme Court of Appeals.

Referred to the Committee on Finance.

By Senators Trump, Weld, Miller and Gaunch:

Senate Bill 444—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-1-22, relating to establishing a new special revenue fund, designated the Court Advanced Technology Subscription Fund, for the purpose of collecting and remitting moneys to the State Treasury for the use of certain advanced technology systems provided by the Supreme Court of Appeals.

Referred to the Committee on Finance.

By Senators Trump and Miller:

Senate Bill 445—A Bill to amend and reenact §49-1-201 of the Code of West Virginia, 1931, as amended, relating to amending the definition of “abused child” to include a child conceived as a result of an act of sexual assault.

Referred to the Committee on the Judiciary.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 446—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-1-30, relating to authorizing the Governor to issue executive orders to furlough state employees.

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

By Senators Rucker, Azinger, Cline, Gaunch, Karnes, Maynard, Smith and Swope:

Senate Bill 447—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-8G-1, §61-8G-2, §61-8G-3, §61-8G-4, §61-8G-5 and §61-8G-6, all relating to prohibiting retailers from selling or leasing products that make content accessible on the Internet unless the product contains an active and operating digital blocking capability that renders obscene material inaccessible; providing exceptions; defining terms; establishing a fee; creating a special fund; designating how

moneys from the fund may be spent; and providing for injunctive relief, civil actions and criminal penalties.

Referred to the Committee on the Judiciary.

By Senators Romano, Facemire, Jeffries, Karnes, Miller, Ojeda, Cline, Stollings and Unger:

Senate Bill 448—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-10-1 and §9-10-2, all relating to providing continued eligibility for developmental disability services to dependents of military service members; defining terms; establishing dependents retention of rights for developmental disability services provided conditions are met; providing dependents be placed on waiting list for services; establishing a process to reestablish services for dependent upon return to state; prohibiting payment for services rendered outside state; and rulemaking.

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

By Senator Gaunch:

Senate Bill 449—A Bill to amend and reenact §4-2A-2 of the Code of West Virginia, 1931, as amended, relating to the apportionment of compensation of members of the Legislature.

Referred to the Committee on Government Organization.

By Senator Trump:

Senate Bill 450—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §55-7-31 and §55-7-32; and to amend and reenact §58-5-1 of said code, all relating to class action safeguards; ensuring that the class action mechanism is not used to eliminate required elements of proof and precluding statutory damages in class actions; relating to awards of attorneys' fees in class actions; providing for courts to consider the overall benefit of the settlement or judgment to the class and the ratio of the proposed fee to the overall benefit when evaluating whether a proposed fee is reasonable; relating to when an appeal lies; and providing for appeal of orders granting or denying class certification.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 451—A Bill to repeal §56-1-1a of the Code of West Virginia, 1931, as amended; and to amend and reenact §56-1-1 of said code, all relating to venue in West Virginia state courts as it applies to nonresidents of the state; providing that a nonresident generally may not bring an action in the state unless all or a substantial part of the acts or omissions giving rise to the claim asserted occurred in this state; setting forth the conditions under which a nonresident can file an action in this state; providing that certain nonresident actions may be maintained in this state if the nonresident cannot obtain jurisdiction over a defendant in the state where the action arose; requiring nonresident plaintiffs to establish that such action cannot be maintained in the state where the action arose; providing that in a civil action where more than one plaintiff is joined, each plaintiff must independently establish proper venue; limiting a nonresident from intervening or joining as a plaintiff unless the person independently establishes proper venue; providing that in a civil action where more than one defendant is joined, if venue is proper as to one defendant, it is also proper as to any other defendant with respect to all actions arising out of the same transaction or occurrence; defining nonresident as any person, whether a citizen of the State of West Virginia or another state, who was domiciled outside the State of West Virginia at the time of the acts or omissions giving rise to the claim asserted; excluding from the definition of “nonresident” certain members of the armed forces or full-time students of any college or university of this state; and requiring the court to dismiss a plaintiff without prejudice if venue is not proper as to any such nonresident plaintiff in any court of this state.

Referred to the Committee on the Judiciary.

By Senators Miller, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, Woelfel and Takubo:

Senate Bill 452—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-97, relating to creating the West Virginia Earned Income Tax Credit; setting the amount of the tax credit; stating certain

requirements for eligibility for the tax credit; making the tax credit refundable; allowing a taxpayer claiming the tax credit to also apply for the low-income family tax credit; and authorizing rulemaking.

Referred to the Select Committee on Tax Reform; and then to the Committee on Finance.

By Senators Boley and Cline:

Senate Bill 453—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.

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

By Senators Trump, Weld, Miller and Gaunch:

Senate Bill 454—A Bill to repeal §38-5B-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §29-12D-1a of said code; to amend and reenact §38-5B-5 and §38-5B-9 of said code; to amend and reenact §49-4-716 of said code; and to amend and reenact §51-2A-8 of said code, all relating to eliminating certain fees generated by suggestee executions; and providing more efficient collection and submission of state moneys received as a result of certain court transactions or court services.

Referred to the Committee on the Judiciary.

By Senators Trump, Weld, Miller and Gaunch:

Senate Bill 455—A Bill to amend and reenact §62-7-10 of the Code of West Virginia, 1931, as amended; relating generally to removing archaic language; updating the commitment order form sentencing courts are required to complete; requiring that the commitment order must contain certain information; and clarifying that the sentencing court is required to transmit the certified commitment order to the Commissioner of the Division of Corrections upon issuance.

Referred to the Committee on the Judiciary.

By Senators Trump, Weld, Miller and Gaunch:

Senate Bill 456—A Bill to amend and reenact §49-4-605 of the Code of West Virginia, 1931, as amended, relating to standards for termination of parental rights in child abuse and neglect cases; and correcting a technical error.

Referred to the Committee on the Judiciary.

By Senators Ferns and Takubo:

Senate Bill 457—A Bill to repeal §9-5-19 of the Code of West Virginia, 1931, as amended; to repeal §16-2D-1, §16-2D-2, §16-2D-3, §16-2D-4, §16-2D-5, §16-2D-5c, §16-2D-5f, §16-2D-6, §16-2D-7, §16-2D-8, §16-2D-9, §16-2D-10, §16-2D-11, §16-2D-12, §16-2D-13, §16-2D-14, §16-2D-15, §16-2D-16, §16-2D-17, §16-2D-18, §16-2D-19 and §16-2D-20 of said code; to repeal §16-29I-1, §16-29I-2, §16-29I-3, §16-29I-4, §16-29I-5, §16-29I-6, §16-29I-7, §16-29I-8, §16-29I-9 and §16-29I-10 of said code; to repeal §33-15B-5 of said code; to amend and reenact §5F-1-3a of said code; to amend and reenact §6-7-2a of said code; to amend and reenact §9-4C-7 and §9-4C-8 of said code; to amend and reenact §16-5B-17 of said code; to amend and reenact §16-5F-2, §16-5F-3, §16-5F-4, §16-5F-5 and §16-5F-6 of said code; to amend said code by adding a thereto new section, designated §16-5F-8; to amend and reenact §16-29B-28 of said code; to amend said code by adding thereto two new sections, designated §16-29B-30 and §16-29B-31; to amend and reenact §16-29G-1, §16-29G-2, §16-29G-3, §16-29G-4, §16-29G-5, §16-29G-6, §16-29G-7 and §16-29G-8 of said code; to amend and reenact §21-5F-4 of said code; and to amend and reenact §33-16D-16 of said code, all relating to the West Virginia Health Care Authority; eliminating the Health Care Authority; providing for an effective date for closure of the Health Care Authority; eliminating the salaries of board members from code; eliminating an outdated report; eliminating the Health Care Authority from the Health Care Provider Medicaid Enhancement Act; eliminating certificate of need; providing for an effective date for the elimination of certificate of need; providing that any pending applications for certificate of need are deemed approved following the effective

date; continuing the moratorium on specified services; moving the Infection Control Advisory Panel to the Department of Health and Human Resources; transferring health care financial disclosure to the Department of Health and Human Resources; providing for an effective date for the transfer of the health care financial disclosure; requiring the Health Care Authority to develop a transition and closure plan; providing for an effective date for submittal of the transition and closure plan; setting out required elements of the plan; transferring the state Privacy Office to the Office of the Governor; providing for an effective date for the transfer of the state Privacy Office; transferring the West Virginia Health Information Network to the Office of Technology; providing for an effective date for the transfer of the West Virginia Health Information Network; transferring funding of the West Virginia Health Information Network to the Office of Technology; transferring rule-making authority for the West Virginia Health Information Network from the Health Care Authority to the Office of Technology; providing for continuation of existing rules until amended, modified, repealed or superseded by the Office of Technology; modifying payment of administrative penalties for violation of the Nurse Overtime and Patient Safety Act into the General Revenue Fund; substituting the Insurance Commission for duties of the Health Care Authority relative to marketing and rate practices for small employer accident and sickness insurance policies; and making conforming amendments.

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

Senators Maynard and Stollings offered the following resolution:

Senate Concurrent Resolution 23—Requesting the Division of Highways to name bridge number 30-52 2.73 (30A110), (37.82180, -82.39737), between Kermit and East Kermit, locally known as the Upper Burning Creek Bridge, carrying U. S. 52 over Upper Burning Creek and NS Railroad in Mingo County, the “Johnny O’Dell Linville Memorial Bridge”.

Whereas, Johnny O'Dell Linville was born April 29, 1947, to Lenhart and Hazel Lovejoy Linville in their home at Palermo, Lincoln County, West Virginia. The family moved to Kermit, West Virginia, when Johnny was three years of age. He had four brothers and two sisters. He was educated in Kermit. He married Dorothy Spaulding Linville on September 3, 1966. They had one daughter, Rhonda Linville Muncy. Johnny served as the mayor in the Town of Kermit for over 17 years, while also serving as a councilman for three years. He played a pivotal role in a multitude of projects, including the Kermit Community Park that serves to this day as a popular gathering place for social events and the town's new sewer system. He also planted trees and flowers throughout the town. His love for the town was shown in his efforts to make Kermit the Cleanest Little Town in West Virginia. One of his slogans was: "If you litter in Kermit, you have had a bad day!" This resulted in the perpetrator receiving a hefty fine. He played a huge part in the creation of the baseball field at East Kermit and he would work the PA system for hours each day and announce the names of the baseball players from the press box. He would be there from opening day to the season finale, from the top to the bottom of the schedule each day, always with a smile on his face, knowing the benefits that the field provided for the community and its children. Johnny died on March 1, 2016, following a two-year struggle with kidney disease. He is survived by his loving wife of 49 years Dorothy Spaulding Linville of Kermit, his daughter Rhonda Linville Muncy, son-in-law Gabe Muncy and grandson John Alex Muncy, who is a student at Marshall University; and

Whereas, Naming this bridge in his hometown is an appropriate recognition of Mayor Johnny O'Dell Linville's contributions to his community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 30-52 2.73 (30A110), (37.82180, -82.39737), between Kermit and East Kermit, locally known as the Upper Burning Creek Bridge, carrying U. S. 52 over Upper Burning Creek and NS Railroad in Mingo County, the "Johnny O'Dell Linville Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the “Johnny O’Dell Linville Memorial Bridge”; and, be it

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

Which, under the rules, lies over one day.

Senators Plymale, Woelfel, Stollings and Unger offered the following resolution:

Senate Resolution 22—Congratulating the Cabell Midland golf team for winning the 2016 Class AAA state golf tournament.

Whereas, The Cabell Midland golf team had an outstanding season on the links, which culminated in them winning their second consecutive 2016 Class AAA state tournament; and

Whereas, The Cabell Midland golf team roster consisted of Zach Chapman, Josef Dransfeld, Andy Michael, Noah Mullens and Zach Sarver; and

Whereas, Throughout the season, the Cabell Midland golf team displayed their excellence on the course by defeating 31 other teams to win the Parkersburg High School Invitational; by defeating 23 other teams to win the Capital City Classic; by defeating 27 other teams to win the West Virginia Golf Association Invitational; by defeating 15 other teams to win the Marion County High School Golf Invitational; by defeating 11 other teams to win the Duke Ridgely Invitational; and by winning the West Virginia Golf Association Tri-State Cup; and

Whereas, The Cabell Midland golf team were the champions of the MSAC Conference, and Zach Chapman, Andy Michael and Noah Mullens made the All-Conference Team; and

Whereas, The Cabell Midland golf team was in the Region IV AAA Golf Tournament, and two players, Josef Dransfeld and Noah Mullens, made the All-Region Team; and

Whereas, Zach Chapman, Josef Dransfeld, Andy Michael and Noah Mullens, were also named to the All-State Team, which is the first time all four players who made the All-State Team were from the same school; and

Whereas, Zach Chapman, Josef Dransfeld, Andy Michael and Noah Mullens are nationally ranked junior golfers; and

Whereas, The 2016 Cabell Midland golf team will be remembered as one of the best high school golf teams to ever be assembled in history of the State of West Virginia; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates the Cabell Midland golf team for winning the 2016 Class AAA state golf tournament; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Cabell Midland golf team.

At the request of Senator Plymale, 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 Woelfel regarding the adoption of Senate Resolution 22 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.

At the request of Senator Unger, and by unanimous consent, Senator Unger offered the following resolution from the floor:

Senate Resolution 23—Recognizing Leadership Berkeley for its service, dedication and commitment to Berkeley County.

Whereas, The objective of Leadership Berkeley is to promote knowledge and awareness of the problems, opportunities and issues facing Berkeley County; and

Whereas, Leadership Berkeley is designed to provide a series of educational and participatory experiences, as well as an opportunity for dialogue and the development of a correlation among participants in order to encourage local participation in the growth of Berkeley County; and

Whereas, The membership of Leadership Berkeley includes individuals from nearly every facet of Berkeley County's business, professional, religious, governmental, educational, civic, the arts, organized labor and minority organizations who demonstrate a commitment to the community; and

Whereas, The 2017 membership of Leadership Berkeley consists of Andrew P. Beckwith, Bank of Charles Town; Kelly J. Butts, Panhandle Home Health; Joseph L. Caltrider, Bowles Rice LLP; Mercedes C. de la Cruz, Hospice of the Panhandle; Sara E. Duncan, EXIT Success Realty; Paul J. Emanuel, Blue Ridge Community & Technical College; Laura J. Funkhouser, Eastern Panhandle Transit Authority; Erin K. Gaertner, Blue Ridge Community & Technical College; Kristy D. Harvey, Valley Health Urgent Care; Bob Hoffmaster, TalkRadio WRNR; Lindsey M. Houle, CNB Bank; James D. Kees, Argos; Zachary R. Leach, Argos; Brian A. Mann, City National Bank; Frankie McIntyre, United Bank; Suprena A. Mills, Region VII Workforce Development Board; Matthew D. Mosher, Veterans' Affairs; Christopher R. Overton, Berkeley County Council; Jennifer L. Painter, Telamon Corporation; Lance M. Pittman, Pittman Orthodontics; Maurice V. Richards, Martinsburg Police Department; Kelly V. Roach, R. M. Roach & Sons; Natalie L. Stains, Martinsburg-Berkeley County Chamber of Commerce; Sandra Sullivan, Martinsburg VA Medical Center; and Tina Combs, Martinsburg-Berkeley County Chamber of Commerce; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes Leadership Berkeley for its service, dedication and commitment to Berkeley County; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate officials of Leadership Berkeley.

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

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 22, 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.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 80, Equalizing criminal penalty for entering without breaking regardless of time of day.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 80) 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 164, Relating to traffic regulations and special load limits.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 164) 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 204, Requiring persons appointed to fill vacancy by Governor have same qualifications for vacated office and receive same compensation and expenses.

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, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt,

Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—31.

The nays were: Facemire, Miller and Romano—3.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 204) 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 231, Relating to State Board of Education and Medicaid-eligible children.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 231) passed with its title.

Senator Ferns moved that the bill take effect July 1, 2017.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings,

Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 231) takes effect July 1, 2017.

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

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

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 330 pass?”

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld and Carmichael (Mr. President)—22.

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

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 330) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Palumbo, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld and Carmichael (Mr. President)—23.

The nays were: Beach, Facemire, Jeffries, Miller, Ojeda, Plymale, Prezioso, Romano, Stollings, Unger and Woelfel—11.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 330) 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 349, Repealing outdated code related to Division of Corrections.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 349) 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 9, Regulating unmanned aircraft systems.

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

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

Com. Sub. for Senate Bill 125, Authorizing DHHR promulgate legislative rules.

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 214, Adopting Uniform Electronic Legal Material Act.

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

Com. Sub. for Senate Bill 236, Relating to damages for medical monitoring.

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

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

Senate Bill 321, Reporting requirements of employee information to CPRB.

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

Senate Bill 426, Repealing DNR legislative rule on litter control grant program.

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

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill 4, Allowing licensed professionals donate time to care of indigent and needy in clinical setting.

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

Com. Sub. for Senate Bill 5, Disqualifying CDL for DUI conviction in certain cases.

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

Com. Sub. for Senate Bill 180, Relating to PSC jurisdiction over certain telephone company and internet services.

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

Com. Sub. for Senate Bill 225, Allowing magistrates to conduct proceeding for temporary emergency protective order dealing with temporary custody by family court.

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

Com. Sub. for Com. Sub. for Senate Bill 257, Relating to Civil Air Patrol leave and protection of employees performing missions.

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

On motion of Senator Trump, the bill was recommitted to the Committee on the Judiciary.

Com. Sub. for Senate Bill 261, Relating to increasing salary or wages of judgment debtor.

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

Com. Sub. for Senate Bill 337, Hiring correctional officers without regard to placement on correctional officer register.

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

Com. Sub. for Com. Sub. for Senate Bill 345, Allowing certain hunting and trapping on Sundays.

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

Senate Bill 346, Relating generally to jurisdiction of PSC over motor carriers.

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

Com. Sub. for Senate Bill 347, Relating to modernization of Physician Assistant Practice 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 Mullins, Trump, Karnes and Romano.

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

At the request of Senator Blair, unanimous consent being granted, the remarks by Senators Trump and Karnes were ordered printed in the Appendix to the Journal.

At the request of Senator Prezioso, and by unanimous consent, the remarks by Senator Romano were ordered printed in the Appendix to the Journal.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Tuesday, February 28, 2017, at 11 a.m.

TUESDAY, FEBRUARY 28, 2017

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Jeff Biddle, Emmanuel Baptist Church, Charleston, West Virginia.

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

Pending the reading of the Journal of Monday, February 27, 2017,

At the request of Senator Hall, 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 Jacob Martin to address the Senate on behalf of the Governor's School for the Arts and Emma Locarnini to address the Senate on behalf of the Governor's Honors Academy.

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 passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2001—A Bill to amend and reenact §6B-2-1, §6B-2-2, §6B-2-2a, §6B-2-3a, §6B-2-4, §6B-2-5, §6B-2-6 and §6B-2-10 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new chapter, designated §6D-1-1, §6D-1-2 and §6D-1-3, all relating to ethics and transparency in government generally; providing for the disclosure of interested parties to a government contract; defining terms; prohibiting contracting with a state agency unless business entity submits disclosure of interested parties; requiring submission of supplemental disclosure within thirty days of completion or termination of the contract; providing exceptions to the disclosure requirement for certain contracts; requiring the Ethics Commission create disclosure form; specifying contents to be included in the disclosure form; requiring state agencies to submit completed forms to the Ethics Commission; requiring the Ethics Commission to make disclosures publicly available; requiring the Ethics Commission to post disclosures on the commission website when technologically able; authorizing members of the Ethics Commission and members of the Probable Cause Review Board to participate and vote via video conferencing; clarifying and expanding the violations in which a complaint may be referred to the Probable Cause Review Board; clarifying that the Probable Cause Review Board conducts investigations and not hearings to determine probable cause; clarifying and expanding the violations in which a complaint may be initiated by the Ethics Commission; clarifying that the Probable Cause Review Board is the entity to receive evidence bearing on the issue of probable cause; clarifying that the commission and review board may ask a respondent to disclose specific amounts received from a source and request other detailed information; clarifying that both the Ethics Commission and the Probable Cause Review Board have subpoena power; clarifying that confidentiality provisions apply to both the commission and the review board; specifying that at least five members of the commission approve of a decision on the truth or falsity of the charges against a respondent

and a decision to impose sanctions; clarifying and expanding the violations in which sanctions may be imposed by the Ethics Commission; prohibiting a public official or public employee from knowingly and intentionally influencing, attempting to influence, showing favoritism or granting patronage in the employment or working conditions of his or her relative or a person with whom he or she resides; eliminating the voting prohibition on personnel matters involving a public official's spouse or relative; prohibiting public officials, except certain members of the Legislature, from voting on the employment or working conditions of the public official's relative or person with whom the public official resides; prohibiting public officials, except certain members of the Legislature, from voting on the appropriation of moneys or award of contract to a nonprofit corporation if the public official or an immediate family member is employed by or an officer or board member of the nonprofit, whether compensated or not; clarifying the timeframe in which a candidate for public office must file a financial disclosure statement and providing an exception to filing such a financial disclosure statement if the candidate has previously filed a statement for the previous calendar year; and amending statutory cross-references to reflect proper reference to other statutes.

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 2028—A Bill to amend and reenact §14-2-2 of the Code of West Virginia, 1931, as amended, relating to the venue for suits and other actions against the state; allowing a plaintiff or petitioner to file a claim or petition against the state, a state officer, or state agency in the circuit court of a county in which the plaintiff or petitioner resides or in which a claim arose or, alternatively, in the circuit court of Kanawha County.

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 2359—A Bill to amend and reenact §30-14-12 of the Code of West Virginia, 1931, as amended, relating to offenses and penalties for practicing osteopathic medicine without a license; and creating a felony crime of practicing or attempting to practice osteopathic medicine without a license or permit and providing criminal penalties.

Referred to the Committee on Government Organization; 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 2479—A Bill to repeal §48-1-233.3, §48-1-233.4 and §48-9-404 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §48-31-101, §48-31-102, §48-31-103, §48-31-104, §48-31-105, §48-31-106, §48-31-107, §48-31-201, §48-31-202, §48-31-203, §48-31-204, §48-31-205, §48-31-301, §48-31-302, §48-31-303, §48-31-304, §48-31-305, §48-31-306, §48-31-307, §48-31-308, §48-31-309, §48-31-310, §48-31-311, §48-31-401, §48-31-402, §48-31-403, §48-31-404, §48-31-501, §48-31-502 and §48-31-503, all relating to adoption of the “Uniform Deployed Parents Custody and Visitation Act”; defining terms; providing for enforcement through assessment of attorney fees and costs; establishing procedures to determine matters of child custody and visitation when parents are deployed in military or other national service; requiring notices from deployed parent; providing for out-of-court agreements and establishing minimum requirements therefor; prohibiting consideration of past or future deployments in determining the best interest of the child; authorizing orders for payment of child support during deployment; providing for modification and termination of orders and agreements; and giving guidance for interpretation and construction in conjunction with other laws and orders.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

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

Your Committee on Natural Resources has had under consideration

Senate Bill 28, Creating new system for certain contiguous counties to establish regional recreation authorities.

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 Government Organization.

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Government Organization, with amendments from the Committee on Natural Resources pending.

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 190, Eliminating bidders' preference for in-state vendors on state contracts.

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

Com. Sub. for Senate Bill 190 (originating in the Committee on Government Organization)—A Bill to amend and reenact §5A-3-37 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18B-5-4 of said code, all relating to eliminating preferences for certain vendors bidding on state contracts for commodities or printing; establishing a reciprocal preference that is to be applied to resident vendors against a nonresident vendor from any state that gives or requires a preference to bidders from that state; and providing resident vendor qualifications.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Gaunch, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill 344, Relating to application of payments on consumer credit sale and loans.

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

Com. Sub. for Senate Bill 344 (originating in the Committee on Banking and Insurance)—A Bill to amend and reenact §46A-2-115 of the Code of West Virginia, 1931, as amended; and to amend and reenact §46A-3-111, §46A-3-112 and §46A-3-113 of said code, all relating to consumer credit sales and consumer loans, except credit cards; specifying application of payments and partial payments; modifying provisions related to delinquency charges; permitting certain payments be held in a suspense or unapplied funds account; and stating requirements concerning funds held in a suspense or unapplied funds account.

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

Respectfully submitted,

C. Edward Gaunch,
Chair.

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

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

Your Committee on Natural Resources has had under consideration

Senate Bill 410, Relating to marking traps with DNR identification tag.

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

Com. Sub. for Senate Bill 410 (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-2-19 of the Code of West Virginia, 1931, as amended, relating to marking traps with a Division of Natural Resources identification number.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,
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 439, Relating to venue for civil and criminal actions at Salem Correctional Center.

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

Com. Sub. for Senate Bill 439 (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 §25-1-9, relating to venue for civil and criminal actions arising from or committed on the property comprising the Salem Correctional Center.

With the recommendation that the committee substitute do pass.

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 Smith, Sypolt and Blair:

Senate Bill 458—A Bill to amend and reenact §24-2-1 of the Code of West Virginia, 1931, as amended, relating to eliminating the need for certain power-generating facilities to obtain siting certificates from the Public Service Commission.

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

By Senators Boso and Rucker:

Senate Bill 459—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to placing the existing “In God We Trust” license plate into the statutory list of special license plates.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senators Boley and Blair:

Senate Bill 460—A Bill to amend and reenact §17A-7-2 of the Code of West Virginia, 1931, as amended, relating generally to the registration of motor vehicles; replacing the issuance of 48-hour stickers with the issuance of temporary sixty-day registrations plates; requiring a \$25 fee to be collected; and designating the fund where the moneys from that fee are to be deposited.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senators Hall, Takubo and Stollings:

Senate Bill 461—A Bill to amend and reenact §5A-3-1 and §5A-3-3 of the Code of West Virginia, 1931, as amended, all relating to exempting the West Virginia State Police from state purchasing requirements.

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

By Senators Jeffries, Boso, Karnes, Miller, Prezioso, Romano, Rucker, Stollings, Swope, Plymale, Maroney and Unger:

Senate Bill 462—A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to exempting all monetary benefits derived from military retirement from personal income tax obligations.

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

By Senators Palumbo, Gaunch, Plymale, Prezioso, Takubo, Trump, Woelfel and Stollings:

Senate Bill 463—A Bill to repeal §3-12-1, §3-12-2, §3-12-3, §3-12-4, §3-12-5, §3-12-6, §3-12-7, §3-12-8, §3-12-9, §3-12-10, §3-12-11, §3-12-12, §3-12-13, §3-12-14, §3-12-15 and §3-12-16 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-1A-5 of said code, relating to eliminating the West

Virginia Supreme Court of Appeals Public Campaign Financing Program.

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

By Senators Hall and Plymale:

Senate Bill 464—A Bill to amend and reenact §33-3-15 of the Code of West Virginia, 1931, as amended, relating to eliminating taxation on annuity considerations collected and received by a life insurer.

Referred to the Committee on Finance.

By Senators Takubo, Stollings and Maroney:

Senate Bill 465—A Bill to amend and reenact §55-7B-6 of the Code of West Virginia, 1931, as amended, relating to medical professional liability; allowing for admissibility of letter of merit in actions against health care providers; and allowing testimony in a judicial proceeding or by deposition upon issuing a letter of merit.

Referred to the Committee on the Judiciary.

By Senators Blair, Trump and Palumbo:

Senate Bill 466—A Bill to amend and reenact §29-22B-1408 of the Code of West Virginia, 1931, as amended, relating to calculation of the state's share of gross terminal income; and fixing the state's share at fifty percent.

Referred to the Committee on Finance.

By Senators Blair and Trump:

Senate Bill 467—A Bill to amend and reenact §29-22B-903 of the Code of West Virginia, 1931, as amended, relating to maximum wager per limited video lottery game and bill denominations accepted by limited video lottery terminals.

Referred to the Committee on Finance.

By Senators Blair and Trump:

Senate Bill 468—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 Takubo, Jeffries, Maynard and Cline:

Senate Bill 469—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5i, relating to prohibiting the waste of game animals, game birds or game fish; and providing criminal penalties.

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

By Senators Stollings, Unger and Cline:

Senate Bill 470—A Bill to amend and reenact §48-10-203 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §48-10-204, all relating to creating visitation rights for certain great-grandparents; and defining “grandchild”.

Referred to the Committee on the Judiciary.

By Senators Maynard, Stollings and Cline:

Senate Bill 471—A Bill to amend and reenact §20-2-3 of the Code of West Virginia, 1931, as amended, relating to state ownership of wildlife.

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

By Senators Maynard, Stollings and Cline:

Senate Bill 472—A Bill to amend and reenact §20-2-22a of the Code of West Virginia, 1931, as amended, relating to natural resources; and permitting bear hunting with guides.

Referred to the Committee on Natural Resources.

By Senators Maynard and Cline:

Senate Bill 473—A Bill to amend and reenact §20-2-4 and §20-2-11 of the Code of West Virginia, 1931, as amended, all relating to wildlife; permitting the collection, possession and sale

of naturally shed deer antlers; and clarifying the trade or barter of wildlife or parts thereof.

Referred to the Committee on Natural Resources.

By Senators Maynard and Cline:

Senate Bill 474—A Bill to amend and reenact §20-2-27 of the Code of West Virginia, 1931, as amended, relating to hunting licenses; and exempting the list of names, addresses and contact information for license holders from public disclosure with certain exceptions.

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

By Senators Ojeda, Facemire, Jeffries, Plymale, Romano, Stollings, Swope, Unger and Cline:

Senate Bill 475—A Bill to amend and reenact §25-1-11d of the Code of West Virginia, 1931, as amended; and to amend and reenact §31-20-27 of said code, all relating to creating incentives for the hiring and retention of Division of Corrections and Regional Jail Authority and Correctional Facility Authority correctional officers.

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

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 476—A Bill expiring funds to the unappropriated balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2017, in the amount of \$101,700,000 from the Department of Revenue, Office of the Secretary – Revenue Shortfall Reserve Fund, fund 7005, fiscal year 2017, organization 0701.

Referred to the Committee on Finance.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 477—A Bill to amend and reenact §11-14C-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-15-18b of said code; to amend and reenact §17A-2-13 of said code; to amend and reenact §17A-3-4 of said code; to amend and reenact §17A-4-1 and §17A-4-10 of said code; to amend and reenact §17A-4A-10 of said code; to amend and reenact §17A-7-2 of said code; to amend and reenact §17A-10-3, §17A-10-10 and §17A-10-11 of said code; to amend and reenact §17B-2-1, §17B-2-3a, §17B-2-5, §17B-2-6, §17B-2-8 and §17B-2-11 of said code; to amend and reenact §17C-5A-2a of the said code; and to amend and reenact §17D-2-2 of said code, all relating generally to increasing the funding for the State Road Fund by increasing Division of Motor Vehicles administrative fees and motor fuel excise taxes; changing the flat rate component of the motor fuel excise tax from 20.5 cents to 30.5 cents per invoiced gallon of motor fuel and on each gallon equivalent for alternative fuel; increasing the minimum average wholesale price of motor fuels for purposes of the five percent variable fuel tax as of specified date; deleting superfluous language relating to floorstocks; specifying effective date; increasing Division of Motor Vehicles administrative fees; increasing the fee for vehicle records and the certified record fee; increasing the registration fee for Class A motor vehicles; increasing the fee for the issuance and duplication of various documents by the division including titles, registration, plates and decals; increasing the fee for recording liens and releases; increasing the vehicle transfer fees; increasing the fee for issuance, duplication and renewal of a driver's license and identification card; requiring the payment of the fee for each attempt at the written and road skills test; increasing the fee for driving records; increasing said administrative Division of Motor Vehicles fees every five years on September 1 based on the U. S. Department of Labor, Bureau of Labor Statistics most current Consumer Price Index; and specifying effective dates.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 478—A Bill to amend and reenact §11-13A-3 of the Code of West Virginia, 1931, as amended, relating generally to

severance taxes imposed on the privilege of producing coal for sale, profit or commercial use; specifying effective date; and making technical corrections.

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

By Senators Blair, Rucker, Takubo, Maroney, Cline and Stollings:

Senate Bill 479—A Bill to amend and reenact §60-3-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-3A-17, §60-3A-18 and §60-3A-25 of said code, all relating to Sunday sales of liquor by retail licensees; and authorizing the Legislature to set the maximum wholesale markup percentage on all liquor, other than wine.

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

By Senator Blair:

Senate Bill 480—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.

Referred to the Committee on Government Organization.

By Senator Blair:

Senate Bill 481—A Bill to amend and reenact §8-10-2a and §8-10-2b of the Code of West Virginia, 1931, as amended, all relating to municipal courts notification to the Division of Motor

Vehicles of a person's failure to appear and failure to pay assessed costs, fines, forfeitures or penalties.

Referred to the Committee on Government Organization.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 482—A Bill to repeal §17-16A-18a, §17-16A-23 and §17-16A-30 of the Code of West Virginia, 1931, as amended; to amend and reenact §17-16A-1, §17-16A-5, §17-16A-6, §17-16A-10, § 17-16A-11, §17-16A-13, §17-16A-13a, §17-16A-18, §17-16A-21, §17-16A-22 and §17-16A-29 of said code; to amend said code by adding thereto a new section, designated §17-16A-11a; to amend and reenact §17-16D-3 of said code; to amend said code by adding thereto a new section, designated §17A-2-25; to amend and reenact §17A-3-7 of said code; and to amend said code by adding thereto a new section, designated §17A-10-17, all relating generally to the West Virginia Parkways Authority; defining certain terms; adding the power of the authority to study, investigate and evaluate, and, if feasible, develop and implement, a single fee program; adding the power of the authority to impose in connection with any single fee program a flat fee in connection with any or all certificates of passenger motor vehicle registration and renewal thereof by the Division of Motor Vehicles; adding the power of the authority to enter into reciprocal toll enforcement agreements; creating and designating a special revenue account within the State Road Fund known as the State Road Construction Account; authorizing the deposit of proceeds of parkway revenue bonds to the State Road Construction Account; creating and designating a special revenue account within the State Treasury known as the West Virginia Parkways Authority Single Fee Program Fund; clarifying notice and public meeting requirements and procedures for fixing initial rates or tolls or increasing or changing rates or tolls; clarifying the power of the Parkways Authority to fix rates or tolls for Corridor L toll collection facility; expanding the authority of the Parkways Authority to issue revenue bonds or refunding revenue bonds for parkways' projects and for the West Virginia Turnpike; eliminating approval by county commissions and establishment by Governor of local committees prior to approval of any parkway project; authorizing electronic toll

collection and enforcement of tolls on all roads, highways and bridges in the state; adding the power of the Division of Motor Vehicles to act as collection agent for the authority under any single fee program; and expanding the grounds for refusing to register a motor vehicle.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 483—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-24, relating to imposing, administering and collecting a license tax on successful bidders for road construction contracts; imposing license tax; requiring notification and method for payment of license tax; dedicating taxes collected; requiring bonding; creating a special revenue account; and specifying effective date.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 484—A Bill to amend and reenact §11-13X-4 and §11-13X-13 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-15-3, §11-15-8 and §11-15-9 of said code; to amend and reenact §11-15A-2 of said code; to amend and reenact §11-16-13 of said code; to amend said code by adding thereto a new section, designated §11-21-97; and to amend said code by adding thereto a new article, designated §11-28-1, §11-28-2, §11-28-3, §11-28-4, §11-28-5, §11-28-6, §11-28-7, §11-28-8, §11-28-9, §11-28-10, §11-28-11, §11-28-12, §11-28-13, §11-28-14 and §11-28-15, all relating generally to taxation; eliminating new film tax credits but preserving credit for taxpayers authorized to claim credit prior to specified date; increasing rate of consumers sales and service tax and use tax to 6.5 percent; providing for rate of tax to revert to six percent on and after July 1, 2020, as long as certain parameters are met with respect to the revenue shortfall

reserve funds; limiting the exemption or exception of certain professional services from consumers sales and service tax and use tax; terminating exemption from consumers sales and service tax and use tax for certain advertising services; eliminating exemption from consumers sales and service tax for certain purchases of materials acquired for use in state highway projects; increasing rate of barrel tax on nonintoxicating beer; creating the West Virginia Personal Income Tax Study Commission to study the feasibility of eliminating the West Virginia personal income tax; providing for the members and operation of the commission; requiring the commission to submit a report by specified date; permitting certain confidential information to be disclosed to the commission; prohibiting further disclosure of confidential information received by the commission; exempting certain information received by the commission from the West Virginia Freedom of Information Act; providing criminal and civil penalties for unauthorized disclosure; imposing new tax on privilege of engaging in commercial activity in this state; defining terms; specifying measure of commercial activity tax; providing for administration of commercial activity tax; exempting certain entities from commercial activity tax; providing credit against commercial activity tax for payment of certain gross receipts' taxes to state; imposing criminal penalties for noncompliance; providing for severability; specifying effective date; and providing sunset date of July 1, 2020, for elimination of the commercial activity tax as long as certain parameters are met with respect to the revenue shortfall reserve funds.

Referred to the Committee on Finance.

Senators Romano, Facemire and Stollings offered the following resolution:

Senate Concurrent Resolution 24—Requesting the Division of Highways to name bridge number 17-58-0.01 (17A225), (39.25187, -80.31860), locally known as the Stonewood Bridge, carrying WV 58 over Elk Creek in Harrison County, the “U. S. Army PFC Joe Messe, Sr., Memorial Bridge”.

Whereas, Joe Messe, Sr., was born in Stonewood, Harrison County, West Virginia, on May, 7, 1922; and

Whereas, Joe answered the call to serve his country during World War II, joining the 517th Field Artillery Battalion; and

Whereas, During the war, Joe served as a heavy artillery gun crewman, with specializations in rifle marksmanship and T. S. M. G. sharpshooting, employing his skills for the betterment of the American war effort in the Northern Solomon and Luzon Campaigns; and

Whereas, Joe's battalion performed laudably in both the Solomon Islands and the Philippines, ultimately receiving a commendation from Brigadier General of the U. S. Army H. R. Barter for their impeccable performance in the line of duty; and

Whereas, Joe's service to his country honors his family, his community and the entire State of West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number: 17-58-0.01 (17A225), (39.25187, -80.31860), locally known as the Stonewood Bridge, carrying WV 58 over Elk Creek in Harrison County, the "U. S. Army PFC Joe Messe, Sr., Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army PFC Joe Messe, Sr., Memorial Bridge"; and, be it

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

Which, under the rules, lies over one day.

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

Senate Resolution 24—Congratulating the Chapmanville Lady Tigers softball team for winning the 2016 Class AA state championship.

Whereas, The Chapmanville Lady Tigers softball team had another dominant year on the field, finishing with a 33-6 record and winning its sixth state championship; and

Whereas, The Chapmanville Lady Tigers softball team is led by head coach Ronnie Ooten, and assistant coaches Barb Ooten, Dave Elkins, John Carter and D. A. Harless; and

Whereas, The Chapmanville Lady Tigers softball team's roster is comprised of: Shian Meeks, Savannah Wiley, Hollie Carter, Kerston Kennedy, Mallory Kennedy, Jacy Baxter, Grace Belcher, Kara Browning, Sara Butcher, Jadalynn Freeman, Alli Harless, Karah Little, Kenzie McCann, Tabitha Adkins, Cassidy Browning, Makayla Lambert, Bailey Parsons, Taylor Plumley, Shea Pridemore, Amber Richards, Kelsy Shadd and Chloe Sweeney; and

Whereas, The Chapmanville Lady Tigers softball team, under the leadership of Ronnie Ooten, has built a reputation, both in West Virginia and around the country, as a premier softball program, having won state titles in 1999, 2004, 2007, 2009, 2010 and 2016; and

Whereas, The 2016 Chapmanville Lady Tigers softball team will be remembered as one of the best high school softball teams in West Virginia history; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates the Chapmanville Lady Tigers softball team for winning the 2016 Class AA state championship; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Chapmanville Lady Tigers softball team.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senators Stollings, Ojeda and Maynard regarding the adoption of Senate Resolution 24 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.

At the request of Senator Romano, and by unanimous consent, Senators Romano and Facemire offered the following resolution from the floor:

Senate Resolution 25—Commending and congratulating Jeffrey Stutler of Harrison County as West Virginia’s Outstanding Tree Farmer for 2017.

Whereas, Jeffrey Stutler owns and manages a 315-acre tree farm in Harrison County, West Virginia; and

Whereas, For all of these efforts, Jeffrey Stutler was selected as West Virginia’s Outstanding Tree Farmer for 2017 by the West Virginia Tree Farm Committee and its state sponsor, the West Virginia Forestry Association; and

Whereas, This outstanding tree farmer made a formal commitment to sound forest management practices by enrolling in the West Virginia Tree Farm Program; and

Whereas, Jeffrey Stutler is committed to the long-term productivity of his property by performing sustainable forest management, single-tree selection, timberland improvement, wildlife habitat improvement, water resource enhancement and recreational practices; and

Whereas, Jeffrey Stutler has held tours as part of a successful bid to win the State Conservation Farmer of the Year Contest; and

Whereas, Jeffrey Stutler has spent years managing his forest and pastures under the direction of forest stewardship plans, with oversight, assistance and input from the State Division of Forestry Forester Juergen A. Wildman, all of which has benefited this important natural resource; and

Whereas, It is the policy of this Legislature to recognize and commend outstanding West Virginians who promote our state, its people and its resources; therefore, be it

Resolved by the Senate:

That the Senate hereby commends and congratulates Jeffrey Stutler of Harrison County for being selected as West Virginia's Outstanding Tree Farmer for 2017; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to Jeffrey Stutler.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Romano regarding the adoption of Senate Resolution 25 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 23, Johnny O'Dell Linville Memorial Bridge.

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 125, Authorizing DHHR promulgate legislative rules.

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, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Miller—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. 125) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Miller—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. 125) takes effect from passage.

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 214, Adopting Uniform Electronic Legal Material Act.

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, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Miller—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. 214) passed with its title.

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

At the request of Senator Ferns, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the eighth order of business, the next bill coming up in numerical sequence being

Eng. Senate Bill 321, Reporting requirements of employee information to CPRB.

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, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Miller—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 321) 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 426, Repealing DNR legislative rule on litter control grant program.

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, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Miller—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 426) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Miller—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 426) takes effect from passage.

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 4, Allowing licensed professionals donate time to care of indigent and needy in clinical setting.

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

On motion of Senator Takubo, the following amendment to the bill was reported by the Clerk and adopted:

On pages twelve and thirteen, section seventeen, lines sixty-five through sixty-eight, by striking out all of subsection (h) and inserting in lieu thereof a new subsection, designated subsection (h), to read as follows:

(h) No special volunteer pharmacist license is required for a pharmacist holding one or more unrestricted license granted by another state or foreign country serving as a volunteer in a noncompensated role for a charitable function for a period not to exceed seven days.

The bill (Com. Sub. for S. B. 4), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 5, Disqualifying CDL for DUI conviction in certain cases.

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 9, Regulating unmanned aircraft systems.

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

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

On page six, section five, line one, after the word “designated” by inserting the word “industrial”;

On page six, section five, line four, after the word “designated” by inserting the word “industrial”;

On page seven, section six, line two, after the word “Police” by inserting a comma and the words “the West Virginia Sheriffs’ Bureau for Professional Standards”;

On page eight, section eight, line three, after the word “publication” by inserting the words “to the general public”;

And,

On page eight, section eight, after line thirteen, by adding a new subsection, designated subsection (e), to read as follows:

(e) Nothing in this article may be construed to prohibit the operation of an unmanned aircraft system by a person holding a valid commercial license for purposes of newsgathering if the operation of the unmanned aircraft system is in compliance with all applicable rules and requirements of the Federal Communications

Commission and the Federal Aviation Administration and the operation of the unmanned aircraft system does not violate the provisions of section three of this article.

On motion of Senator Prezioso, the following amendment to the bill (Com. Sub. for S. B. 9) was next reported by the Clerk and adopted:

On page four, section three, line thirteen, after the word “thereof” by changing the period to a colon and inserting the following proviso: *Provided*, That the provisions of this subdivision do not apply to a person operating an unmanned aircraft system in the airspace above the person’s real property, real property upon which the person has the consent of the owner to operate the unmanned aircraft system, or public property.

The bill (Com. Sub. for S. B. 9), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 180, Relating to PSC jurisdiction over certain telephone company and internet services.

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 225, Allowing magistrates to conduct proceeding for temporary emergency protective order dealing with temporary custody by family court.

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 236, Relating to damages for medical monitoring.

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

At the request of Senator Ferns, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

Com. Sub. for Senate Bill 261, Relating to increasing salary or wages of judgment debtor.

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 337, Hiring correctional officers without regard to placement on correctional officer register.

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

Com. Sub. for Com. Sub. for Senate Bill 345, Allowing certain hunting and trapping on Sundays.

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

Senate Bill 346, Relating generally to jurisdiction of PSC over motor carriers.

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 347, Relating to modernization of Physician Assistant Practice Act.

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

On motions of Senators Takubo and Stollings, the following amendment to the bill was reported by the Clerk and adopted:

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

That §30-3E-8 of the Code of West Virginia, 1931, as amended, be repealed; that §16-5-19 of said code be amended and reenacted; that §30-3-5 of said code be amended and reenacted; that §30-3E-1, §30-3E-2, §30-3E-3, §30-3E-4, §30-3E-6, §30-3E-7, §30-3E-9, §30-3E-10, §30-3E-11, §30-3E-12, §30-3E-15, §30-3E-16 and §30-3E-17 of said code be amended and reenacted; and

that said code be amended by adding thereto a new section, designated §30-3E-12a, all to read as follows:

§16-5-19. Death registration.

(a) A certificate of death for each death which occurs in this state shall be filed with the section of vital statistics, or as otherwise directed by the state Registrar, within five days after death, and prior to final disposition, and shall be registered if it has been completed and filed in accordance with this section.

(1) If the place of death is unknown, but the dead body is found in this state, the place where the body was found shall be shown as the place of death.

(2) If the date of death is unknown, it shall be approximated. If the date cannot be approximated, the date found shall be shown as the date of death.

(3) If death occurs in a moving conveyance in the United States and the body is first removed from the conveyance in this state, the death shall be registered in this state and the place where it is first removed shall be considered the place of death.

(4) If death occurs in a moving conveyance while in international waters or air space or in a foreign country or its air space and the body is first removed from the conveyance in this state, the death shall be registered in this state but the certificate shall show the actual place of death insofar as can be determined.

(5) In all other cases, the place where death is pronounced shall be considered the place where death occurred.

(b) The funeral director or other person who assumes custody of the dead body shall:

(1) Obtain the personal data from the next of kin or the best qualified person or source available including the deceased person's social security number or numbers, which shall be placed in the records relating to the death and recorded on the certificate of death;

(2) Within forty-eight hours after death, provide the certificate of death containing sufficient information to identify the decedent to the physician nurse responsible for completing the medical certification as provided in subsection (c) of this section; and

(3) Upon receipt of the medical certification, file the certificate of death: *Provided*, That for implementation of electronic filing of death certificates, the person who certifies to cause of death will be responsible for filing the electronic certification of cause of death as directed by the state Registrar and in accordance with legislative rule.

(c) The medical certification shall be completed and signed within twenty-four hours after receipt of the certificate of death by the physician, a physician assistant or advanced practice registered nurse in charge of the patient's care for the illness or condition which resulted in death except when inquiry is required pursuant to chapter sixty-one, article twelve or other applicable provisions of this code.

(1) In the absence of the physician, a physician assistant or advanced practice registered nurse or with his or her approval, the certificate may be completed by his or her associate physician, any physician who has been placed in a position of responsibility for any medical coverage of the decedent, the chief medical officer of the institution in which death occurred, or the physician who performed an autopsy upon the decedent, provided inquiry is not required pursuant to chapter sixty-one, article twelve of this code.

(2) The person completing the cause of death shall attest to its accuracy either by signature or by an approved electronic process.

(d) When inquiry is required pursuant to article twelve, chapter sixty one, or other applicable provisions of this code, the state Medical Examiner or designee or county medical examiner or county coroner in the jurisdiction where the death occurred or where the body was found shall determine the cause of death and shall complete the medical certification within forty-eight hours after taking charge of the case.

(1) If the cause of death cannot be determined within forty-eight hours after taking charge of the case, the medical examiner shall complete the medical certification with a “Pending” cause of death to be amended upon completion of medical investigation.

(2) After investigation of a report of death for which inquiry is required, if the state Medical Examiner or designee or county medical examiner or county coroner decline jurisdiction, the state Medical Examiner or designee or county medical examiner or county coroner may direct the decedent’s family physician or the physician who pronounces death to complete the certification of death: *Provided*, That the physician is not civilly liable for inaccuracy or other incorrect statement of death unless the physician willfully and knowingly provides information he or she knows to be false.

(e) When death occurs in an institution and the person responsible for the completion of the medical certification is not available to pronounce death, another physician may pronounce death. If there is no physician available to pronounce death, then a designated licensed health professional who views the body may pronounce death, attest to the pronouncement by signature or an approved electronic process and, with the permission of the person responsible for the medical certification, release the body to the funeral director or other person for final disposition: *Provided*, That if the death occurs in an institution during court-ordered hospitalization, in a correctional facility or under custody of law-enforcement authorities, the death shall be reported directly to a medical examiner or coroner for investigation, pronouncement and certification.

(f) If the cause of death cannot be determined within the time prescribed, the medical certification shall be completed as provided by legislative rule. The attending physician or medical examiner, upon request, shall give the funeral director or other person assuming custody of the body notice of the reason for the delay, and final disposition of the body may not be made until authorized by the attending physician, medical examiner or other persons authorized by this article to certify the cause of death.

(g) Upon receipt of autopsy results, additional scientific study, or where further inquiry or investigation provides additional information that would change the information on the certificate of death from that originally reported, the certifier, or any State Medical Examiner who provides such inquiry under authority of article twelve, chapter sixty-one of this code shall immediately file a supplemental report of cause of death or other information with the section of vital statistics to amend the record, but only for purposes of accuracy.

(h) When death is presumed to have occurred within this state but the body cannot be located, a certificate of death may be prepared by the state Registrar only upon receipt of an order of a court of competent jurisdiction which shall include the finding of facts required to complete the certificate of death. The certificate of death will be marked "Presumptive" and will show on its face the date of death as determined by the court and the date of registration, and shall identify the court and the date of the order.

(i) The local registrar shall transmit each month to the county clerk of his or her county a copy of the certificates of all deaths occurring in the county, and if any person dies in a county other than the county within the state in which the person last resided prior to death, then the state Registrar shall furnish a copy of the death certificate to the clerk of the county commission of the county where the person last resided, from which copies the clerk shall compile a register of deaths, in a form prescribed by the state Registrar. The register shall be a public record.

ARTICLE 3. WEST VIRGINIA MEDICAL PRACTICE ACT.

§30-3-5. West Virginia Board of Medicine powers and duties continued; appointment and terms of members; vacancies; removal.

The West Virginia Board of Medicine has assumed, carried on and succeeded to all the duties, rights, powers, obligations and liabilities heretofore belonging to, or exercised by, the Medical Licensing Board of West Virginia. All the rules, orders, rulings, licenses, certificates, permits and other acts and undertakings of the

Medical Licensing Board of West Virginia as heretofore constituted have continued as those of the West Virginia Board of Medicine until they expired or were amended, altered or revoked. The board remains the sole authority for the issuance of licenses to practice medicine and surgery and to practice podiatry and to practice as physician assistants in this state under the supervision of physicians licensed under this article. The board shall continue to be a regulatory and disciplinary body for the practice of medicine and surgery and the practice of podiatry and for physician assistants in this state.

The board shall consist of ~~fifteen~~ sixteen members. One member shall be the state health officer ex officio, with the right to vote as a member of the board. The other ~~fourteen~~ fifteen members shall be appointed by the Governor, with the advice and consent of the Senate. Eight of the members shall be appointed from among individuals holding the degree of doctor of medicine and two shall hold the degree of doctor of podiatric medicine. ~~One member shall be an individual licensed by the board as a physician assistant~~ Two members shall be licensed by the board as physician assistants. Each of these members must be duly licensed to practice his or her profession in this state on the date of appointment and must have been licensed and actively practicing that profession for at least five years immediately preceding the date of appointment. Three lay members shall be appointed to represent health care consumers. Neither the lay members nor any person of the lay members' immediate families shall be a provider of, or be employed by a provider of, health care services. The state health officer's term shall continue for the period that he or she holds office as state health officer. Each other member of the board shall be appointed to serve a term of five years: *Provided*, That the members of the Board of Medicine holding appointments on the effective date of this section shall continue to serve as members of the Board of Medicine until the expiration of their term unless sooner removed. Each term shall begin on October 1 of the applicable year and a member may not be appointed to more than two consecutive full terms on the board.

A person is not eligible for membership on the board who is a member of any political party executive committee or, with the exception of the state health officer, who holds any public office or public employment under the federal government or under the government of this state or any political subdivision thereof.

In making appointments to the board, the Governor shall, so far as practicable, select the members from different geographical sections of the state. When a vacancy on the board occurs and less than one year remains in the unexpired term, the appointee shall be eligible to serve the remainder of the unexpired term and two consecutive full terms on the board.

No member may be removed from office by the Governor except for official misconduct, incompetence, neglect of duty or gross immorality: *Provided*, That the expiration, surrender or revocation of the professional license by the board of a member of the board shall cause the membership to immediately and automatically terminate.

ARTICLE 3E. PHYSICIAN ASSISTANTS PRACTICE ACT.

§30-3E-1. Definitions.

As used in this article:

(1) “Advance duties” means medical acts that require additional training beyond the basic education program training required for licensure as a physician assistant.

(2) “Alternate ~~supervising~~ collaborating physician” means one or more physicians licensed in this state and designated by the ~~supervising~~ collaborating physician to provide ~~supervision~~ of collaboration with a physician assistant in accordance with an authorized practice agreement.

(3) “Approved program” means an educational program for physician assistants approved and accredited by the Accreditation Review Commission on Education for the Physician Assistant or its successor. Prior to 2001, approval and accreditation would have been by either the Committee on Allied Health Education and

Accreditation or the Accreditation Review Commission on Education for the Physician Assistant.

(4) “Boards” means the West Virginia Board of Medicine and the West Virginia Board of Osteopathic Medicine.

(5) “Chronic condition” means a condition which lasts three months or more, generally cannot be prevented by vaccines, can be controlled but not cured by medication and does not generally disappear. These conditions include, but are not limited to, arthritis, asthma, cardiovascular disease, cancer, diabetes, epilepsy and seizures and obesity.

(6) “Collaborating physician” means a doctor of medicine, osteopathy or podiatry fully licensed, by the appropriate board in this state, without restriction or limitation, who collaborates with physician assistants.

(7) “Collaboration” means overseeing the activities of, and accepting responsibility for, the medical services rendered by a physician assistant. Constant physical presence of the collaborating physician is not required as long as the collaborating physician and physician assistant are, or can be, easily in contact with one another by telecommunication. Collaboration does not require the personal presence of the collaborating physician at the place or places where services are rendered if the physician assistant’s normal place of employment is the same premises as the collaborating physician.

~~(6)~~ (8) “Endorsement” means a summer camp or volunteer endorsement authorized under this article.

~~(7)~~ (9) “Health care facility” means any licensed hospital, nursing home, extended care facility, state health or mental institution, clinic or physician’s office.

~~(8)~~ (10) “Hospital” means a facility licensed pursuant to article five-b, chapter sixteen of this code, and any acute-care facility operated by the state government that primarily provides inpatient diagnostic, treatment or rehabilitative services to injured, disabled or sick persons under the supervision of physicians and includes psychiatric hospitals.

~~(9)~~ (11) “License” means a license issued by either of the boards pursuant to the provisions of this article.

~~(40)~~ (12) “Licensee” means a person licensed pursuant to the provisions of this article.

~~(44)~~ (13) “Physician” means a doctor of allopathic or osteopathic medicine who is fully licensed pursuant to the provisions of either article three or fourteen of this chapter to practice medicine and surgery in this state.

~~(42)~~ (14) “Physician assistant” means a person who meets the qualifications set forth in this article and is licensed pursuant to this article to practice medicine under ~~supervision~~ collaboration.

~~(43)~~ (15) “Practice agreement” means a document that is executed between a ~~supervising-collaborating~~ physician and a physician assistant pursuant to the provisions of this article, and is filed with and approved by the appropriate licensing board.

~~(14)~~ “~~Supervising physician~~” means ~~a doctor of medicine, osteopathy or podiatry fully licensed, by the appropriate board in this state, without restriction or limitation, who supervises physician assistants.~~

~~(15)~~ “~~Supervision~~” means ~~overseeing the activities of, and accepting responsibility for, the medical services rendered by a physician assistant. Constant physical presence of the supervising physician is not required as long as the supervising physician and physician assistant are, or can be, easily in contact with one another by telecommunication. Supervision does not require the personal presence of the supervising physician at the place or places where services are rendered if the physician assistant’s normal place of employment is the same premises as the supervising physician.~~

§30-3E-2. Powers and duties of the boards.

In addition to the powers and duties set forth in this code for the boards, the boards shall:

(1) Establish the requirements for licenses and temporary licenses pursuant to this article;

(2) Establish the procedures for submitting, approving and rejecting applications for licenses and temporary licenses;

(3) Propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code to implement the provisions of this article;

(4) Compile and publish an annual report that includes a list of currently licensed physician assistants, their ~~supervising~~ collaborating physicians and their locations in the state; and

(5) Take all other actions necessary and proper to effectuate the purposes of this article.

§30-3E-3. Rulemaking.

(a) The boards shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code to implement the provisions of this article, including:

(1) The extent to which physician assistants may practice in this state;

(2) The extent to which physician assistants may pronounce death;

(3) Requirements for licenses and temporary licenses;

(4) Requirements for practice agreements;

(5) Requirements for continuing education;

(6) Conduct of a licensee for which discipline may be imposed;

(7) The eligibility and extent to which a physician assistant may prescribe at the direction of his or her ~~supervising~~ collaborating physician, including the following:

~~(A) A list of drugs and pharmacologic categories, or both, the prescription of which may not be delegated to a physician assistant, including all drugs listed in Schedules I and II of the Uniform Controlled Substances Act, antineoplastic and chemotherapeutic agents, or both, used in the active treatment of current cancer, radiopharmaceuticals, general anesthetics, radiographic contrast materials and any other limitation or exclusions of specific drugs or categories of drugs as determined by the boards;~~

(A) A state formulary classifying those categories of drugs which shall not be prescribed by advanced physician assistance including, but not limited to, Schedules I and II of the Uniform Controlled Substances Act, antineoplastics, radiopharmaceuticals and general anesthetics. Drugs listed under Schedule III shall be limited to a thirty-day supply without refill. In addition to the above referenced provisions and restrictions and pursuant to a practice agreement as set forth in this article, the rules shall permit the prescribing of an annual supply of any drug, with the exception of controlled substances, which is prescribed for the treatment of a chronic condition, other than chronic pain management. For the purposes of this section, a chronic condition is a condition which lasts three months or more, generally cannot be prevented by vaccines, can be controlled but not cured by medication and does not generally disappear. These conditions, with the exception of chronic pain, include, but are not limited to, arthritis, asthma, cardiovascular disease, cancer, diabetes, epilepsy and seizures, and obesity. The prescriber authorized in this section shall note on the prescription the chronic disease being treated; and

~~(C)~~ (B) A description of the education and training requirements for a physician assistant to be eligible to receive delegated prescriptive writing authority as part of a practice agreement;

(8) The authority a ~~supervising~~ collaborating physician may delegate for prescribing, dispensing and administering of controlled substances, prescription drugs or medical devices if the practice agreement includes:

(A) A notice of intent to delegate prescribing of controlled substances, prescription drugs or medical devices;

(B) An attestation that all prescribing activities of the physician assistant shall comply with applicable federal and state law governing the practice of physician assistants;

(C) An attestation that all medical charts or records shall contain a notation of any prescriptions written by a physician assistant;

(D) An attestation that all prescriptions shall include the physician assistant's name and the ~~supervising~~ collaborating physician's name, business address and business telephone number legibly written or printed; and

(E) An attestation that the physician assistant has successfully completed each of the requirements established by the appropriate board to be eligible to prescribe pursuant to a practice agreement accompanied by the production of any required documentation establishing eligibility;

(9) A fee schedule; and

(10) Any other rules necessary to effectuate the provisions of this article.

(b) The boards may propose emergency rules pursuant to article three, chapter twenty-nine-a of this code to ensure conformity with this article.

§30-3E-4. License to practice as a physician assistant.

(a) A person seeking licensure as a physician assistant shall apply to the Board of Medicine or to the Board of Osteopathic Medicine. The appropriate board shall issue a license to practice as a physician assistant ~~under the supervision~~ with the collaboration of that board's licensed physicians or podiatrists.

(b) A license may be granted to a person who:

(1) Files a complete application;

(2) Pays the applicable fees;

(3) Demonstrates to the board's satisfaction that he or she:

(A) Obtained a baccalaureate or master's degree from an accredited program of instruction for physician assistants;

(B) Prior to July 1, 1994, graduated from an approved program of instruction in primary health care or surgery; or

(C) Prior to July 1, 1983, was certified by the Board of Medicine as a physician assistant then classified as Type B;

(4) Has passed the Physician Assistant National Certifying Examination administered by the National Commission on Certification of Physician Assistants;

~~(5) Has a current certification from the National Commission on Certification of Physician Assistants;~~

~~(6)~~ (5) Is mentally and physically able to engage safely in practice as a physician assistant;

~~(7)~~ (6) Has not had a physician assistant license, certification or registration in any jurisdiction suspended or revoked;

~~(8)~~ (7) Is not currently subject to any limitation, restriction, suspension, revocation or discipline concerning a physician assistant license, certification or registration in any jurisdiction: *Provided*, That if a board is made aware of any problems with a physician assistant license, certification or registration and agrees to issue a license, certification or registration notwithstanding the provisions of this subdivision or subdivision (7) of this subsection;

~~(9)~~ (8) Is of good moral character; and

~~(10)~~ (9) Has fulfilled any other requirement specified by the appropriate board.

(c) A board may deny an application for a physician assistant license to any applicant determined to be unqualified by the board.

§30-3E-6. License renewal requirements.

(a) A licensee shall renew biennially, on a schedule established by the appropriate licensing board, by submitting:

(1) A complete renewal application;

(2) The renewal fee; and

~~(3) Proof that he or she is currently certified and has been continuously certified during the preceding licensure period by the National Commission on Certification of Physician Assistants; and~~

(4) (3) An attestation that all continuing education requirements for the reporting period have been met.

(b) If a licensee fails to timely renew his or her license, then the license automatically expires.

§30-3E-7. Expired license requirements.

(a) If a license automatically expires and reinstatement is sought within one year of the automatic expiration, then an applicant shall submit:

(1) A complete reinstatement application;

(2) The applicable fees;

~~(3) Proof that he or she is currently certified and has been continuously certified during the preceding licensure period and expiration period by the National Commission on Certification of Physician Assistants; and~~

(4) An attestation that all continuing education requirements have been met.

(b) If a license automatically expires and more than one year has passed since the automatic expiration, then an applicant shall apply for a new license.

§30-3E-9. Practice requirements.

(a) A physician assistant may not practice independent of a ~~supervising~~ collaborating physician.

(b) Before a licensed physician assistant may practice and before a ~~supervising~~ collaborating physician may delegate medical acts to a physician assistant, the ~~supervising~~ collaborating physician and the physician assistant shall:

(1) File a practice agreement with the appropriate licensing board, including any designated alternate ~~supervising~~ collaborating physicians;

(2) Pay the applicable fees; and

(3) Receive written authorization from the appropriate licensing board to commence practicing as a physician assistant pursuant to the practice agreement.

(c) A physician applying to ~~supervise~~ collaborate with a physician assistant shall affirm that:

(1) The medical services set forth in the practice agreement are consistent with the skills and training of the ~~supervising~~ collaborating physician and the physician assistant; and

(2) The activities delegated to a physician assistant are consistent with sound medical practice and will protect the health and safety of the patient.

(d) A ~~supervising~~ collaborating physician may enter into practice agreements with up to five full-time physician assistants at any one time. A physician is prohibited from being a ~~supervising~~ collaborating or alternate ~~supervising~~ collaborating physician to more than five physician assistants at any one time. However, a physician practicing medicine in an emergency department of a hospital or a physician who ~~supervises~~ collaborates with a physician assistant who is employed by or on behalf of a hospital may provide ~~supervision~~ collaboration for up to five physician assistants per shift if the physician has an authorized practice

agreement in place with the ~~supervised~~ physician assistant or the physician has been properly authorized as an alternate ~~supervising~~ collaborating physician for each physician assistant.

(e) A physician assistant:

(1) Licensed pursuant to the provisions of this article;

(2) Has a practice agreement as required by this article; and

(3) Who is treating patients pursuant to the practice agreement but the collaborating physician is not in the room;

Shall be entitled to one hundred percent of the allowable reimbursement rate given to a physician or advanced practice registered nurse from all private insurance plans regulated pursuant to the provisions of chapter thirty-three of this code and all public insurance plans, including the Public Employees Insurance Agency and the state Medicaid program.

§30-3E-10. Practice agreement requirements.

(a) A practice agreement shall include:

(1) A description of the qualifications of the ~~supervising~~ collaborating physician, the alternate ~~supervising~~ collaborating physicians, if applicable, and the physician assistant;

(2) A description of the settings in which the ~~supervising~~ collaborating physician assistant will practice;

(3) A description of the continuous physician ~~supervision~~ collaborating mechanisms that are reasonable and appropriate for the practice setting, and the experience and training of the physician assistant;

(4) A description of the medical acts that are to be delegated;

(5) An attestation by the ~~supervising~~ collaborating physician that the medical acts to be delegated are:

(A) Within the ~~supervising~~ collaborating physician's scope of practice; and

(B) Appropriate to the physician assistant's education, training and level of competence;

(6) A description of the medical care the physician assistant will provide in an emergency, including a definition of an emergency; ~~and~~

(7) A description of the limitation of the ability of the physician assistant to prescribe as set forth in paragraph (A), subdivision (7), subsection (a), section three of this article; and

~~(7)~~ (8) Any other information required by the boards.

(b) A licensing board may:

(1) Decline to authorize a physician assistant to commence practicing pursuant to a practice agreement, if the board determines that:

(A) The practice agreement is inadequate; or

(B) The physician assistant is unable to perform the proposed delegated duties safely; or

(2) Request additional information from the ~~supervising~~ collaborating physician and/or the physician assistant to evaluate the delegation of duties and advanced duties.

(c) A licensing board may authorize a practice agreement that includes advanced duties which are to be performed in a hospital or ambulatory surgical facility, if the practice agreement has a certification that:

(1) A physician, with credentials that have been reviewed by the hospital or ambulatory surgical facility as a condition of employment as an independent contractor or as a member of the medical staff, ~~supervises~~ collaborates with the physician assistant;

(2) The physician assistant has credentials that have been reviewed by the hospital or ambulatory surgical facility as a condition of employment as an independent contractor or as a member of the medical staff; and

(3) Each advanced duty to be delegated to the physician assistant is reviewed and approved within a process approved by the governing body of the health care facility or ambulatory surgical facility before the physician assistant performs the advanced duties.

(d) If a licensing board declines to authorize a practice agreement or any proposed delegated act incorporated therein, the board shall provide the ~~supervising~~ collaborating physician and the physician assistant with written notice. A physician assistant who receives notice that the board has not authorized a practice agreement or a delegated act shall not practice under the agreement or perform the delegated act.

(e) If a practice agreement is terminated, then a physician assistant shall notify the appropriate licensing board in writing within ten days of the termination. Failure to provide timely notice of the termination constitutes unprofessional conduct and disciplinary proceedings may be instituted by the appropriate licensing board.

§30-3E-11. ~~Supervision~~ of Collaboration with physician assistants.

(a) A licensed physician or podiatrist may supervise a physician assistant:

(1) As a ~~supervising~~ collaborating physician in accordance with an authorized practice agreement; or

(2) As an alternate ~~supervising~~ collaborating physician who:

(A) ~~Supervises~~ Collaborates in accordance with an authorized practice agreement;

(B) Has been designated an alternate supervising collaborating physician in the authorized practice agreement; and

(C) Only delegates those medical acts that have been authorized by the practice agreement and are within the scope of practice of both the primary supervising collaborating physician and the alternate supervising collaborating physician.

(b) A supervising collaborating physician is responsible at all times for the physician assistant ~~under his or her supervision~~ with whom he or she is collaborating, including:

(1) The legal responsibility of the physician assistant;

(2) Observing, directing and evaluating the physician assistant's work records and practices; and

(3) Supervising Collaborating with the physician assistant in the care and treatment of a patient in a health care facility.

(c) A health care facility is only legally responsible for the actions or omissions of a physician assistant when the physician assistant is employed by or on behalf of the facility. Credentialed medical facility staff and attending physicians of a hospital who provide direction to or utilize physician assistants employed by or on behalf of the hospital are considered alternate supervising collaborating physicians.

§30-3E-12. Scope of practice.

(a) A license issued to a physician assistant by the appropriate state licensing board shall authorize the physician assistant to perform medical acts:

(1) Delegated to the physician assistant as part of an authorized practice agreement;

(2) Appropriate to the education, training and experience of the physician assistant;

(3) Customary to the practice of the supervising collaborating physician; and

(4) Consistent with the laws of this state and rules of the boards.

(b) This article does not authorize a physician assistant to perform any specific function or duty delegated by this code to those persons licensed as chiropractors, dentists, dental hygienists, optometrists or pharmacists, or certified as nurse anesthetists.

§30-3E-12a. Physician assistant signatory authority.

(a) A physician assistant may provide an authorized signature, certification, stamp, verification, affidavit or endorsement on documents within the scope of their practice, including, but not limited to, the following documents:

(1) Death certificates: *Provided*, That the physician assistant has received training on the completion of death certificates;

(2) “Physician orders for life sustaining treatment”, “physician orders for scope of treatment” and “do not resuscitate” forms;

(3) Handicap hunting certificates; and

(4) Utility company forms requiring maintenance of utilities regardless of ability to pay.

(b) A physician assistant may not sign a certificate of merit for a medical malpractice claim against a physician.

§30-3E-15. Summer camp or volunteer endorsement — West Virginia licensee.

(a) The appropriate licensing board may grant a summer camp or volunteer endorsement to provide services at a children’s summer camp or volunteer services for a public or community event to a physician assistant who:

(1) Is currently licensed by the appropriate licensing board;

(2) Has no current discipline, limitations or restrictions on his or her license;

(3) Has submitted a timely application; and

(4) Attests that:

(A) The organizers of the summer camp and public or community event have arranged for a ~~supervising~~ collaborating physician to be available as needed to the physician assistant;

(B) The physician assistant shall limit his or her scope of practice to medical acts which are within his or her education, training and experience; and

(C) The physician assistant will not prescribe any controlled substances or legend drugs as part of his or her practice at the summer camp or public or community event.

(b) A physician assistant may only receive one summer camp or volunteer endorsement annually. The endorsement is active for one specifically designated period annually, which period cannot exceed three weeks.

(c) A fee cannot be assessed for the endorsement if the physician assistant is volunteering his or her services without compensation or remuneration.

§30-3E-16. Summer camp or volunteer endorsement — out-of-state licensee.

(a) The appropriate licensing board may grant a summer camp or volunteer endorsement to provide services at a children's summer camp or volunteer services for a public or community event to a physician assistant licensed from another jurisdiction who:

(1) Is currently licensed in another jurisdiction and has a current certification from the National Commission on Certification of Physician Assistants;

(2) Has no current discipline, limitations or restrictions on his or her license;

(3) Has passed the Physician Assistant National Certifying Examination administered by the National Commission on Certification of Physician Assistants;

(4) Has submitted a timely application;

(5) Has paid the applicable fees; and

(6) Attests that:

(A) The organizers of the summer camp and public or community event have arranged for a ~~supervising~~ collaborating physician to be available as needed to the physician assistant;

(B) The physician assistant shall limit his or her scope of practice to medical acts which are within his or her education, training and experience; and

(C) The physician assistant will not prescribe any controlled substances or legend drugs as part of his or her practice at the summer camp or public or community event; and

(7) Has fulfilled any other requirements specified by the appropriate board.

(b) A physician assistant may only receive one summer camp or volunteer endorsement annually. The endorsement is active for one specifically designated period annually, which period cannot exceed three weeks.

§30-3E-17. Complaint process.

(a) All hearings and procedures related to denial of a license, and all complaints, investigations, hearings and procedures regarding a physician assistant license and the discipline accorded thereto, shall be in accordance with the processes and procedures set forth in articles three and/or fourteen of this chapter, depending on which board licenses the physician assistant.

(b) The boards may impose the same discipline, restrictions and/or limitations upon the license of a physician assistant as they are authorized to impose upon physicians and/or podiatrists.

(c) The boards shall direct to the appropriate licensing board a complaint against a physician assistant, a ~~supervising~~ collaborating physician and/or an alternate ~~supervising~~ collaborating physician.

(d) In the event that independent complaint processes are warranted by the boards with respect to the professional conduct of a physician assistant or a ~~supervising~~ collaborating and/or alternate ~~supervising~~ collaborating physician, the boards are authorized to work cooperatively and to disclose to one another information which may assist the recipient appropriate licensing board in its disciplinary process. The determination of what information, if any, to disclose shall be at the discretion of the disclosing board.

(e) A physician assistant licensed under this article may not be disciplined for providing expedited partner therapy in accordance with article four-f, chapter sixteen of this code.

The bill (Com. Sub. for S. B. 347), as amended, was then ordered to engrossment and third reading.

The Senate proceeded to the thirteenth order of business.

On motion of Senator Ferns, a leave of absence for the day was granted Senator Miller.

At the request of Senator Maynard, and by unanimous consent, the Senate returned 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, the Senate adjourned until tomorrow, Wednesday, March 1, 2017, at 11 a.m.

WEDNESDAY, MARCH 1, 2017

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Randy Richardson, Trinity Evangelical Lutheran Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Ryan J. Ferns, a senator from the first district.

Pending the reading of the Journal of Tuesday, February 28, 2017,

At the request of Senator Ferns, 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 communications from various state agencies as required by the provisions of law:

Development Office

Governor's Guaranteed Work Force Program (§5B-2D-6)

Women's Commission (§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. Com. Sub. for House Bill 2083—A Bill to amend and reenact §60A-10-12 of the Code of West Virginia, 1931, as amended, relating to the Methamphetamine Laboratory Eradication Act; and increasing the felony criminal penalty for knowingly causing or permitting a minor to be present in a location where methamphetamine is manufactured or attempted to be manufactured.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 2123—A Bill to amend and reenact §18-9D-2, §18-9D-3, §18-9D-4c and §18-9D-16 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-9D-22, all relating to making the West Virginia Schools for the Deaf and Blind eligible to participate in any and all funding administered or distributed by the West Virginia School Building Authority.

Referred to the Committee on Education; 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 2486—A Bill to amend and reenact §33-6F-1 of the Code of West Virginia, 1931, as amended; relating to medical records and medical billing records obtained by insurers in connection with insurance claims or civil litigation; providing that such records shall be confidentially maintained by insurers in accordance with state and federal law, prohibiting restrictions that may be imposed that contradict or are inconsistent with any applicable policy of insurance or the performance of insurance functions permitted or authorized by state and federal law; requiring the State Insurance Commissioner to review the provisions of Title 114, Series 57 of the Code of State Rules and to propose new rules or modify existing rules to the extent deemed necessary.

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 2542—A Bill to repeal §18B-7-9, §18B-7-11 and §18B-7-12 of the Code of West Virginia, 1931, as amended; to repeal §18B-9-1, §18B-9-2, §18B-9-3 and §18B-9-4 of said code; to repeal §18B-9A-3 and §18B-9A-8 of said code; to amend and reenact §18B-1B-5 of said code; to amend and

reenact §18B-4-1 and §18B-4-2a of said code; to amend and reenact §18B-7-1, §18B-7-2, §18B-7-3, §18B-7-6 and §18B-7-8 of said code; to amend said code by adding thereto a new section, designated §18B-8-7; to amend and reenact §18B-9A-2, §18B-9A-5, §18B-9A-6 and §18B-9A-7 of said code; and to amend said code by adding thereto a new article, designated §18B-9B-1, all relating to public higher education personnel generally; clarifying roles of Higher Education Policy Commission, Council for Community and Technical College Education and state organizations of higher education; eliminating certain human resources review by Higher Education Policy Commission and Council for Community and Technical College Education; eliminating specific references to the Vice Chancellor for Human Resources; eliminating outdated and redundant reporting requirements; eliminating requirement for Higher Education Policy Commission to create certain positions that report to Vice Chancellor for Human Resources; eliminating certain higher education organization employment ratios and requirements; eliminating higher education organization classified employee salary schedule, outdated associated requirements and definitions; eliminating certain requirements related to exercising flexibility in human resources for higher education organizations; eliminating outline of steps for implementation of classification and compensation system by Higher Education Policy Commission and Council for Community and Technical College Education; providing legislative purposes and intent for higher education personnel; defining terms; providing and revising rules relating to reductions in workforce and hiring preferences; providing for continuing education and professional development; providing for evaluation and reviews of organizations for certain human resource deficiencies, best practices and compliance with state higher education personnel laws; providing for content of certain reports from Higher Education Policy Commission and Council for Community and Technical College Education to Legislative Oversight Commission on Education Accountability; authorizing organizations to adopt rules relating to employment policies and practices for staff and faculty; providing for preemption of Higher Education Policy Commission and Council for Community and Technical Education rules conflicting with a governing board rule on faculty; defining classified and nonclassified employees;

clarifying powers and duties of the Compensation Planning and Review Committee; providing that the Higher Education Policy Commission shall develop a model minimum salary schedule using West Virginia Workforce and other relevant data that organizations shall follow except in certain instances; providing that the Higher Education Policy Commission develop classification and compensation rules; providing state organizations of higher education with the ability to propose and implement approved legislative rules relating to classification and compensation with certain exceptions; and requiring any rule proposed by a state organization of higher education incorporate best human resources practices, address areas of accountability, employee classification and compensation and performance evaluation.

Referred to the Committee on Education.

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

Eng. Com. Sub. for House Bill 2585—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-14-1, §61-14-2, §61-14-3, §61-14-4 and §61-14-5, all relating to laundering of proceeds from specified criminal activities; defining terms; creating felony crime of conducting financial transactions involving proceeds of criminal activity; creating felony crime of transporting, transmitting or transferring monetary instruments or property involving proceeds of criminal activity; providing for penalties; providing for seizure and forfeiture of property or monetary instruments; specifying the burden of proof in a forfeiture proceeding; clarifying conduct that constitutes separate offenses; and setting forth venue for prosecution of offenses.

Referred to the Committee on the Judiciary.

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

Senate Bill 60, Relating to eligibility and fraud requirements for public assistance.

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

Com. Sub. for Senate Bill 60 (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 article, designated §9-8-1, §9-8-2, §9-8-3, §9-8-4, §9-8-5, §9-8-6, §9-8-7, §9-8-8, §9-8-9, §9-8-10, §9-8-11, §9-8-12, §9-8-13 and §9-8-14, all relating to eligibility and fraud requirements for public assistance; defining terms; requiring the Department of Health and Human Resources to implement work requirements for applicants for the Supplemental Nutrition Assistance Program (SNAP); requiring discontinuance of a federal waiver; setting forth what meets work requirements; setting out exceptions to work requirements; providing for a good cause exception; allowing for a federal waiver; providing for rulemaking for suspension of benefits for noncompliance; providing for an asset test for SNAP benefits; requiring accessing information of various federal, state and miscellaneous sources; prohibiting payment of SNAP benefits in specified instances; requiring cooperation with the Bureau for Child Support Enforcement; requiring a design or establishment of a computerized income, asset and identity verification system for Temporary Assistance for Needy Families (TANF); allowing for contracting with a third-party vendor; setting out required contract terms; requiring accessing information of various federal, state and miscellaneous sources for TANF; requiring identity authentication as a condition to receive public assistance; requiring a semi-annual case review of all public assistance cases; setting forth notice requirements and the right to a hearing; requiring referrals for fraud, misrepresentation and inadequate documentation; requiring report to the Governor and Legislature; setting forth prohibitions on the use of an electronic benefit transfer card; tracking out-of-state spending of SNAP and TANF benefits; and providing for rulemaking.

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

Respectfully submitted,

Tom Takubo,
Chair.

The bill (Com. Sub. for S. B. 60), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Education has had under consideration

Senate Bill 186, Adjusting date when children become eligible for certain school programs and school attendance requirements.

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

Com. Sub. for Senate Bill 186 (originating in the Committee on Education)—A Bill to amend and reenact §18-5-18 and §18-5-44 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-8-1a of said code, all relating to adjusting the date upon which children become eligible for certain school programs and school attendance requirements; changing the kindergarten age attainment requirement from age five prior to September 1 to age five prior to July 1, with the July 1 date to become enforceable with the 2019-2020 school year; changing the early childhood education program age attainment date requirement from age four prior to September 1 to age four prior to July 1, with the July 1 date becoming enforceable with the 2018-2019 school year; and changing the age for which compulsory attendance begins to those who attain age six by July 1 of each year, with the July 1 date becoming enforceable with the 2019-2020 school year.

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,

Kenny Mann,
Chair.

The bill (Com. Sub. for S. B. 186), under the original double committee reference, was then referred to the Committee on Finance.

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 209, Defining term “veteran” as it relates to veteran-owned business.

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

Com. Sub. for Senate Bill 209 (originating in the Committee on Government Organization)—A Bill to amend and reenact §59-1-2a of the Code of West Virginia, 1931, as amended, relating to defining the term “veteran” as that term pertains to veteran-owned businesses and fees paid to the Secretary of State.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
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 221, Relating to composition of PEIA Finance Board.

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

Com. Sub. for Senate Bill 221 (originating in the Committee on Government Organization)—A Bill to amend and reenact §5-16-4 of the Code of West Virginia, 1931, as amended, relating to the composition of the Public Employees Insurance Agency Finance Board; reducing the number of members; and changing the experience requirements for members.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

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

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 224, Repealing requirement for employer's bond for wages and benefits.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 263, Creating exemption from certain contract and common carrier laws for vehicles used exclusively for transportation of railroad personnel.

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

Respectfully submitted,

Gregory L. Boso,
Chair.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 343, Prohibiting transportation network company drivers from soliciting rides or occupying designated cab stands.

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

Com. Sub. for Senate Bill 343 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §17-29-15a and §17-29-15b, all relating to transportation network companies; prohibiting solicitation of rides; prohibiting occupation of designated taxi stands; permitting county commissions to require transportation network company drivers register annually with the local county commission; specifying maximum registration and renewal fees; requiring posting of permits; and providing criminal penalties and fines.

With the recommendation that the committee substitute do pass; but under the original triple committee reference first be

referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

Respectfully submitted,

Gregory L. Boso,
Chair.

The bill (Com. Sub. for S. B. 343), under the original triple committee reference, was then referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

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 400, Regarding appointments to WV Infrastructure and Jobs Development Council.

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

Respectfully submitted,

Craig Blair,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 429, Eliminating need for court order prior to receiving records or copies of inmate communications.

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

Com. Sub. for Senate Bill 429 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §25-1-17 and §25-1-18 of the Code of West Virginia, 1931, both relating to monitoring inmate communications, generally; adding electronic communications to types of communications for which monitoring is authorized; defining terms; and authorizing law enforcement to receive inmate communications without a court order under certain circumstance.

Senate Bill 436, Permitting investigators from Attorney General's office carry firearms.

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

Com. Sub. for Senate Bill 436 (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 §5-3-6, relating to Attorney General's investigators; allowing them to carry firearms while engaged in their official duties; establishing initial and ongoing training and certification requirements; and requiring the designated investigators be bonded through the Office of the Attorney General.

And,

Senate Bill 445, Amending definition of "abused child".

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

Com. Sub. for Senate Bill 445 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §49-1-201 of the Code of West Virginia, 1931, as amended, relating to amending the definition of "abused child" to include a child conceived as a result of an act of sexual assault; and clarifying that being a victim of sexual abuse does not constitute being an abusive parent.

With the recommendation that the three committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Ferns, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

The Senate then 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 Smith, Cline, Ferns, Mann, Maynard, Ojeda, Rucker, Sypolt, Mullins, Gaunch, Maroney and Plymale:

Senate Bill 485—A Bill to amend and reenact §12-6C-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §31-15-8 of said code, all relating to the expansion of broadband service to unserved areas of West Virginia by providing loan insurance for commercial loans used for the expansion of broadband service to unserved or underserved areas; establishing limits and conditions on the insuring of loans; establishing interest rates; establishing amortization periods; providing for security interests; setting forth the responsibilities of the West Virginia Economic Development Authority, the West Virginia Board of Treasury Investments and the Broadband Enhancement Council; providing that the members of the West Virginia Board of Treasury Investments do not have a fiduciary responsibility with regard to the loans; providing for notice for loan insurance; providing for hearings and appeal; and making technical changes.

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

By Senators Takubo and Stollings:

Senate Bill 486—A Bill to amend and reenact §11-27-38 of the Code of West Virginia, 1931, as amended, relating to health care provider taxes; changing the rate of tax on eligible acute care hospitals for fiscal year 2018; specifying purposes for which funds

may be collected; providing for distribution of remaining funds at the end of fiscal year; and extending the expiration date for the tax.

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

By Senators Gaunch, Cline, Mullins and Stollings:

Senate Bill 487—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, §11-28-3 and §11-28-4, all relating to providing a tax credit to eligible caregivers for expenses of modifications to homes made more accessible for an elderly person or a person with a disability, for lease or purchase of equipment, or for other goods and services for the care of an eligible family member.

Referred to the Committee on Finance.

By Senator Blair:

Senate Bill 488—A Bill to amend and reenact §16-4C-1, §16-4C-2, §16-4C-3, §16-4C-4, §16-4C-5, §16-4C-6, §16-4C-6a, §16-4C-6b, §16-4C-6c, §16-4C-8, §16-4C-9, §16-4C-10, §16-4C-12, §16-4C-13, §16-4C-14, §16-4C-15, §16-4C-16, §16-4C-20, §16-4C-21 and §16-4C-23 of the Code of West Virginia, 1931, as amended, all relating to the Office of Emergency Medical Services; transferring the Office of Emergency Medical Services from the Department of Health and Human Resources to the Department of Military Affairs and Public Safety; transferring responsibilities of the Commissioner of the Bureau for Public Health; continuing the Emergency Medical Services Advisory Council as the Emergency Medical Services Commission; providing for composition, authority and duties of the Emergency Medical Services Commission; and providing for qualifications for certain staff of Office of Emergency Medical Services.

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

By Senators Azinger and Trump:

Senate Bill 489—A Bill to amend and reenact §50-4-1 of the Code of West Virginia, 1931, as amended, relating to

commencement of civil actions in magistrate court; and amending the requirements for a statement of the nature of the cause of action for commercial creditors.

Referred to the Committee on the Judiciary.

By Senators Azinger, Trump, Mullins and Boso:

Senate Bill 490—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31D-8-842a, relating to the standard of liability for officers of a corporation.

Referred to the Committee on the Judiciary.

By Senators Trump and Maroney:

Senate Bill 491—A Bill to amend and reenact §7-1-3ff of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-29-1 of said code, all relating to county litter control officers who are trained and certified as law-enforcement officers to have the same authority as other law-enforcement officers to enforce litter laws.

Referred to the Committee on Government Organization.

By Senator Trump:

Senate Bill 492—A Bill to amend and reenact §62-15-4 of the Code of West Virginia, 1931, as amended, relating to court participation in the drug court program.

Referred to the Committee on the Judiciary.

By Senators Mann, Cline, Mullins, Maroney and Romano:

Senate Bill 493—A Bill to amend and reenact §20-7-1a and §20-7-1c of the Code of West Virginia, 1931, as amended, all relating to providing an increase in compensation for conservation officers.

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

By Senator Carmichael (Mr. President):

Senate Bill 494—A Bill to amend and reenact §3-1-16 and §3-1-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-4A-11a of said code; to amend and reenact §3-5-6a, §3-5-6b, §3-5-6c, §3-5-6d, §3-5-13 and §3-5-13a of said code; to amend and reenact §3-6-2 of said code; to amend said code by adding thereto a new section, designated §3-6-13; and to amend and reenact §51-2A-5 of said code, all relating to providing for runoff elections for judicial offices if no candidate receives a majority of the votes; identifying the specific offices affected as justice of the Supreme Court of Appeals, circuit court judge, family law judge and magistrate; setting forth the form and contents of ballots; establishing a procedure for the runoff elections; establishing who is to identify the candidates for a runoff election; providing for the certification of the candidates; prohibiting write-in candidates; and providing for the certification of the election results.

Referred to the Committee on the Judiciary.

Senators Beach, Clements, Stollings and Maroney offered the following resolution:

Senate Concurrent Resolution 25—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 “Jeffrey Alan Clovis Memorial Bridge”.

Whereas, Jeffrey Alan Clovis was born January 29, 1968, and was the first child of Donald Charles Clovis and Linda Kay Tucker of Morgantown, West Virginia, and stepson to Donna Clovis and Darrell Tucker; and

Whereas, Jeffrey Alan Clovis was a 1986 graduate of Clay-Battelle High School, a member of the Loyal Order of Moose in Waynesburg, PA, and member of the Kingdom Evangelical Church of Westover, West Virginia; and

Whereas, Jeffrey Alan Clovis was 27-year veteran towing operator, receiving a certification of achievement from Towing Recovery Association of America and was certified as a Nationally Certified Master Tower; and

Whereas, Jeffrey Alan Clovis was known for his good nature and quiet sacrifices in order to make others feel comfortable in whatever ordeal they may be enduring, all the while remaining vigilant in his professional responsibilities; and

Whereas, Jeffery Alan Clovis of Wadestown, West Virginia, tragically lost is life while responding to a service call along Interstate 79 on August 9, 2016; and

Whereas, Jeffrey Alan Clovis shall be remembered on the Wall of Fallen Heroes at the International Towing and Recovery Hall of Fame in Chattanooga, Tennessee; and

Whereas, Jeffrey Alan Clovis is survived by his wife, Sheila Clovis; daughter, Jennifer Clovis; step-daughter, Skyler Johnson; brother, Brent Clovis; and step-sister, Michelle Yost; and

Whereas, It is most fitting that the West Virginia State Senate pay tribute to the sacrifices and accomplishments of Jeffrey Alan Clovis by naming this bridge in his honor; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested 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 “Jeffrey Alan Clovis Memorial Bridge”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “Jeffrey Alan Clovis Memorial Bridge”; and, be it

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

Which, under the rules, lies over one day.

Senators Romano, Facemire and Stollings offered the following resolution:

Senate Concurrent Resolution 26—Requesting the Division of Highways to name bridge number 21-10-13.70 (21A028), (39.10653, -80.51671), locally known as Mare Run Arch, carrying county Route 10 over Mare Run in Lewis County, the “U. S. Marine Corps SSG Beecher J. Rhoades Memorial Bridge”.

Whereas, SSG Beecher J. Rhoades was born in Wheeling on March 15, 1926, a son of the late Beecher J. Rhoades and Grayce Long Rhoades. On April 10, 1948, he married the former Betty Elizabeth Burnside and they celebrated 66 years of marriage in April. Beecher was an honored veteran of the United States Marine Corps, having served in World War II and the Korean War. In 2006, he was recognized as the Marine Corps League, Marine of the Year. He was an active volunteer who also served as Marine Corps League, Dept. of WV 21st Commandant. He retired from the Equitable Gas Company with 33 years of service, retiring in 1985. He was an outdoor enthusiast who enjoyed farming, fishing, traveling and flying his Cherokee airplane. He was also a member of the Masonic Lodge #10 AF & AM and the Freemansburg United Methodist Church. He passed away on Thursday May 22, 2014; and

Whereas, Naming the bridge in Lewis County for SSG Beecher J. Rhoades would be a fitting recognition of his service to his country, state and community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 21-10-13.70 (21A028), (39.10653, -80.51671), locally known as Mare Run Arch, carrying county Route 10 over

Mare Run in Lewis County, the “U. S. SSG Beecher J. Rhoades Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Marine Corps SSG Beecher J. Rhoades Memorial Bridge”; and, be it

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

Which, under the rules, lies over one day.

Senators Miller, Unger and Plymale offered the following resolution:

Senate Resolution 26—Recognizing Holly Boggs for winning the 2016 Earle S. Dillard Insurance Agent of the Year award.

Whereas, The Earle S. Dillard award is presented annually by the Independent Insurance Agents of West Virginia (IIAWV) to those association member agents who, throughout their career, have personified the qualities most admired by the profession; and

Whereas, Holly Boggs has been an insurance agent since 1995 and is the Vice President of Ed DeLong Insurance Marketplace Inc., in White Sulphur Springs, West Virginia; and

Whereas, Holly Boggs has served on the IIAWV Board as Young Agent Chair and as a member-at-large; and

Whereas, Holly Boggs is dedicated to her community where she has volunteered as a Girl Scout Leader for 14 years and counting, and has received the Volunteer of the Year award as well as the Leader of the Year award in past years; and

Whereas, Holly Boggs has demonstrated her excellence in the insurance industry and in her community, and for her efforts was presented the 2016 Earle S. Dillard Agent of the Year award at the association’s annual convention; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes Holly Boggs for winning the 2016 Earle S. Dillard Insurance Agent of the Year award; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Holly Boggs.

At the request of Senator Miller, 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 Miller and Plymale regarding the adoption of Senate Resolution 26 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 Gaunch, Unger, Prezioso, Stollings, Boso and Romano offered the following resolution:

Senate Resolution 27—Designating March 1, 2017, as Cancer Survivorship Day in West Virginia.

Whereas, West Virginia will experience 11,770 new cases of cancer this year; and

Whereas, In West Virginia, 4,750 people will die from cancer this year; and

Whereas, Cancer will cost the United States economy an estimated \$216 billion in medical costs and lost productivity; and

Whereas, Lawmakers play a key role in preventing cancer by passing policies to reduce tobacco use and exposure to secondhand

smoke, increase healthy eating and active living, and limit indoor tanning; and

Whereas, Lawmakers can also advance policies that will increase access to lifesaving screenings, improve quality of life, fund research and expand access to care; and

Whereas, There are 14.5 million cancer survivors alive in the United States and 107,520 cancer survivors in West Virginia because of the efforts of researchers, doctors, volunteers and lawmakers; and

Whereas, This progress must continue through collaboration between lawmakers and citizens to end cancer as a major health issue; therefore, be it

Resolved by the Senate:

That the Senate hereby designates March 1, 2017, as Cancer Survivorship Day in West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of the American Cancer Society Cancer Action Network.

At the request of Senator Gaunch, 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 Gaunch and Stollings regarding the adoption of Senate Resolution 27 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 24, US Army PFC Joe Messe, Sr., Memorial Bridge.

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 4, Allowing licensed professionals donate time to care of indigent and needy in clinical setting.

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

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

At the request of Senator Sypolt, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the eighth order of business, the next bill coming up in numerical sequence being

Eng. Com. Sub. for Senate Bill 5, Disqualifying CDL for DUI conviction in certain cases.

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 5 pass?”

On the passage of the bill, the yeas were: Azinger, Beach, 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)—32.

The nays were: None.

Absent: Blair and Mullins—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. 5) 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 9, Regulating unmanned aircraft systems.

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

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 9 pass?”

On the passage of the bill, the yeas were: Azinger, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Palumbo, Plymale, Rucker, Smith, Swope, Sypolt, Trump, Weld, Woelfel and Carmichael (Mr. President)—23.

The nays were: Beach, Facemire, Miller, Ojeda, Prezioso, Romano, Stollings, Takubo and Unger—9.

Absent: Blair and Mullins—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. 9) passed.

On motion of Senator Trump, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for Senate Bill 9—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new

article, designated §29-2B-1, §29-2B-2, §29-2B-3, §29-2B-4, §29-2B-5, §29-2B-6, §29-2B-7 and §29-2B-8, all relating to regulation of unmanned aircraft systems; requiring compliance with federal laws and regulations relating to such systems; defining terms; creating criminal offenses for certain conduct using an unmanned aircraft system and setting penalties therefor; regulating law-enforcement use of unmanned aircraft systems; limiting uses by law enforcement of unmanned aircraft systems; requiring search warrants to be obtained before unmanned aircraft systems may be used in criminal investigations and creating exemptions thereto; requiring documentation of law-enforcement flights of unmanned aircraft systems and maintenance of records; exempting images obtained pursuant to law-enforcement action from application of the Freedom of Information Act; precluding admissibility in civil, criminal and administrative proceedings of images or the evidence obtained in violation of the provisions of this article; creating certain exemption from applicability of the article; establishing requirements for exemption; clarifying application of the article as to certain conduct and entities; exempting licensed commercial licenses from applicability of article with certain exceptions thereto; requiring the West Virginia Aeronautics Commission, in consultation with the Secretary of the West Virginia Department of Military Affairs and Public Safety, the West Virginia State Police, the West Virginia Sheriffs' Bureau for Professional Standards and the Law-Enforcement Professional Standards Subcommittee of the Governor's Committee on Crime, Delinquency and Correction, to propose legislative rules and authorize the promulgation of emergency rules; and specifically directing and authorizing the proposal and promulgation of certain specific rules.

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 180, Relating to PSC jurisdiction over certain telephone company and internet 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 Committee Substitute for Senate Bill 180 pass?”

On the passage of the bill, the yeas were: Azinger, Beach, 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)—32.

The nays were: None.

Absent: Blair and Mullins—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. 180) 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 225, Allowing magistrates to conduct proceeding for temporary emergency protective order dealing with temporary custody by family court.

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, 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)—32.

The nays were: None.

Absent: Blair and Mullins—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. 225) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, 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)—32.

The nays were: None.

Absent: Blair and Mullins—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. 225) takes effect from passage.

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

Com. Sub. for Senate Bill 236, Relating to damages for medical monitoring.

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, February 28, 2017, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect.

Eng. Com. Sub. for Senate Bill 261, Relating to increasing salary or wages of judgment debtor.

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, 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)—32.

The nays were: None.

Absent: Blair and Mullins—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. 261) 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 337, Hiring correctional officers without regard to placement on correctional officer register.

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, 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)—32.

The nays were: None.

Absent: Blair and Mullins—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. 337) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, 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)—32.

The nays were: None.

Absent: Blair and Mullins—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. 337) takes effect from passage.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 345, Allowing certain hunting and trapping on Sundays.

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 Committee Substitute for Senate Bill 345 pass?”

On the passage of the bill, the yeas were: Beach, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Ojeda, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—26.

The nays were: Azinger, Boley, Boso, Karnes, Palumbo and Sypolt—6.

Absent: Blair and Mullins—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 Com. Sub. for S. B. 345) 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 346, Relating generally to jurisdiction of PSC over motor carriers.

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

The nays were: Romano—1.

Absent: Blair and Mullins—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 346) 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 347, Relating to modernization of Physician Assistant Practice Act.

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, 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)—32.

The nays were: None.

Absent: Blair and Mullins—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. 347) passed.

On motion of Senator Takubo, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for Senate Bill 347—A Bill to repeal §30-3E-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-5-19; to amend and reenact §30-3-5 of said code; to amend and reenact §30-3E-1, §30-3E-2, §30-3E-3, §30-3E-4, §30-3E-6, §30-3E-7, §30-3E-9, §30-3E-10, §30-3E-11, §30-3E-12, §30-3E-15, §30-3E-16 and §30-3E-17 of said code; and to amend said code by adding thereto a new section, designated §30-3E-12a, all relating to modernization of the Physician Assistant Practice Act; modifying the Board of Medicine to add an additional physician assistant to the board; substituting “collaborating physician” for “supervising physician”; defining terms; modifying the prescriptive authority of physician assistants; eliminating the requirement that physician assistants be required to take a recertification exam after passing the initial exam; allowing for reimbursement rates from insurance plans and public payers at the same rate physicians and advance practice registered nurses in specified circumstances; adding requirements to the practice agreement; granting physician assistants signatory authority on certain forms; and making conforming amendments.

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

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Senate Bill 190, Eliminating preferences for vendors bidding on state contracts for commodities or printing.

Com. Sub. for Senate Bill 410, Relating to marking traps with DNR identification tag.

And,

Com. Sub. for Senate Bill 439, Relating to venue for civil and criminal actions at Salem Correctional Center.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Trump and Smith.

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

The Senate proceeded to the thirteenth order of business.

At the request of Senator Boso, the name of Senator Boso was removed as a sponsor of **Senate Bill 435** (*Relating to Youth Mental Health Protection Act*).

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Thursday, March 2, 2017, at 11 a.m.

THURSDAY, MARCH 2, 2017

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Luke Adkins, Heritage Baptist Church, Elkview, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Mike Hall, a senator from the fourth district.

Pending the reading of the Journal of Wednesday, March 1, 2017,

At the request of Senator Prezioso, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2506—A Bill to amend and reenact §22-11-7b of the Code of West Virginia, 1931, as amended, all relating to requiring permit limits to be calculated using the design flows recommended by the United States Environmental Protection Agency for the protection of human health; allowing overlapping mixing zones for calculating permit limits for drinking water criteria; and clarifying posted signage requirements.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

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

Your Committee on Economic Development has had under consideration

Senate Bill 61, Providing consumers sales and service tax and use tax exemption for certain services and tangible personal property sold for repair, remodeling and maintenance of aircraft.

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

Com. Sub. for Senate Bill 61 (originating in the Committee on Economic Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9p, relating to specifying exemption from the consumers sales and service tax and use tax for purchases of certain services and tangible personal property sold for the repair, remodeling and maintenance of certain specified aircraft; defining terms; and specifying method for claiming exemption.

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

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

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 239, Limiting use of wages by employers and labor organizations for political activities.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Pensions has had under consideration

Senate Bill 392, Relating to Municipal Police Officers and Firefighters Retirement System.

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.

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

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 442, Relating generally to crimes against persons.

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

Com. Sub. for Senate Bill 442 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-2-9 and §61-2-28 of the Code of West Virginia, 1931, as amended, all relating generally to crimes against the person; modifying definitions of “assault”, “battery”, “domestic assault” and “domestic battery”; and establishing penalties therefore.

And,

Senate Bill 456, Relating to standards for termination of parental rights in child abuse and neglect cases.

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

Com. Sub. for Senate Bill 456 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §49-4-605 of the Code of West Virginia, 1931, as amended, relating to standards for termination of parental rights in child abuse and neglect cases; and clarifying applicability of section when certain crimes are committed by one parent against another.

With the recommendation that the two 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

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

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 Senator Blair:

Senate Bill 495—A Bill to amend and reenact §29-5A-1, §29-5A-6, §29-5A-15, §29-5A-16, §29-5A-20 and §29-5A-24 of the

Code of West Virginia, 1931, as amended, all relating to regulation of events by the State Athletic Commission; authorizing the commission in limited circumstances to approve certain event changes in writing; providing for the designation and payment of a scorekeeper; clarifying the authority of the commission to designate inspectors for an event; and providing for licensing and rules regarding the regulation of amateur mixed martial arts.

Referred to the Committee on Government Organization.

By Senator Gauch:

Senate Bill 496—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-22, relating generally to guaranteed asset protection waivers; providing short title, scope and legislative intent of section; defining certain terms; specifying requirements for offering guaranteed asset protection waivers; requiring contractual liability or other insurance policies; providing for disclosures and cancellation; exempting commercial transactions; providing for enforcement of section and severability; excluding waivers from consumers sales and service tax; specifying effective date of section; providing for section to apply to guaranteed asset protection waivers issued on and after specified date; and authorizing the Insurance Commissioner to impose a civil money penalty for all violations of section.

Referred to the Committee on the Judiciary.

By Senators Stollings, Takubo, Plymale, Maroney and Facemire:

Senate Bill 497—A Bill to amend and reenact §55-7-19 of the Code of West Virginia, 1931, as amended, relating to liability for physicians who provide services at school athletic events.

Referred to the Committee on the Judiciary.

By Senators Stollings, Romano and Facemire:

Senate Bill 498—A Bill to amend and reenact §11-13A-3a of the Code of West Virginia, 1931, as amended, relating to levying a

five-tenths percent annual severance tax on Marcellus and Utica natural gas to be dedicated to retired public employees.

Referred to the Committee on Finance.

By Senator Weld:

Senate Bill 499—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §14-1A-1, §14-1A-2 and §14-1A-3, all relating to the creation of the Debt Resolution Services Division within the Auditor's office.

Referred to the Committee on Government Organization.

By Senators Trump, Boley, Clements, Cline, Ferns, Maynard, Rucker, Weld, Takubo, Maroney and Smith:

Senate Bill 500—A Bill to amend and reenact §9-7-1, §9-7-3 and §9-7-6 of the Code of West Virginia, 1931, as amended, all relating to Medicaid fraud and abuse; and continuing the fraud control unit in the Medicaid Fraud Control Unit of the Attorney General's office after July 1, 2017.

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

Senators Palumbo and Stollings offered the following resolution:

Senate Resolution 28—Designating March 2, 2017, as All Kinds Are Welcome Here Day at the Capitol.

Whereas, A coalition of over 35 organizations dedicated to protecting and promoting the civil liberties of all West Virginians has come together to declare that in West Virginia All Kinds Are Welcome Here; and

Whereas, The coalition members are working to ensure that all West Virginians regardless of race, color, religion, creed, sex, sexual orientation, gender identity, national origin or disability may live openly, safely and with dignity, free from discrimination and oppression; and

Whereas, The coalition members agree that safe communities means having access to clean drinking water, access to quality education and affordable healthcare; and

Whereas, The coalition works to promote diversity in West Virginia; and

Whereas, The national perception of the Mountain State is improved by communicating that All Kinds Are Welcome Here; therefore, be it

Resolved by the Senate:

That the Senate hereby designates March 2, 2017, as All Kinds Are Welcome Here Day at the Capitol; and, be it

Further Resolved, The Senate invites all members of the West Virginia Legislature and all citizens of West Virginia to join in recognizing the important message that All Kinds Are Welcome Here; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of All Kinds Are Welcome Here Day.

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

Thereafter, at the request of Senator Beach, and by unanimous consent, the remarks by Senator Miller regarding the adoption of Senate Resolution 28 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 Miller, Stollings, Plymale, Romano, Unger, Facemire and Cline offered the following resolution:

Senate Resolution 29—Recognizing the West Virginia Association of Retired School Employees for its dedicated public service.

Whereas, The West Virginia Association of Retired School Employees has members from all areas of education including teachers, cooks, bus drivers, custodians, secretaries, school nurses, administrators and aides with members in all 55 counties in West Virginia; and

Whereas, The West Virginia Association of Retired School Employees promotes the professional, economic, intellectual and social well-being of its members and encourages volunteer opportunities throughout West Virginia; and

Whereas, During the 2015-2016 year, the West Virginia Association of Retired School Employees served 1.4 million unpaid hours of volunteer service in the state; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the West Virginia Association of Retired School Employees for its dedicated public service; and, be it

Further Resolved, That the Senate acknowledges the contributions of the West Virginia Association of Retired School Employees to our counties and state, and expresses its sincere gratitude to the association for its service; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Association of Retired School Employees.

At the request of Senator Miller, 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 Miller and Stollings regarding the

adoption of Senate Resolution 29 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 25, Jeffrey Alan Clovis 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 26, US Marine Corps SSG Beecher J. Rhoades Memorial Bridge.

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 4, Allowing licensed professionals donate time to care of indigent and needy in clinical setting.

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

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

Com. Sub. for Senate Bill 236, Relating to damages for medical monitoring.

On third reading, coming up in regular order, with the right having been granted on Tuesday, February 28, 2017, for

amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect.

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 190, Eliminating preferences for vendors bidding on state contracts for commodities or printing.

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 410, Relating to marking traps with DNR identification tag.

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 439, Relating to venue for civil and criminal actions at Salem Correctional Center.

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

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Senate Bill 209, Defining term “veteran” as it relates to veteran-owned business.

Com. Sub. for Senate Bill 221, Relating to composition of PEIA Finance Board.

Com. Sub. for Senate Bill 224, Repealing requirement for employer’s bond for wages and benefits.

Senate Bill 263, Creating exemption from certain contract and common carrier laws for vehicles used exclusively for transportation of railroad personnel.

Senate Bill 400, Regarding appointments to WV Infrastructure and Jobs Development Council.

Com. Sub. for Senate Bill 429, Relating to monitoring inmate communications.

Com. Sub. for Senate Bill 436, Permitting investigators from Attorney General's office carry firearms.

And,

Com. Sub. for Senate Bill 445, Amending definition of "abused child".

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Maynard.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Friday, March 3, 2017, at 11 a.m.

FRIDAY, MARCH 3, 2017

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Dean Chambers, Spring Hill Baptist Church, South Charleston, West Virginia.

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

Pending the reading of the Journal of Thursday, March 2, 2017,

At the request of Senator Unger, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2329—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-414, relating to prohibiting the manufacture, delivery, possession with intent to manufacture or deliver, and transport into state of fentanyl; defining terms; establishing increased penalties for manufacturing, delivering, possessing with intent to manufacture or deliver, and transporting into state with intent to deliver or manufacture in which fentanyl is a controlled substance involved in the offense; and establishing criminal penalties.

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 2620—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-9C-1, §15-9C-2, §15-9C-3 and §15-9C-4, all relating to the collection of data pertaining to the prosecutions and overdoses of controlled substances; establishing an office of drug control policy; establishing the purpose and responsibilities of the office; declaring the office to be a law enforcement entity capable of receiving and sharing law enforcement information; directing that the office be operated, supervised and controlled by the Director of the Division of Justice and Community Services; setting for the staffing of the office, including the availability of

future staffing, resources and equipment upon obtaining grant funding, federal funds, or other funding; setting forth the executive and administrative responsibilities of the office of drug control policy; establishing a reporting program for collection of criminal statistics; setting forth legislative purpose for collection of data; requiring the prosecuting attorney for each county to compile data relating to the criminal matters involving a violation of the uniform controlled substances act; directing the Division of Justice and Community Services to establish a reporting form to allow for reporting of information; setting forth information required to be reported; providing for data collection and reporting to the Division of Justice and Community Services; requiring that certain personally identifiable information about a specific defendant not be reported; establishing a reporting program for collection of data on overdoses; setting forth legislative purpose for collection of data; establishing a reporting program for collection of fatal and nonfatal overdoses in the state; directing the office of drug control policy establish a central repository for collection of data; directing the office to consult with affected entities in implementing the data collection program; establishing information required to be reported; directing the Division of Justice and Community Services to establish a reporting form to allow for reporting of information; setting forth information required to be reported; setting forth the entities required to report information; providing for data collection and reporting to the Division of Justice and Community Services through legislative rule; requiring that certain personally identifiable information about a specific defendant not be reported; and providing for rule-making authority.

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 2646—A Bill to repeal §29-20-2, §29-20-3, §29-20-4, §29-20-5 and §29-20-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-20-1 of said code, all relating to termination of the Women's Commission.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 2740—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2017 in the amount of \$15,300,000 from the Department of Revenue, Office of the Secretary – Revenue Shortfall Reserve Fund, fund 7005, fiscal year 2017, organization 0701, and making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2017, organization 0221, by supplementing and amending the appropriation for the fiscal year ending June 30, 2017.

Referred to the Committee on Finance.

Executive Communications

Senator Carmichael (Mr. President) laid before the Senate the following communication from His Excellency, the Governor:

Jim Justice
Governor of West Virginia

March 2, 2017

Senate Executive Message No. 3

Regular Session 2017

TO: The Honorable Members of the
West Virginia Senate

Ladies and Gentlemen:

I respectfully withdraw the following nomination from Senate Executive Message No. 3-T, Regular Session 2017, submitted by the Honorable Earl Ray Tomblin on January 13, 2017; the nominee was replaced on February 16, 2017:

- 13. For Member, West Virginia School of Osteopathic Medicine Board of Governors, David Rader, Gainesville, Florida, for the term ending June 30, 2019.

Thank you for correcting your records.

Sincerely,

Jim Justice
Governor

Cc: Secretary of State
Senate Clerk

Which communication was received and referred to the Committee on Confirmations.

The Senate proceeded to the fourth order of business.

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 27, Permitting sale of home-based, micro-processed foods at farmers markets.

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

Com. Sub. for Senate Bill 27 (originating in the Committee on Agriculture and Rural Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-35-5, relating to microprocessor permit; establishing permit requirements and limitations; clarifying types of microprocessor kitchens; requiring percentage from garden or farm; requiring recordkeeping and labeling; clarifying foods requiring permit and exempted foods; setting forth permit inspections and fees; allowing suspensions and recalls; and limiting sales.

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

Respectfully submitted,

Dave Sypolt,
Chair.

The bill (Com. Sub. for S. B. 27), under the original double committee reference, was then referred to the Committee on Health and Human Resources.

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 193, Prohibiting smoking of tobacco products in motor vehicle when person 16 years old or younger is present.

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

Com. Sub. for Senate Bill 193 (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 §16-9A-11, relating to prohibiting smoking of tobacco products in a motor vehicle while an individual sixteen years of age or less is present; defining terms; violation of section a secondary misdemeanor offense; providing penalties; and providing exceptions for local ordinances or regulations.

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

Respectfully submitted,

Tom Takubo,
Chair.

The bill (Com. Sub. for S. B. 193), under the original double committee reference, was then referred to the Committee on the Judiciary.

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 198, Expanding Health Sciences Program to allow certain medical practitioners in underserved areas.

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

Respectfully submitted,

Tom Takubo,
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 280, Moving administration of Civil Air Patrol to Adjutant General.

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

Com. Sub. for Senate Bill 280 (originating in the Committee on Government Organization)—A Bill to repeal §29-2A-3a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §15-1K-1, §15-1K-2, §15-1K-3, §15-1K-4, §15-1K-5, §15-1K-6, §15-1K-7, §15-1K-8 and §15-1K-9, all relating to the West Virginia wing of the Civil Air Patrol; eliminating the State Aeronautics Commission's authority to expend funds to support the West Virginia wing of the Civil Air Patrol; providing for legislative findings and intent;

defining terms; providing for the Adjutant General to administer the West Virginia wing of the Civil Air Patrol; providing the Adjutant General the authority to expend appropriated funds to provide certain support to the West Virginia wing of the Civil Air Patrol; providing for unpaid Civil Air Patrol leave and the protection of employees performing Civil Air Patrol missions; providing that employers may not discriminate based on an employee's membership in the Civil Air Patrol; and providing that an employee may bring a civil action to enforce the provisions of this article but shall not recover monetary damages.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

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

Your Committee on the Judiciary has had under consideration
Senate Bill 338, Relating to medical professional liability.

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

Com. Sub. for Senate Bill 338 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §55-7B-2, §55-7B-4, §55-7B-6, §55-7B-10 and §55-7B-11 of the Code of West Virginia, 1931, as amended, all relating to medical professional liability; defining the term “occurrence” in medical professional liability causes of action; providing for statute of limitations on certain actions for medical professional liability; establishing venue in claims against certain health care providers; addressing screening certificates of merit in certain medical professional liability causes of action; tolling the statute of limitations under certain circumstances; establishing the effective date; and providing for severability.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 339, Creating Legislative Coalition on Chronic Pain Management.

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

Com. Sub. for Senate Bill 339 (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 article, designated §16-52-1, §16-52-2, §16-52-3, §16-52-4, §16-52-5 and §16-52-6, all relating to creating a legislative coalition on chronic pain management; setting forth findings and purpose; providing for administrative functions of the coalition to be performed by legislative staff; setting forth membership of the coalition; providing for appointments to be made by the President of the Senate and the Speaker of the House of Delegates; setting forth powers and duties of the coalition; setting forth required reporting; setting forth reporting data elements; providing for compensation of members; and providing a sunset date.

And,

Senate Bill 360, Creating Legislative Coalition on Diabetes Management.

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

Com. Sub. for Senate Bill 360 (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 article, designated §16-5Z-1, §16-5Z-2, §16-5Z-3, §16-5Z-4, §16-5Z-5 and §16-5Z-6, all relating to creating the Legislative Coalition on Diabetes Management; setting forth findings and purpose; providing for administrative functions of the coalition to be performed by legislative staff; setting forth membership of the coalition; providing for appointments to be made by the President of the Senate and the Speaker of the House of Delegates; setting forth powers and duties of the coalition; setting forth required reporting; setting forth reporting data elements; requiring state entities to cooperate with the coalition in its duties; providing for compensation of members; and providing a sunset date.

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

Respectfully submitted,

Tom Takubo,
Chair.

The bills (Com. Sub. for S. B. 339 and 360), under the original double committee references, were then referred to the Committee on Government Organization.

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 358, Allowing timeshare entity to foreclose upon its statutory lien.

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

Com. Sub. for Senate Bill 358 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §36-9-15 of the

Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §36-9-15a, all relating generally to the trustee sale of timeshare estates; providing that a managing entity may cause a trustee sale of the timeshare estate if the owner is delinquent to the managing entity for more than one year for assessments against the timeshare estate; requiring notice of a trustee sale be recorded; requiring that notice of a trustee sale be sent to the delinquent owner; requiring notice of trustee sale by publication; providing for a trustee sale at public auction if the delinquency is not cured within thirty days of notice of trustee sale; providing that a trustee sale may include multiple timeshare estates; providing that a trustee sale is prohibited if timeshare instrument expressly mandates judicial foreclosure; requiring a trustee to cause trustee's deed and disclosure to be recorded with the clerk of the county commission; and providing for a statute of limitations.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 486, Relating to health care provider taxes.

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

Com. Sub. for Senate Bill 486 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §11-27-38 of the Code of West Virginia, 1931, as amended, relating to health care provider taxes; making conforming amendments consistent with federal law; changing the rate of tax

on eligible acute care hospitals for fiscal year 2018; specifying purposes for which funds may be collected; providing for distribution of remaining funds at the end of fiscal year; providing for an effective date; and extending the expiration date for the tax.

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

Respectfully submitted,

Tom Takubo,
Chair.

The bill (Com. Sub. for S. B. 486), 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 Senators Gaunch and Stollings:

Senate Bill 501—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 team 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.

Referred to the Committee on Economic Development; and then to the Committee on Government Organization.

By Senators Jeffries, Beach, Boso, Facemire, Karnes, Mann, Miller, Ojeda, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Unger, Weld, Plymale and Cline:

Senate Bill 502—A Bill to amend and reenact §15-1J-2 and §15-1J-4 of the Code of West Virginia, 1931, as amended, all

relating to authorizing the West Virginia National Guard to contract out and hire persons to perform specialized technical services; and authorizing the West Virginia Military Authority to hire persons for specialized technical services to support specific activities related to national security, homeland security and other military-related programs.

Referred to the Committee on Government Organization.

By Senators Plymale and Stollings:

Senate Bill 503—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §10-1-23, relating to establishing Library Facilities Improvement Fund that will serve to support library facilities construction, maintenance and improvement projects; setting forth general structure of fund and distribution of funds; and providing for rulemaking.

Referred to the Committee on Finance.

By Senators Hall, Boso, Prezioso, Facemire, Mann, Romano, Smith, Sypolt, Stollings and Plymale:

Senate Bill 504—A Bill to amend and reenact §11-6H-2 of the Code of West Virginia, 1931, as amended, relating to defining “special aircraft property” to include certain parts, materials or items used in the construction or repair of aircraft, aircraft engines or components of aircraft.

Referred to the Committee on Finance.

By Senators Smith and Sypolt:

Senate Bill 505—A Bill to amend and reenact §22-6A-14 of the Code of West Virginia, 1931, as amended, relating to providing a five-year reclamation period following completion of the construction of a well pad for well pads designed for multiple horizontal wells.

Referred to the Committee on Energy, Industry and Mining.

By Senators Weld, Boso, Takubo and Stollings:

Senate Bill 506—A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended; and to amend and

reenact §20-7-1 of said code, all relating to pension benefits exempt from state income taxation; and including Division of Natural Resources police into the class of law-enforcement officers exempted.

Referred to the Committee on Finance.

By Senators Cline, Maynard, Ojeda, Rucker, Smith, Swope, Takubo and Stollings:

Senate Bill 507—A Bill to amend and reenact §30-5-10 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-5-12c, all relating to permitting pharmacists to inform customers about lower cost alternatives to prescribed drugs; and limiting the ability of pharmacists and pharmacy benefit managers to charge retail prices for drugs in excess of the price paid for the drugs by said pharmacists or pharmacy benefit managers.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

By Senators Romano, Facemire, Jeffries, Miller, Ojeda and Stollings:

Senate Bill 508—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22l; and to amend said code by adding thereto a new section, designated §18-7A-26w, all relating to a \$1,000 cost-of-living adjustment to certain retirees of the Public Employees Retirement System and the State Teachers Retirement System by June 30, 2018; and providing for the pro rata distribution of the cost-of-living adjustment to certain beneficiaries.

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

By Senator Weld:

Senate Bill 509—A Bill to amend and reenact §32-2-202 of the Code of West Virginia, 1931, as amended; to amend and reenact §32-3-305 of said code; and to amend and reenact §32-4-406 and §32-4-413 of said code, all relating to updating fee

structure provisions for broker-dealers, agents and investment advisers; certain securities offerings and opinions; and increasing the fund cap associated with the fees.

Referred to the Committee on Finance.

By Senators Hall and Stollings:

Senate Bill 510—A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to removing the requirement that a person have no other prior or subsequent convictions, other than minor traffic violations, before seeking to have certain criminal convictions expunged; and correcting a typographical error.

Referred to the Committee on the Judiciary.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 511—A Bill to repeal §18B-1-5a, §18B-1-8b and §18B-1-10 of the Code of West Virginia, 1931, as amended; to repeal §18B-1A-3 and §18B-1A-5 of said code; to repeal §18B-1B-10 and §18B-1B-13 of said code; to repeal §18B-2-5 and §18B-2-7 of said code; to repeal §18B-5-2a of said code; to amend and reenact §18B-1-2 and §18B-1-6 of said code; to amend and reenact §18B-1B-1, §18B-1B-2, §18B-1B-4, §18B-1B-5 and §18B-1B-6 of said code; to amend and reenact §18B-1D-2, §18B-1D-4 and §18B-1D-7 of said code; to amend and reenact §18B-2A-3 and §18B-2A-4 of said code; to amend and reenact §18B-3-1 of said code; to amend and reenact §18B-4-7 of said code; to amend and reenact §18B-5-4 and §18B-5-9 of said code; to amend and reenact §18B-10-1, §18B-10-1c, §18B-10-8 and §18B-10-16 of said code; to amend and reenact §18B-19-4, §18B-19-5, §18B-19-6, §18B-19-7, §18B-19-10, §18B-19-13 and §18B-19-14 of said code; and to amend said code by adding thereto two new sections, designated §18B-19-19 and §18B-19-20, all relating generally to higher education governance; defining terms; repealing obsolete provisions of code; clarifying scope of rule-making authority of Higher Education Policy Commission, Council for Community and Technical College Education and certain institutions of higher education; providing for rule-making procedures; providing for shorter time period for the

commission and council to review and comment on rules proposed by governing boards of institutions of higher education; providing legislative intent; providing for composition of the commission; providing for primary responsibility of the commission; updating and clarifying powers of the commission; limiting authority of the commission over certain institutions of higher education; eliminating authority of the commission to assess institutions for payment of expenses of commission and for funding of statewide higher education services, obligations or initiatives on and after July 1, 2018; eliminating outdated language; eliminating authority of the commission with respect to certain financial and budget reviews and approvals; providing for updated authority and powers of the chancellor of the commission; expanding authority of certain governing boards over appointment of presidents of certain higher education institutions; eliminating requirement for approval by the commission of appointment of presidents for certain institutions of higher education; eliminating jurisdiction of the commission relative to the accountability system over certain institutions of higher education; providing for updated responsibility of the commission in development and advancement of public policy agenda and collection of data for certain institutions of higher education; eliminating certain reporting responsibilities for certain institutions of higher education; eliminating authority of the commission over institutional compacts of certain institutions of higher education; eliminating requirement for certain institutions of higher education to prepare an institutional compact for submission to the commission; eliminating application of certain data-based measures on certain institutions of higher education; eliminating commission approval of institutional compacts of certain institutions of higher education; eliminating authority of the chancellor over coordination of policies, purposes and rules of governing boards of certain institutions of higher education; eliminating requirement for governing boards to cooperate with West Virginia Network for Educational Telecomputing on certain matters; eliminating requirement for WVNET to generate certain reports; updating powers of governing boards; eliminating requirement of commission approval of master plans for certain institutions of higher education; providing that rules of the commission and the council related to administering a system for the management of personnel matters do

not apply to certain institutions of higher education; providing for legislative findings and purposes; clarifying authority of certain governing boards to delegate authority to their presidents; clarifying authority of commission and governing boards of certain institutions of higher education with respect to development of rules for accreditation and determination of minimum standards for conferring degrees; eliminating authority of the commission and the council to revoke an institution's authority to confer degrees when the governing board or its chief executive officer does not provide certain information to the commission or the council; eliminating applicability of certain commission and council rules on certain institutions of higher education; requiring certain governing boards to promulgate and adopt rules related to acquisitions and purchases; clarifying authority of certain governing boards over certain purchasing activities; authorizing prepayment by the commission, council or governing boards in certain instances; expanding scope of authorized purchasers of certain purchase contracts; updating power of the Joint Committee over performance audits of purchasing; updating authority of the commission, the council and governing boards over purchase card procedures; requiring certain governing boards to establish purchasing card procedures; updating certain best practices applicable to ensuring fiscal integrity of institutions of higher education; authorizing additional situations where emergency purchase card use is permitted; updating time frame for payment of fees by students; updating applicability of rule by commission and council for tuition and deferred payment plans; authorizing certain governing boards to propose a rule related to tuition and fee deferred payment plans; authorizing certain governing boards to authorize a mandatory auxiliary fee without commission approval; updating tuition and fee increase percentage that requires commission or council approval; updating conditions commission or council are required to consider in determining whether to approve a tuition or fee increase; revising requirements and parameters for certain revenue bonds issued by certain governing boards; updating approvals required for issuance of certain revenue bonds by state institutions of higher education; providing for deposit of certain fees by certain governing boards into single special revenue account; requiring each governing board to adopt a campus development plan; updating time frame for reporting to the commission and the

council of campus development plans; eliminating requirement for commission approval of campus development plans of certain governing boards; eliminating commission approval over certain capital and maintenance project lists; authorizing certain governing boards to undertake projects not contained in campus development plans; eliminating certain commission and council approvals related to capital improvements; updating conditions to be met for certain institutions to be responsible for capital project management; updating requirements for capital project management rule to be promulgated and adopted by certain governing board; eliminating certain requirements related to leasing of real property by the commission, the council and governing boards; expanding permitted uses of proceeds from sale, lease, conveyance or other disposal of real property received by the commission, the council or a governing board; eliminating requirement of commission approval for certain real estate and construction transactions; authorizing conveyance of real property or any interest therein from governing board to a real estate foundation; providing for procedures related to a real estate foundation; providing for conditions associated with transfer of real property to a real estate foundation by governing board; providing the purpose of real estate foundations; clarifying that real estate foundation provisions do not waive or abrogate sovereign immunity; clarifying that obligations of real estate foundations do not constitute debts or obligations of institution of higher education; setting forth the conditions for a conveyance of property; permitting the governing boards of exempted schools to take certain actions without commission approval; and requiring certain governing boards to provide notice of actions to the commission and, if requested, provide certain information to the commission.

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

By Senators Romano, Facemire, Jeffries, Miller and Ojeda:
Senate Bill 512—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22B-1-7a; and to amend said code by adding thereto a new section, designated §24-1-7a, all relating to requiring disclosure of attorney source payment in certain administrative hearings;

requiring a person involved in a proceeding before the environmental boards to disclose who is paying the person's attorney's fees; and requiring a person involved in a proceeding before the Public Service Commission to disclose who is paying the person's attorney's fees.

Referred to the Committee on the Judiciary.

By Senators Romano, Facemire, Jeffries, Miller, Ojeda and Stollings:

Senate Bill 513—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-5-2a, relating to increasing pay to state employees over a two-year period.

Referred to the Committee on Finance.

By Senators Cline, Maynard, Ojeda, Rucker, Smith, Swope and Sypolt:

Senate Bill 514—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to providing a special license plate for realtors.

Referred to the Committee on Transportation and Infrastructure.

By Senator Trump:

Senate Bill 515—A Bill to amend and reenact §62-12-13 and §62-12-23 of the Code of West Virginia, 1931, as amended, all relating to parole; and modifying notice requirements for hearings and release.

Referred to the Committee on the Judiciary.

By Senators Trump and Cline:

Senate Bill 516—A Bill to amend and reenact §31-20-10a of the Code of West Virginia, 1931, as amended, relating to establishing that the Division of Corrections is responsible for the costs of housing and maintaining an inmate the day following an inmate's conviction.

Referred to the Committee on the Judiciary.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 4, Allowing licensed professionals donate time to care of indigent and needy in clinical setting.

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

At the request of Senator Takubo, unanimous consent was granted to offer amendments to the bill on third reading.

Thereupon, on motion of Senator Takubo, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page nine, section fifteen, line fifty-five, after the word “any” by inserting the words “dentist or”;

And,

On page twenty-four, section twelve-b, line sixty-two, by striking out the word “assistant” and inserting in lieu thereof the word “physician”.

The bill, as just amended, was again ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 4 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—31.

The nays were: Romano—1.

Absent: Boso and Sypolt—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. 4) 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 190, Eliminating preferences for vendors bidding on state contracts for commodities or printing.

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

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

Com. Sub. for Senate Bill 236, Relating to damages for medical monitoring.

On third reading, coming up in regular order, with the right having been granted on Tuesday, February 28, 2017, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect.

Eng. Com. Sub. for Senate Bill 410, Relating to marking traps with DNR identification tag.

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, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings,

Swope, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Boso and Sypolt—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. 410) 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 439, Relating to venue for civil and criminal actions at Salem Correctional Center.

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, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Boso and Sypolt—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. 439) 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 209, Defining term “veteran” as it relates to veteran-owned business.

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 221, Relating to composition of PEIA Finance Board.

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 224, Repealing requirement for employer’s bond for wages and benefits.

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

On motion of Senator Jeffries, 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:

That §21-5-14 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 5. WAGE PAYMENT AND COLLECTION.

§21-5-14. Employer’s bond for wages and benefits.

(a) *Bond required.* — With the exception of those who have been doing business in this state actively and actually engaged in construction work, or the severance, production or transportation of minerals for at least ~~five~~ three consecutive years next preceding the posting of the bond required by this section, every employer, person, firm or corporation engaged in or about to engage in construction work, or the severance, production or transportation (excluding railroads and water transporters) of minerals, shall, prior to engaging in any construction work, or the severance, production or transportation of minerals, furnish a bond on a form

prescribed by the commissioner, payable to the State of West Virginia, with the condition that the person, firm or corporation pay the wages and fringe benefits of his or her or its employees when due. The amount of the bond shall be equal to the total of the employer's gross payroll for four weeks at full capacity or production, plus fifteen percent of the said total of employer's gross payroll for four weeks at full capacity or production. The amount of the bond shall increase or decrease as the employer's payroll increases or decreases: *Provided*, That the amount of the bond shall not be decreased, except with the commissioner's approval and determination that there are not outstanding claims against the bond.

(b) *Waiver*. — The commissioner shall waive the posting of any bond required by subsection (a) of this section upon his or her determination that an employer is of sufficient financial responsibility to pay wages and fringe benefits. The commissioner shall promulgate rules and regulations according to the provisions of chapter twenty-nine-a of this code which prescribe standards for the granting of such waivers.

(c) Form of bond; filing in office of circuit clerk. — The bond may include, with the approval of the commissioner, surety bonding, collateral bonding (including cash and securities), letters of credit, establishment of an escrow account or a combination of these methods. The commissioner shall accept an irrevocable letter of credit in lieu of any other bonding requirement. If collateral bonding is used, the employer may deposit cash, or collateral securities or certificates as follows: Bonds of the United States or its possessions, or of the federal land bank, or of the homeowner's loan corporation; full faith and credit general obligation bonds of the State of West Virginia or other states, and of any county, district or municipality of the State of West Virginia or other states; or certificates of deposit in a bank in this state, which certificates shall be in favor of the state. The cash deposit or market value of such securities or certificates shall be equal to or greater than the sum of the bond. The commissioner shall, upon receipt of any such deposit of cash, securities or certificates, promptly place the same with the State Treasurer whose duty it shall be to receive and hold the same

in the name of the state in trust for the purpose for which such deposit is made. The employer making the deposit shall be entitled from time to time to receive from the State Treasurer, upon the written approval of the commissioner, the whole or any portion of any cash, securities or certificates so deposited, upon depositing with him or her in lieu thereof, cash or other securities or certificates of the classes herein specified having value equal to or greater than the sum of the bond. The commissioner shall cause a copy of the bond to be filed in the office of the clerk of the county commission of the county wherein the person, firm or corporation is doing business to be available for public inspection.

(d) *Employee cause of action.* — Notwithstanding any other provision in this article, any employee, whose wages and fringe benefits are secured by the bond, as specified in subsection (c) of this section, has a direct cause of action against the bond for wages and fringe benefits that are due and unpaid.

(e) *Action of commissioner.* — Any employee having wages and fringe benefits unpaid may inform the commissioner of the claim for unpaid wages and fringe benefits and request certification thereof. If the commissioner, upon notice to the employer and investigation, finds that such wages and fringe benefits or a portion thereof are unpaid, he or she shall make demand of such employer for the payment of such wages and fringe benefits. If payment for such wages and fringe benefits is not forthcoming within the time specified by the commissioner, not to exceed thirty days, the commissioner shall certify such claim or portion thereof, and forward the certification to the bonding company or the State Treasurer, who shall provide payment to the affected employee within fourteen days of receipt of such certification. The bonding company, or any person, firm or corporation posting a bond, thereafter shall have the right to proceed against a defaulting employer for that part of the claim the employee paid. The procedure specified herein shall not be construed to preclude other actions by the commissioner or employee to seek enforcement of the provisions of this article by any civil proceedings for the payment of wages and fringe benefits or by criminal proceedings as may be determined appropriate.

(f) *Posting and reporting by employer.* — With the exception of those exempt under subsection (a) of this section, any employer who is engaged in construction work or the severance, production or transportation (excluding railroad and water transporters) of minerals shall post the following in a place accessible to his or her or its employees:

(1) A copy of the bond or other evidence of surety specifying the number of employees covered as provided under subsection (a) of this section, or notification that the posting of a bond has been waived by the commissioner; and

(2) A copy of the notice in the form prescribed by the commissioner regarding the duties of employers under this section. During the first two years that any person, firm or corporation is doing business in this state in construction work, or in the severance, production or transportation of minerals, such person, firm or corporation shall on or before February 1, May, August and November of each calendar year file with the department a verified statement of the number of employees, or a copy of the quarterly report filed with the Bureau of Employment Programs showing the accurate number of employees, unless the commissioner waives the filing of the report upon his or her determination that the person, firm or corporation is of sufficient stability that the reporting is unnecessary.

(g) *Termination of bond.* — The bond may be terminated, with the approval of the commissioner, after an employer submits a statement, under oath or affirmation lawfully administered, to the commissioner that the following has occurred: The employer has ceased doing business and all wages and fringe benefits have been paid, or the employer has been doing business in this state for at least ~~five~~ three consecutive years and has paid all wages and fringe benefits. The approval of the commissioner will be granted only after the commissioner has determined that the wages and fringe benefits of all employees have been paid. The bond may also be terminated upon a determination by the commissioner that an employer is of sufficient financial responsibility to pay wages and fringe benefits.

Following discussion,

The question being on the adoption of the amendment offered by Senator Jeffries to the bill (Com. Sub. for S. B. 224), and on this question, Senator Jeffries demanded the yeas and nays.

The roll being taken, the yeas were: Beach, Gaunch, Jeffries, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger and Woelfel—12.

The nays were: Azinger, Blair, Boley, Clements, Cline, Facemire, Ferns, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Rucker, Smith, Swope, Takubo, Trump, Weld and Carmichael (Mr. President)—20.

Absent: Boso and Sypolt—2.

So, a majority of those present and voting not having voted in the affirmative, the President declared the amendment offered by Senator Jeffries to the bill rejected.

Thereafter, the bill (Com. Sub. for S. B. 224) was then ordered to engrossment and third reading.

Thereafter, at the request of Senator Woelfel, and by unanimous consent, the remarks by Senators Jeffries, Romano, Trump, Facemire and Ojeda regarding the adoption of the amendment offered by Senator Jeffries to Committee Substitute for Senate Bill 224 were ordered printed in the Appendix to the Journal.

Senate Bill 263, Creating exemption from certain contract and common carrier laws for vehicles used exclusively for transportation of railroad personnel.

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

Senate Bill 400, Regarding appointments to WV Infrastructure and Jobs Development Council.

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 429, Relating to monitoring inmate communications.

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 436, Permitting investigators from Attorney General's office carry firearms.

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 445, Amending definition of "abused child".

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

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Senate Bill 239, Limiting use of wages by employers and labor organizations for political activities.

Senate Bill 392, Relating to Municipal Police Officers and Firefighters Retirement System.

Com. Sub. for Senate Bill 442, Relating generally to crimes against persons.

Com. Sub. for Senate Bill 456, Relating to standards for termination of parental rights in child abuse and neglect cases.

And,

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Karnes and Jeffries.

The Senate proceeded to the thirteenth order of business.

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

On motion of Senator Ferns, leaves of absence for the day were granted Senators Sypolt and Boso.

Following a point of inquiry to the President, with resultant response thereto,

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

On motion of Senator Ferns, the Senate adjourned until Monday, March 6, 2017, at 11 a.m.

MONDAY, MARCH 6, 2017

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Father Matthew Moore, St. John Greek Orthodox Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Charles S. Trump IV, a senator from the fifteenth district.

Pending the reading of the Journal of Friday, March 3, 2017,

At the request of Senator Plymale, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect July 1, 2017, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Senate Bill 231, Relating to State Board of Education and Medicaid-eligible children.

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

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

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

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-5B. MEDICAID ELIGIBLE CHILDREN; SCHOOL HEALTH SERVICES ADVISORY COMMITTEE.

(a) The state board shall become a Medicaid provider and seek out Medicaid eligible students for the purpose of providing Medicaid and related services to students eligible under the Medicaid program and to maximize federal reimbursement for all services available under the Omnibus Budget Reconciliation Act of 1989, as it relates to Medicaid expansion and any future expansions in the Medicaid program for Medicaid and related services for which state dollars are or will be expended. ~~Provided,~~
~~That~~

(b) The state board may delegate this provider status and subsequent reimbursement to regional educational service agencies (RESA) and/or county boards. A county board may decline this designation if it determines there is not a net benefit after consideration of costs and time involved with seeking Medicaid reimbursements for eligible services and that the billing process does not detract from the educational program.

(c) Annually, no later than January 1, the state board shall report on a county by county basis to the Legislature:

(1) The number and age of children eligible for Medicaid;

(2) The number and age of children with Medicaid coverage;

(3) The types of Medicaid eligible services provided;

(4) The frequency of services provided;

(5) The Medicaid dollars reimbursed; and

(6) The problems encountered in the implementation of this system. ~~and that this report shall be on a county by county basis and made available no later than January 1, 1992, and annually thereafter.~~

~~(b)~~ (d) The state board shall appoint and convene a school health services advisory committee to advise the Secretary of Health and Human Resources and the state superintendent on ways to improve the ability of regional education service agencies, local school boards, and Department of Health and Human Resources employees to provide Medicaid eligible children with all the school-based Medicaid services for which they are eligible and to ensure that the school-based Medicaid service providers bill for and receive all the Medicaid reimbursement to which they are entitled.

(e) The committee shall consist of at least the following individuals:

(1) The person within the Department of Education responsible for coordinating the provision of and billing for school-based Medicaid services in schools throughout the state, who shall provide secretarial, administrative and technical support to the advisory committee;

(2) The person within the Department of Health and Human Resources responsible for coordinating the enrollment of Medicaid eligible school children throughout the state;

(3) Two representatives of regional education services agencies who are experienced with the process of billing Medicaid for school-based health services;

(4) Two Department of Health and Human Resources employees responsible for supervising employees;

(5) Two persons jointly appointed by the secretary of health and human resources and the state superintendent; and

(6) One representative of the Governor's task force on school health.

(f) The school health services advisory committee shall meet in the first instance at the direction of the state superintendent, select a chairperson from among its members, and meet thereafter at the direction of the chairperson. The committee shall report its findings and recommendations to the state board and Department of Health and Human Resources, which findings shall then be included in the report to the Legislature by the state board and Department of Health and Human Resources provided ~~for~~ in subsection (a) (c) of this section.

(g) All actual and necessary travel expenses of the members of the committee shall be reimbursed by the member's employing agency, for those members not employed by a state agency, the member's actual and necessary travel expenses shall be paid by the state board. All such expenses shall be reimbursed in the same manner as the expenses of state employees are reimbursed.

On motion of Senator Ferns, the following amendments to the House of Delegates amendment to the bill (Eng. S. B. 231) were reported by the Clerk, considered simultaneously, and adopted:

On page one, section five-b, by striking out all of subsection (b) and inserting in lieu thereof a new subsection, designated subsection (b), to read as follows:

(b) The state board may delegate this provider status and subsequent reimbursement to regional education service agencies, county boards or both: *Provided*, That a county board is not required to seek reimbursement if it determines there is not a net benefit after consideration of costs and time involved with seeking the reimbursement for eligible services and that the billing process detracts from the educational program.;

And,

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

Eng. Senate Bill 231—A Bill to amend and reenact §18-2-5b of the Code of West Virginia, 1931, as amended, relating to providing that a county board of education is not required to seek Medicaid reimbursement if it determines there is not a net benefit after consideration of costs and time involved with seeking the reimbursement for eligible services and that the billing process detracts from the educational program.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendment, as amended.

Engrossed Senate Bill 231, 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, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sybolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—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. 231) passed with its Senate amended title.

Senator Ferns moved that the bill take effect July 1, 2017.

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

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 231) takes effect July 1, 2017.

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

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 2364—A Bill to amend and reenact §3-1-37 of the Code of West Virginia, 1931, as amended and to amend and reenact §3-9-9 of said Code, relating to restrictions on presence and conduct at or within 100 feet of polls, defining electioneering, prohibiting electioneering in or within 100 feet of a polling place, prohibiting electioneering in or within 100 feet of early voting polling places during early voting periods, providing exceptions to electioneering prohibitions for persons

upon private property, and making stylistic changes to outdated language.

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 2619—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-40B-1, §33-40B-2, §33-40B-3, §33-40B-4, §33-40B-5, §33-40B-6, §33-40B-7, §33-40B-8, §33-40B-9 and §33-40B-10, all relating to insurer risk management and solvency assessment; setting forth the purpose and scope of the article; defining terms; setting forth the requirement that insurers must maintain a risk management framework to assist the insurer with identifying, assessing, monitoring, managing and reporting on its material and relevant risks; setting forth and providing requirements for the own risk and assessment summary report; providing exemptions to the summary report requirements; providing confidentiality requirements related to the summary report; providing sanctions for failing to submit the summary report; and providing the effective date of this article.

Referred to the Committee on Banking and Insurance; 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. House Bill 2630—A Bill to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §30-3-18; and to amend said code by adding thereto a new section, designated §30-14-16, all relating to authorizing the West Virginia Board of Medicine and the West Virginia Board of Osteopathic Medicine to share staff for functions common to both boards.

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 2648—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-406a; and to amend and reenact §61-8D-1 and §61-8D-4 of said code, all relating to increased penalties for manufacturing or transportation of a controlled substance in the presence of a minor; providing for mandatory minimum period of incarceration for adult persons convicted of manufacturing, delivering, or possessing with the intent to manufacture or deliver a controlled substance, which is a Schedule I or II narcotic, in the presence of a minor; providing for mandatory minimum period of incarceration for adult persons convicted of manufacturing, delivering, or possessing with the intent to manufacture or deliver a controlled substance, which is a Schedule I, II or III non-narcotic, in the presence of a minor; providing for mandatory minimum period of incarceration for adult persons convicted of transporting a controlled substance into this state with the intent to deliver or manufacture a controlled substance, which is a Schedule I or II narcotic, while being in the presence of a minor at the time of the offense; providing for mandatory minimum period of incarceration for adult persons convicted of transporting a controlled substance into this state with the intent to deliver or manufacture a controlled substance, which is a Schedule I, II or III non-narcotic, while being in the presence of a minor at the time of the offense; requiring certain information and findings to be included in indictment or presentment; requiring certain facts to be determined by the court or jury; defining terms; creating a crime of neglect by a parent, guardian or custodian in which the parent, guardian or custodian is under the influence of a controlled substance and knowingly causes or permits a minor to be present in a location with the parent guardian or custodian, and no bodily injury occurs to the minor child; establishing criminal penalties; and authorizing the Court to require completion of certain classes, counseling, or other programs or services, including drug addiction treatment programs, as part of an imposed sentence or as an alternative sentence for persons convicted of certain misdemeanor offenses.

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 2651—A Bill to amend and reenact §18-28-3 of the Code of West Virginia, 1931, as amended, relating generally to standardized testing requirements for nonpublic schools; removing outdated language; requiring standardized test to be administered to nonpublic students at same grade levels and subject areas required in public schools; requiring the test administered to be a nationally normed standardized achievement test published or normed within ten years from the date of administration; allowing additional testing at sole discretion of school; limiting accountability for composite scores to grade levels and subject areas required in public schools; removing requirement that every child be tested; and requiring minimum student participation rate on test for composite score to be valid.

Referred to the Committee on Education.

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

Eng. House Bill 2684—A Bill to amend and reenact §17b-4-3 of the Code of West Virginia, 1931, as amended, relating to imposing penalties for repeat violations of the prohibition against driving a motor vehicle on any public highway of this state at a time when the privilege to do so has been lawfully suspended for driving while under the age of twenty-one years with an alcohol concentration in his or her blood of two hundredths of one percent or more, by weight, but less than eight hundredths of one percent by weight.

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

Com. Sub. for Senate Bill 173 (originating in the Committee on Transportation and Infrastructure), Relating to autocycles.

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

Com. Sub. for Com. Sub. for Senate Bill 173 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §17B-1-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-2-7b of said code; to amend said code by adding thereto a new section, designated §17C-1-69; and to amend and reenact §17C-15-44 of said code, all relating to certain motor vehicles, including motorcycles, motor-driven cycles and autocycles; creating an autocycle exemption from motorcycle examination, licensing and endorsement requirements; allowing a person with a valid driver's license to operate an autocycle; creating an autocycle exemption from helmet and certain other motorcycle or motor-driven cycle safety requirements; defining terms; eliminating requirement that persons age eighteen and older operating or riding a motorcycle or motor-driven cycle wear a protective helmet; prohibiting individuals under the age of eighteen from operating or being a passenger on any motorcycle or motor-driven cycle without a protective helmet; deleting obsolete language regarding the motorcycle safety and education committee; and making technical corrections.

With the recommendation that the committee substitute for committee substitute 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

Senate Bill 185, Allowing spending units designate fund into which proceeds from sale of surplus property must be deposited.

And,

Senate Bill 365, Maintaining solvency of Unemployment Compensation Fund.

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

Respectfully submitted,

Mike Hall,
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 206, Expanding definition of “kidnapping” to include taking or gaining custody of, confining or concealing person by force.

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

Com. Sub. for Senate Bill 206 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-2-14a of the Code of West Virginia, 1931, as amended, relating generally to the criminal offense of kidnapping; making unlawful the taking, gaining custody of, confining, concealing or restraining of another person by force or threat of force, duress, fraud, deceit, inveiglement, misrepresentation or enticement; and providing penalties.

And,

Senate Bill 220, Relating to offenses and penalties under Uniform Controlled Substances Act.

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

Com. Sub. for Senate Bill 220 (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 §60A-4-414, relating generally to offenses and penalties under the Uniform Controlled Substances Act; creating the felony offense of delivering or dispensing controlled substances or counterfeit controlled substances, the use, ingestion or consumption of which alone or in combination with another controlled substance or counterfeit controlled substances results in the death of another person; creating the felony offense of delivering or dispensing controlled substances or counterfeit controlled substances without remuneration and without an intent to cause death or serious bodily injury the use of which alone or in combination with another controlled substance or counterfeit controlled substances causes death; and providing criminal penalties.

With the recommendation that the two committee substitutes do pass.

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 Ojeda, Azinger, Cline, Karnes, Prezioso, Rucker, Stollings, Plymale, Unger, Gaunch and Blair:

Senate Bill 517—A Bill to amend and reenact §60-3-24 of the Code of West Virginia, 1931, as amended, relating to permitting appointees or employees of the Alcohol Beverage Control

Commission who inspect bars to carry firearms at work after completing training at the State Police Academy.

Referred to the Committee on the Judiciary.

By Senators Ojeda, Azinger, Beach, Facemire, Jeffries, Romano, Smith, Swope, Plymale, Cline, Unger, Blair and Stollings:

Senate Bill 518—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 and §5B-2I-4, all relating to creating the Returning Veterans and Displaced Miners Jobs Act; providing a short title and legislative findings and declaration; establishing a Veterans Job Coordinating Team and composition of the team; powers and duties, including reporting a plan to the Legislature; and providing for termination of the Veterans Job Coordinating Team unless the Legislature determines otherwise.

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

By Senators Ojeda, Beach, Facemire, Jeffries, Romano, Rucker and Stollings:

Senate Bill 519—A Bill to amend and reenact §21-5F-1, §21-5F-2, §21-5F-3 and §21-5F-4 of the Code of West Virginia, 1931, as amended, all relating to amending the West Virginia Nurse Overtime and Patient Safety Act to include nurses employed in nursing homes as well as those employed in hospitals; establishing limits on hours such nurses may be mandated to work by their employers; and establishing enforcement offenses, penalties and a private cause of action for violations of the act.

Referred to the Committee on the Judiciary.

By Senators Weld, Blair and Takubo:

Senate Bill 520—A Bill to amend and reenact §18B-10-1a of the Code of West Virginia, 1931, as amended, relating to in-state residency tuition rates; providing that members of the reserve who are not residents of West Virginia but who are active members of a reserve unit in West Virginia shall qualify as residents for

purposes of calculating tuition rates; and providing that current members of the United States armed forces and veterans of the United States armed forces shall qualify as residents for purposes of calculating tuition rates.

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

By Senator Trump:

Senate Bill 521—A Bill to amend and reenact §29-21-2, §29-21-6, §29-21-8, §29-21-9 and §29-21-13a of the Code of West Virginia, 1931, as amended, all relating generally to Public Defender Services; transferring authority to review, approve, reduce or reject panel attorney vouchers from circuit courts to Public Defender Services; providing for resubmission of vouchers previously reduced or rejected; authorizing the Executive Director of Public Defender Services, with approval of the Indigent Defense Commission, to establish conflict public defender corporations and establishing criteria therefor; authorizing the Executive Director of Public Defender Services to contract for legal services or specialized legal services in any circuit; revising order of preference for the appointment of attorneys; and requiring panel attorneys to maintain time-keeping records on a daily basis.

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

By Senators Gaunch, Ferns, Blair, Stollings and Takubo:

Senate Bill 522—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-51-1, §33-51-2, §33-51-3, §33-51-4, §33-51-5, §33-51-6, §33-51-7 and §33-51-8, all relating to pharmacy audit procedures for pharmacy benefits managers; defining terms; setting forth procedures and requirements for pharmacy audits; requiring registration for pharmacy benefits managers and auditing entities; providing internal review process applicable to disputed findings of pharmacy benefits manager upon audit; and providing rule-making authority to the Insurance Commissioner.

Referred to the Committee on Banking and Insurance.

By Senator Weld:

Senate Bill 523—A Bill to amend and reenact §4-2A-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §11B-2-12 of said code; to amend and reenact §12-3-12a and §12-3-13b of said code; to amend and reenact §15-2-5 of said code; to amend and reenact §18-3-1 of said code; to amend and reenact §20-1-5 of said code; to amend and reenact §20-7-1 of said code; to amend and reenact §22C-1-4 of said code; to amend and reenact §24-1-3 of said code; to amend and reenact §24A-6-6 of said code; to amend and reenact §24B-5-2 of said code; to amend and reenact §25-1-19 of said code; to amend and reenact §31-19-4 of said code; to amend and reenact §33-2-2 of said code; to amend and reenact §50-1-8 and §50-1-9 of said code; to amend and reenact §51-7-3 and §51-7-5 of said code; to amend and reenact §51-8-2 of said code; and to amend and reenact §62-12-5 of said code, all relating to converting to a biweekly pay cycle from a monthly or semimonthly cycle for state employees.

Referred to the Committee on Government Organization.

By Senators Rucker, Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Ojeda, Smith, Swope, Sypolt, Takubo and Trump:

Senate Bill 524—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2E-11, relating to West Virginia academic standards; defining “academic standards”; setting forth finding; prohibiting implementation of Common Core academic standards; requiring adoption and implementation of certain other academic standards; requiring academic standards be effective for a minimum of five school years after date of implementation; requiring any proposed changes to academic standards for public schools comply with certain section of code requiring notice, written comments and public hearings in certain instances; and requiring withdrawal from the memorandum of agreement which required that Common Core represent eighty-five percent of the state’s standards in English language arts and mathematics.

Referred to the Committee on Education.

By Senators Maynard, Cline and Blair:

Senate Bill 525—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-2E-1, §18-2E-2, §18-2E-3, §18-2E-4, §18-2E-5, §18-2E-6, §18-2E-7, §18-2E-8, §18-2E-9 and §18-2E-10, all relating generally to establishing education savings accounts for West Virginia students; defining terms; authorizing establishment of education savings accounts; granting of funds; providing restrictions on use of funds; financial management of education savings funds; establishing terms of eligibility for participation in program; imposing testing and data collection requirements; and reaffirming independence of nonpublic schools.

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

Senators Boso, Beach and Stollings offered the following resolution:

Senate Concurrent Resolution 27—Requesting the Division of Highways to name bridge number 30-52 2.73 (30A110), (37.82180, -82.39737) between Kermit and East Kermit, locally known as the Upper Burning Creek Bridge, carrying U. S. 52 over Upper Burning Creek and NS Railroad in Upshur County, the “U. S. Air Force Senior Airman Luke Christopher Wamsley Memorial Bridge”.

Whereas, Luke Christopher Wamsley was born September 28, 1986, to Janice Rollins and Dion Wamsley in Buckhannon, Upshur County, West Virginia; and

Whereas, Luke was a 2006 graduate from Spaulding High School in Barre, Vermont, where he later became a substitute teacher; and

Whereas, He was a 2009 graduate at Lackland AFB in San Antonio, Texas. He served in Afghanistan in 2013. He received 12 federal medals, including the Air Force Achievement Medal, Meritorious Unit Award, Air Force Outstanding Unit Award and

Afghanistan Campaign Medal. He also received four state medals; and

Whereas, Luke worked as a Senior Airman for the Green Mountain Boys, Vermont National Air Guard, from 2009 until the time of his death, where he served as a CE electrician. He was proud to wear his uniform and stand beside all the men and women who fought with him on a daily basis to protect and serve our wonderful country. He was fun loving, he loved to make people laugh and loved most whomever he met, and most that met him loved him. He always would help anyone in need. Luke was a protector, provider and an asset to his family, friends and anyone on the street and at work. He loved fishing, hanging out with family and friends, hiking, imitating people and he loved to travel. He was multilingual and he loved to cook; and

Whereas, Luke Christopher Wamsley was survived by his mother, Janice Rollins of Burlington, Vermont; his father, Dion Wamsley from Buckhannon; his sister, Leona Wamsley; brother, Lloyd Rollins and other relatives; all from Burlington, Vermont; and

Whereas, Naming this bridge in his hometown is an appropriate recognition of Luke Christopher Wamsley's contributions to his country and the community of his birth; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 30-52 2.73 (30A110), (37.82180, -82.39737) between Kermit and East Kermit, locally known as the Upper Burning Creek Bridge, carrying U. S. 52 over Upper Burning Creek and NS Railroad in Upshur County, the "U. S. Air Force Senior Airman Luke Christopher Wamsley Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the "U.

S. Air Force Senior Airman Luke Christopher Wamsley Memorial Bridge”; and, be it

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

Which, under the rules, lies over one day.

Senators Romano, Plymale, Cline, Beach, Unger, Prezioso and Stollings offered the following resolution:

Senate Resolution 30—Designating the month of March as American Red Cross Month.

Whereas, Founded in 1881 and chartered by Congress in 1905, the American Red Cross acts in times of need in West Virginia, in this country and around the world; and

Whereas, The American Red Cross is one of the most recognized humanitarian organizations and provides compassionate care to those who suffer disasters and life-altering emergencies; and

Whereas, When an injured service member ends up in a hospital far from home, the Red Cross offers comfort. When a hospital patient needs blood, American Red Cross blood donors help them. When a lifeguard jumped in to save a drowning child or someone stepped up to help a heart attack victim, the American Red Cross was there; and

Whereas, American Red Cross volunteers have provided food, clothing, shelter and mental health support to victims of disasters every year including 2,700 West Virginia families last year who experienced a disaster; and

Whereas, The generous contributions of time and money by the people of West Virginia help the American Red Cross alleviate human suffering and restore vital services to families in our state in times of need; therefore, be it

Resolved by the Senate:

That the Senate hereby designates the month of March as American Red Cross Month; and, be it

Further Resolved, That the Senate hereby recognizes the American Red Cross for its contributions to the State of West Virginia, the United States and the world; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the American Red Cross West Virginia Chapter.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senators Romano and Boso regarding the adoption of Senate Resolution 30 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 Stollings, Ojeda, Plymale, Cline, Beach, Unger, Blair and Takubo offered the following resolution:

Senate Resolution 31—Recognizing the contributions of southern West Virginia to the entire State of West Virginia and the United States of America.

Whereas, Southern West Virginia has a long and proud history of supporting their 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 hundreds of millions of dollars to the State General Revenue Fund; 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, 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 the people of southern West Virginia 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, intend 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 healthcare 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 recognizes the contributions of southern West Virginia to the entire State of West Virginia and the United States of America; 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.

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

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Stollings regarding the adoption of Senate Resolution 31 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 eighth order of business.

Eng. Com. Sub. for Senate Bill 190, Eliminating preferences for vendors bidding on state contracts for commodities or printing.

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, Boso, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maynard, Mullins, Palumbo, Plymale, Prezioso, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—27.

The nays were: Boley, Clements, Miller, Ojeda, Romano and Stollings—6.

Absent: Maroney—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. 190) 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 209, Defining term “veteran” as it relates to veteran-owned business.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maynard, Miller, Mullins, 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: Maroney—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. 209) 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 221, Relating to composition of PEIA Finance Board.

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 221 pass?”

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maynard, Mullins, 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: Maroney—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. 221) passed with its title.

Senator Ferns moved that the bill take effect July 1, 2017.

On this question, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maynard, Mullins, 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: Maroney—1.

So, less than two thirds of all the members elected to the Senate having voted in the affirmative, the President declared Senator Ferns aforestated motion had not prevailed.

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 224, Repealing requirement for employer's bond for wages and benefits.

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

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 224 pass?”

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maynard, Mullins, 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: Maroney—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. 224) passed with its title.

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

Com. Sub. for Senate Bill 236, Relating to damages for medical monitoring.

On third reading, coming up in regular order, with the right having been granted on Tuesday, February 28, 2017, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect.

Eng. Senate Bill 263, Creating exemption from certain contract and common carrier laws for vehicles used exclusively for transportation of railroad personnel.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maynard, Miller, Mullins, 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: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 263) 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 400, Regarding appointments to WV Infrastructure and Jobs Development Council.

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

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

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 400) 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 429, Relating to monitoring inmate communications.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maynard, Miller, Mullins, 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: Maroney—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. 429) 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 436, Permitting investigators from Attorney General's office carry firearms.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maynard, Miller, Mullins, 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: Maroney—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. 436) 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 445, Amending definition of “abused child”.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maynard, Miller, Mullins, 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: Maroney—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. 445) 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 239, Limiting use of wages by employers and labor organizations for political activities.

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

On motion of Senator Trump, the following amendment to the bill was reported by the Clerk and adopted:

On page five, section twelve, line ninety-eight, by striking out the word “article” and inserting in lieu thereof the word “subsection”.

The bill (Com. Sub. for S. B. 239), as amended, was then ordered to engrossment and third reading.

Senate Bill 392, Relating to Municipal Police Officers and Firefighters Retirement System.

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 442, Relating generally to crimes against persons.

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 456, Relating to standards for termination of parental rights in child abuse and neglect cases.

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 2318, Relating generally to human trafficking.

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 and adopted:

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

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 9A. DIVISION OF JUSTICE AND COMMUNITY SERVICES.

§15-9A-2. Division established; appointment of director.

(a) The Division of Justice and Community Services is created. The purpose of the division is to provide executive and administrative support to the Governor's Committee on Crime Delinquency and Correction in the coordination of planning for the criminal justice system, to administer federal and state grant programs assigned to it by the actions of the Governor or Legislature and to perform such other duties as the Legislature may from time to time assign to the division. The division is the designated staffing agency for the Governor's Committee on Crime, Delinquency and Correction, and all of its subcommittees. The division may apply for grants and other funding from federal or state programs, foundations, corporations and organizations which funding is consistent with its responsibilities and the purposes assigned to it or the subcommittees it staffs. The Division of Justice and Community Services is hereby designated as the state administrative agency responsible for criminal justice and juvenile justice systems, and various component agencies of state and local government, for the planning and development of state programs and grants which may be funded by federal, state or other allocations in the areas of community corrections, law-enforcement training and compliance, sexual assault forensic examinations, victim services, human trafficking and juvenile justice.

(b) The director of the division shall be named by the Governor to serve at his will and pleasure.

(c) The director of the division shall take and subscribe to an oath of office in conformity with article IV, section five of the Constitution of the State of West Virginia.

ARTICLE 12. SEX OFFENDER REGISTRATION ACT.**§15-12-2. Registration.**

(a) The provisions of this article apply both retroactively and prospectively.

(b) Any person who has been convicted of an offense or an attempted offense or has been found not guilty by reason of mental illness, mental retardation or addiction of an offense under any of the following provisions of chapter sixty-one of this code or under a statutory provision of another state, the United States Code or the Uniform Code of Military Justice which requires proof of the same essential elements shall register as set forth in subsection (d) of this section and according to the internal management rules promulgated by the superintendent under authority of section twenty-five, article two of this chapter:

(1) Article eight-a;

(2) Article eight-b, including the provisions of former section six of said article, relating to the offense of sexual assault of a spouse, which was repealed by an Act of the Legislature during the year 2000 legislative session;

(3) Article eight-c;

(4) Sections five and six, article eight-d;

(5) Section fourteen, article two;

(6) Sections six, seven, twelve and thirteen, article eight; ~~or~~

(7) Section fourteen-b, article three-c, as it relates to violations of those provisions of chapter sixty-one listed in this subsection; or

(8) Sections two, five and six, article fourteen; *Provided*, That as to section two of said article only those violations involving human trafficking for purposes of sexual servitude require registration pursuant to this subdivision.

(c) Any person who has been convicted of a criminal offense and the sentencing judge made a written finding that the offense was sexually motivated shall also register as set forth in this article.

(d) Persons required to register under the provisions of this article shall register in person at the West Virginia State Police detachment responsible for covering the county of his or her

residence, and in doing so, provide or cooperate in providing, at a minimum, the following when registering:

(1) The full name of the registrant, including any aliases, nicknames or other names used by the registrant;

(2) The address where the registrant intends to reside or resides at the time of registration, the address of any habitable real property owned or leased by the registrant that he or she regularly visits: *Provided*, That a post office box may not be provided in lieu of a physical residential address, the name and address of the registrant's employer or place of occupation at the time of registration, the names and addresses of any anticipated future employers or places of occupation, the name and address of any school or training facility the registrant is attending at the time of registration and the names and addresses of any schools or training facilities the registrant expects to attend;

(3) The registrant's Social Security number;

(4) A full-face photograph of the registrant at the time of registration;

(5) A brief description of the crime or crimes for which the registrant was convicted;

(6) Fingerprints and palm prints;

(7) Information related to any motor vehicle, trailer or motor home owned or regularly operated by a registrant, including vehicle make, model, color and license plate number: *Provided*, That for the purposes of this article, the term "trailer" shall mean travel trailer, fold-down camping trailer and house trailer as those terms are defined in section one, article one, chapter seventeen-a of this code;

(8) Information relating to any Internet accounts the registrant has and the screen names, user names or aliases the registrant uses on the Internet; and

(9) Information related to any telephone or electronic paging device numbers that the registrant has or uses, including, but not limited to, residential, work and mobile telephone numbers.

(e) (1) On the date that any person convicted or found not guilty by reason of mental illness, mental retardation or addiction of any of the crimes listed in subsection (b) of this section, hereinafter referred to as a “qualifying offense”, including those persons who are continuing under some post-conviction supervisory status, are released, granted probation or a suspended sentence, released on parole, probation, home detention, work release, conditional release or any other release from confinement, the Commissioner of Corrections, regional jail administrator, city official or sheriff operating a jail or Secretary of the Department of Health and Human Resources who releases the person and any parole or probation officer who releases the person or supervises the person following the release, shall obtain all information required by subsection (d) of this section prior to the release of the person, inform the person of his or her duty to register and send written notice of the release of the person to the State Police within three business days of receiving the information. The notice must include the information required by said subsection. Any person having a duty to register for a qualifying offense shall register upon conviction, unless that person is confined or incarcerated, in which case he or she shall register within three business days of release, transfer or other change in disposition status. Any person currently registered who is incarcerated for any offense shall re-register within three business days of his or her release.

(2) Notwithstanding any provision of this article to the contrary, a court of this State shall, upon presiding over a criminal matter resulting in conviction or a finding of not guilty by reason of mental illness, mental retardation or addiction of a qualifying offense, cause, within seventy-two hours of entry of the commitment or sentencing order, the transmittal to the sex offender registry for inclusion in the registry all information required for registration by a registrant as well as the following nonidentifying information regarding the victim or victims:

(A) His or her sex;

(B) His or her age at the time of the offense; and

(C) The relationship between the victim and the perpetrator.

The provisions of this paragraph do not relieve a person required to register pursuant to this section from complying with any provision of this article.

(f) For any person determined to be a sexually violent predator, the notice required by subsection (d) of this section must also include:

(1) Identifying factors, including physical characteristics;

(2) History of the offense; and

(3) Documentation of any treatment received for the mental abnormality or personality disorder.

(g) At the time the person is convicted or found not guilty by reason of mental illness, mental retardation or addiction in a court of this state of the crimes set forth in subsection (b) of this section, the person shall sign in open court a statement acknowledging that he or she understands the requirements imposed by this article. The court shall inform the person so convicted of the requirements to register imposed by this article and shall further satisfy itself by interrogation of the defendant or his or her counsel that the defendant has received notice of the provisions of this article and that the defendant understands the provisions. The statement, when signed and witnessed, constitutes prima facie evidence that the person had knowledge of the requirements of this article. Upon completion of the statement, the court shall provide a copy to the registry. Persons who have not signed a statement under the provisions of this subsection and who are subject to the registration requirements of this article must be informed of the requirement by the State Police whenever the State Police obtain information that the person is subject to registration requirements.

(h) The State Police shall maintain a central registry of all persons who register under this article and shall release information only as provided in this article. The information required to be

made public by the State Police by subdivision (2), subsection (b), section five of this article is to be accessible through the Internet. No information relating to telephone or electronic paging device numbers a registrant has or uses may be released through the Internet.

(i) For the purpose of this article, “sexually violent offense” means:

(1) Sexual assault in the first degree as set forth in section three, article eight-b, chapter sixty-one of this code or of a similar provision in another state, federal or military jurisdiction;

(2) Sexual assault in the second degree as set forth in section four, article eight-b, chapter sixty-one of this code or of a similar provision in another state, federal or military jurisdiction;

(3) Sexual assault of a spouse as set forth in the former provisions of section six, article eight-b, chapter sixty-one of this code, which was repealed by an Act of the Legislature during the 2000 legislative session, or of a similar provision in another state, federal or military jurisdiction;

(4) Sexual abuse in the first degree as set forth in section seven, article eight-b, chapter sixty-one of this code or of a similar provision in another state, federal or military jurisdiction.

(j) For purposes of this article, the term “sexually motivated” means that one of the purposes for which a person committed the crime was for any person’s sexual gratification.

(k) For purposes of this article, the term “sexually violent predator” means a person who has been convicted or found not guilty by reason of mental illness, mental retardation or addiction of a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses.

(l) For purposes of this article, the term “mental abnormality” means a congenital or acquired condition of a person, that affects the emotional or volitional capacity of the person in a manner that

predisposes that person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons.

(m) For purposes of this article, the term “predatory act” means an act directed at a stranger or at a person with whom a relationship has been established or promoted for the primary purpose of victimization.

(n) For the purposes of this article, the term “business days” means days exclusive of Saturdays, Sundays and legal holidays as defined in section one, article two, chapter two of this code.

CHAPTER 49. CHILD WELFARE.

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

PART II. DEFINITIONS.

§49-1-201. Definitions related, but not limited, to child abuse and neglect.

When used in this chapter, terms defined in this section have the meanings ascribed to them that relate to, but are not limited to, child abuse and neglect, except in those instances where a different meaning is provided or the context in which the word is used clearly indicates that a different meaning is intended.

“Abandonment” means any conduct that demonstrates the settled purpose to forego the duties and parental responsibilities to the child;

“Abused child” means a child whose health or welfare is being harmed or threatened by:

(A) A parent, guardian or custodian who knowingly or intentionally inflicts, attempts to inflict or knowingly allows another person to inflict, physical injury or mental or emotional injury, upon the child or another child in the home. Physical injury may include an injury to the child as a result of excessive corporal punishment;

(B) Sexual abuse or sexual exploitation;

(C) The sale or attempted sale of a child by a parent, guardian or custodian in violation of section fourteen-h, article two, chapter sixty-one of this code; ~~or~~

(D) Domestic violence as defined in section two hundred two, article twenty-seven, chapter forty-eight of this code; or

(E) Human trafficking of a child, or attempting to traffic a child, in violation of section two, article fourteen, chapter sixty-one of this code.

“Abusing parent” means a parent, guardian or other custodian, regardless of his or her age, whose conduct has been adjudicated by the court to constitute child abuse or neglect as alleged in the petition charging child abuse or neglect.

“Battered parent” for the purposes of part six, article four of this chapter, means a respondent parent, guardian, or other custodian who has been adjudicated by the court to have not condoned the abuse or neglect and has not been able to stop the abuse or neglect of the child or children due to being the victim of domestic violence as defined by section two hundred two, article twenty-seven, chapter forty-eight of this code which was perpetrated by the same person or persons determined to have abused or neglected the child or children.

“Child abuse and neglect services” means social services which are directed toward:

(A) Protecting and promoting the welfare of children who are abused or neglected;

(B) Identifying, preventing and remedying conditions which cause child abuse and neglect;

(C) Preventing the unnecessary removal of children from their families by identifying family problems and assisting families in resolving problems which could lead to a removal of children and a breakup of the family;

(D) In cases where children have been removed from their families, providing time-limited reunification services to the children and the families so as to reunify those children with their families or some portion thereof;

(E) Placing children in suitable adoptive homes when reunifying the children with their families, or some portion thereof, is not possible or appropriate; and

(F) Assuring the adequate care of children or juveniles who have been placed in the custody of the department or third parties.

“Condition requiring emergency medical treatment” means a condition which, if left untreated for a period of a few hours, may result in permanent physical damage; that condition includes, but is not limited to, profuse or arterial bleeding, dislocation or fracture, unconsciousness and evidence of ingestion of significant amounts of a poisonous substance.

“Imminent danger to the physical well-being of the child” means an emergency situation in which the welfare or the life of the child is threatened. These conditions may include an emergency situation when there is reasonable cause to believe that any child in the home is or has been sexually abused or sexually exploited, or reasonable cause to believe that the following conditions threaten the health, life, or safety of any child in the home:

(A) Nonaccidental trauma inflicted by a parent, guardian, custodian, sibling or a babysitter or other caretaker;

(B) A combination of physical and other signs indicating a pattern of abuse which may be medically diagnosed as battered child syndrome;

(C) Nutritional deprivation;

(D) Abandonment by the parent, guardian or custodian;

(E) Inadequate treatment of serious illness or disease;

(F) Substantial emotional injury inflicted by a parent, guardian or custodian;

(G) Sale or attempted sale of the child by the parent, guardian or custodian;

(H) The parent, guardian or custodian's abuse of alcohol or drugs or other controlled substance as defined in section one hundred one, article one, chapter sixty-a of this code, has impaired his or her parenting skills to a degree as to pose an imminent risk to a child's health or safety; or

(I) Any other condition that threatens the health, life, or safety of any child in the home.

“Neglected child” means a child:

(A) Whose physical or mental health is harmed or threatened by a present refusal, failure or inability of the child's parent, guardian or custodian to supply the child with necessary food, clothing, shelter, supervision, medical care or education, when that refusal, failure or inability is not due primarily to a lack of financial means on the part of the parent, guardian or custodian; or

(B) Who is presently without necessary food, clothing, shelter, medical care, education or supervision because of the disappearance or absence of the child's parent or custodian;

(C) “Neglected child” does not mean a child whose education is conducted within the provisions of section one, article eight, chapter eighteen of this code.

“Petitioner or co-petitioner” means the Department or any reputable person who files a child abuse or neglect petition pursuant to section six hundred one, article four, of this chapter.

“Permanency plan” means the part of the case plan which is designed to achieve a permanent home for the child in the least restrictive setting available.

“Respondent” means all parents, guardians, and custodians identified in the child abuse and neglect petition who are not petitioners or co-petitioners.

“Sexual abuse” means:

(A) Sexual intercourse, sexual intrusion, sexual contact, or conduct proscribed by section three, article eight-c, chapter sixty-one, which a parent, guardian or custodian engages in, attempts to engage in, or knowingly procures another person to engage in with a child notwithstanding the fact that for a child who is less than sixteen years of age the child may have willingly participated in that conduct or the child may have suffered no apparent physical injury or mental or emotional injury as a result of that conduct or, for a child sixteen years of age or older the child may have consented to that conduct or the child may have suffered no apparent physical injury or mental or emotional injury as a result of that conduct;

(B) Any conduct where a parent, guardian or custodian displays his or her sex organs to a child, or procures another person to display his or her sex organs to a child, for the purpose of gratifying the sexual desire of the parent, guardian or custodian, of the person making that display, or of the child, or for the purpose of affronting or alarming the child; or

(C) Any of the offenses proscribed in sections seven, eight or nine of article eight-b, chapter sixty-one of this code.

“Sexual assault” means any of the offenses proscribed in sections three, four or five of article eight-b, chapter sixty-one of this code.

“Sexual contact” means sexual contact as that term is defined in section one, article eight-b, chapter sixty-one of this code.

“Sexual exploitation” means an act where:

(A) A parent, custodian or guardian, whether for financial gain or not, persuades, induces, entices or coerces a child to engage in

sexually explicit conduct as that term is defined in section one, article eight-c, chapter sixty-one of this code; or

(B) A parent, guardian or custodian persuades, induces, entices or coerces a child to display his or her sex organs for the sexual gratification of the parent, guardian, custodian or a third person, or to display his or her sex organs under circumstances in which the parent, guardian or custodian knows that the display is likely to be observed by others who would be affronted or alarmed;

(C) A parent, guardian or custodian knowingly maintains or makes available a child for the purpose of engaging the child in commercial sexual activity in violation of section five, article fourteen, chapter sixty-one of this code.

“Sexual intercourse” means sexual intercourse as that term is defined in section one, article eight-b, chapter sixty-one of this code.

“Sexual intrusion” means sexual intrusion as that term is defined in section one, article eight-b, chapter sixty-one of this code.

“Serious physical abuse” means bodily injury which creates a substantial risk of death, which causes serious or prolonged disfigurement, prolonged impairment of health or prolonged loss or impairment of the function of any bodily organ

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 2. CRIMES AGAINST THE PERSON.

~~§61-2-17. Human trafficking; criminal penalties.~~

~~(a) As used in this section:~~

~~(1) “Debt bondage” means the status or condition of a debtor arising from a pledge by the debtor of the debtor’s personal services or those of a person under the debtor’s control as a security for debt, if the value of those services as reasonably assessed is not~~

applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

~~(2) “Forced labor or services” means labor or services that are performed or provided by another person and are obtained or maintained through a person’s:~~

~~(A) Threat, either implicit or explicit, deception or fraud, scheme, plan, or pattern, or other action intended to cause a person to believe that, if the person did not perform or provide the labor or services that person or another person would suffer serious bodily harm or physical restraint: *Provided*, That, this does not include work or services provided by a minor to the minor’s parent or legal guardian so long as the legal guardianship or custody of the minor was not obtained for the purpose compelling the minor to participate in commercial sex acts or sexually explicit performance, or perform forced labor or services.~~

~~(B) Physically restraining or threatening to physically restrain a person;~~

~~(C) Abuse or threatened abuse of the legal process; or~~

~~(D) Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person.~~

~~“Forced labor or services” does not mean labor or services required to be performed by a person in compliance with a court order or as a required condition of probation, parole, or imprisonment.~~

~~(3) “Human trafficking” means the labor trafficking or sex trafficking involving adults or minors where two or more persons are trafficked within any one year period.~~

~~(4) “Labor trafficking” means the promotion, recruitment, transportation, transfer, harboring, enticement, provision, obtaining or receipt of a person by any means, whether a United States citizen or foreign national, for the purpose of:~~

~~(A) Debt bondage or forced labor or services; or~~

~~(B) Slavery or practices similar to slavery.~~

~~(5) “Sex trafficking of minors” means the promotion, recruitment, transportation, transfer, harboring, enticement, provision, obtaining or receipt of a person under the age of eighteen by any means, whether a United States citizen or foreign national, for the purpose of causing the minor to engage in sexual acts, or in sexual conduct violating the provisions of subsection (b), section five, article eight of this chapter or article eight c of this chapter.~~

~~(6) “Sex trafficking of adults” means the promotion, recruitment, transportation, transfer, harboring, enticement, provision, obtaining, receipt of a person eighteen years of age or older, whether a United States citizen or foreign national for the purposes of engaging in violations of subsection (b), section five, article eight of this chapter by means of force, threat, coercion, deception, abuse or threatened abuse of the legal process, or any scheme, plan, pattern, or other action intended to cause a person to believe that, if the person did not engage in a violation of subsection (b), section five, article eight of this chapter, that person or another person would suffer serious bodily harm or physical restraint.~~

~~(b) Any person who knowingly and wilfully engages in human trafficking is guilty of a felony and upon conviction shall be incarcerated in a state correctional facility for an indeterminate sentence of not less than three nor more than fifteen years or fined not more than \$200,000, or both.~~

~~(c) Any person who is a victim of human trafficking may bring a civil action in circuit court. The court may award actual damages, compensatory damages, punitive damages, injunctive relief and any other appropriate relief. A prevailing plaintiff is also entitled to attorneys fees and costs. Treble damages shall be awarded on proof of actual damages where defendant’s acts were willful and malicious.~~

~~(d) Notwithstanding the definition of victim in subsection (k), section three, article two a, chapter fourteen of this code, a person who is a victim of human trafficking is a victim for all purposes of article two a, chapter fourteen of this code.~~

~~(e) This article and the rights and remedies provided in this article are cumulative and in addition to other existing rights.~~

~~(f) Notwithstanding the age and criminal history limitations set forth in section twenty six, article eleven of this chapter, any person convicted of prostitution in violation of subsection (b), section five, article eight of this chapter where the conviction was a result of the person being a victim of human trafficking as defined in this section, may petition the circuit court of the county of conviction for an order of expungement pursuant to section twenty-six, article eleven of this chapter.~~

~~No victim of human trafficking seeking relief under this subsection shall be required to prove her or she has rehabilitated himself or herself in order to obtain expungement.~~

ARTICLE 14. HUMAN TRAFFICKING.

§61-14-1. Definitions.

When used in this article, the following words and terms shall have meaning specified unless the context clearly indicates a different meaning:

(1) “Adult” means an individual eighteen years of age or older.

(2) “Coercion” means:

(A) The use or threat of force against, abduction of, serious harm to or physical restraint of an individual;

(B) The use of a plan, pattern or statement with intent to cause an individual to believe that failure to perform an act will result in the use of force against, abduction of, serious harm to, physical restraint of or deportation of an individual;

(C) The abuse or threatened abuse of law or legal process;

(D) The destruction or taking of, or the threatened destruction or taking of, an individual's identification document or other property; or

(E) The use of an individual's physical or mental impairment when the impairment has a substantial adverse effect on the individual's cognitive or volitional function.

As used in this article, "coercion" does not include statements or actions made by a duly authorized state or federal law-enforcement officer as part of a lawful law enforcement investigation or undercover action.

(3) "Commercial sexual activity" means sexual activity for which anything of value is given to, promised to or received by a person.

(4) "Debt bondage" means inducing an individual to provide:

(A) Commercial sexual activity in payment toward or satisfaction of a real or purported debt; or

(B) Labor or services in payment toward or satisfaction of a real or purported debt if:

(i) The reasonable value of the labor or services is not applied toward the liquidation of the debt; or

(ii) The length of the labor or services is not limited, and the nature of the labor or services is not defined.

(5) "Forced labor" means labor or services that are performed or provided by another person and are obtained or maintained through the following:

(A) Threat, either implicit or explicit, deception or fraud, scheme, plan, or pattern or other action intended to cause a person to believe that, if the person did not perform or provide the labor or services, that person or another person would suffer serious bodily harm, physical restraint or deportation;

(B) Physically restraining or threatening to physically restrain a person;

(C) Abuse or threatened abuse of the legal process; or

(D) Destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document of another person: *Provided*, That “forced labor” does not mean labor or services required to be performed by a person in compliance with a court order or as a required condition of probation, parole, or imprisonment.

As applied in this article, forced labor shall not include labor, work or services provided by a minor to the minor’s parent, legal custodian or legal guardian, so long as the legal guardianship or custody of the minor was not obtained for the purpose of compelling the minor to participate in commercial sex acts or sexually explicit performance, or perform forced labor or services; nor shall it include physical restraint of a minor, or the threat of physical restraint to a minor, by his or her parents, legal custodian or legal guardian if conducted in an otherwise lawful manner and for the purpose of discipline, supervision or teaching.

(6) “Human trafficking”, “trafficking”, or “traffics” means knowingly recruiting, transporting, transferring, harboring, receiving, providing, obtaining, isolating, maintaining or enticing an individual to engage in debt bondage, forced labor or sexual servitude.

(7) “Identification document” means a passport, driver’s license, immigration document, travel document or other government-issued identification document, including a document issued by a foreign government.

(8) “Labor or services” means activity having economic value.

(9) “Minor” means an individual less than eighteen years of age.

(10) “Patronize” means giving, agreeing to give or offering to give anything of value to another person in exchange for commercial sexual activity.

(11) “Person” means an individual, estate, business or nonprofit entity, or other legal entity. The term does not include a public corporation or government or governmental subdivision, agency or instrumentality.

(12) “Serious harm” means harm, whether physical or nonphysical, including psychological, economic or reputational, to an individual which would compel a reasonable individual of the same background and in the same circumstances to perform or continue to perform labor or services or sexual activity to avoid incurring the harm.

(13) “Sexual activity” means sexual contact, sexual intercourse or sexual intrusion, as defined in section one, article eight-b of this chapter, or sexually explicit conduct, as defined in section one, article eight-c of this chapter.

(14) “Sexual servitude” means:

(A) Maintaining or making available a minor for the purpose of engaging the minor in commercial sexual activity; or

(B) Using coercion to compel an adult to engage in commercial sexual activity.

(15) “Victim” means an individual who is subjected to human trafficking, regardless of whether a perpetrator is prosecuted or convicted.

§61-14-2. Human trafficking of an individual; penalties.

(a) Any person who knowingly and willfully traffics an adult is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than three nor more than fifteen years, fined not more than \$200,000, or both imprisoned and fined.

(b) Any person who knowingly and willfully traffics a minor is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than five nor more than twenty years, fined not more than \$300,000, or both imprisoned and fined.

§61-14-3. Use of forced labor; penalties.

(a) Any person who knowingly uses an adult in forced labor is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than one nor more than five years, fined not more than \$100,000, or both imprisoned and fined.

(b) Any person who knowingly uses a minor in forced labor is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than three nor more than fifteen years, fined not more than \$300,000, or both imprisoned and fined.

§61-14-4. Use of persons in debt bondage; penalties.

(a) Any person who knowingly uses an adult in debt bondage is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than one nor more than five years, fined not more than \$100,000, or both imprisoned and fined.

(b) Any person who knowingly uses a minor in debt bondage is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than three nor more than fifteen years, fined not more than \$300,000, or both imprisoned and fined.

§61-14-5. Sexual servitude; penalties.

(a) Any person who knowingly uses coercion to compel an adult to engage in commercial sexual activity is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than three nor more than fifteen years, fined not more than \$200,000, or both imprisoned and fined.

(b) Any person who knowingly maintains or makes available a minor for the purpose of engaging the minor in commercial sexual activity is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than ten nor more than twenty years, fined not more than \$300,000, or both imprisoned and fined.

(c) It is not a defense in a prosecution under subsection (b) of this section that the minor consented to engage in commercial sexual activity, or that the defendant believed the minor was an adult.

§61-14-6. Patronizing a victim of sexual servitude; penalties.

(a) Any person who knowingly patronizes another in commercial sexual activity and who knows that such person patronized is a victim of sexual servitude, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than one nor more than five years, fined not more than \$100,000, or both imprisoned and fined.

(b) Notwithstanding the provisions of subsection (a) of this section, any person who knowingly patronizes a minor to engage in commercial sexual activity and who knows or has reason to know that said minor is a victim of sexual servitude, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than three nor more than fifteen years, fined not more than \$300,000, or both imprisoned and fined.

§61-14-7. General provisions and other penalties.

(a) *Separate violations.* — For purposes of this article, each adult or minor victim constitutes a separate offense.

(b) *Aggravating circumstance.* —

(1) Notwithstanding any provision of this code to the contrary, if an individual is convicted of an offense under this article and the trier of fact makes a finding that the offense involved an aggravating circumstance, the individual shall not be eligible for parole before serving three years in a state correctional facility.

(2) For purposes of this subsection, “aggravating circumstance” means the individual recruited, enticed or obtained the victim of the offense from a shelter or facility that serves runaway youths, children in foster care, the homeless or victims of human trafficking, domestic violence or sexual assault.

(c) Restitution. —

(1) The court shall order a person convicted of an offense under this article to pay restitution to the victim of the offense.

(2) A judgment order for restitution may be enforced by the state or a victim named in the order to receive the restitution in the same manner as a judgment in a civil action in accordance with section four, article eleven-a of this chapter, including filing a lien against the person, firm or corporation against whom restitution is ordered.

(3) The court shall order restitution under subdivision (1) of this subsection even if the victim is unavailable to accept payment of restitution.

(4) If the victim does not claim restitution ordered under subdivision (1) of this subsection within five years of the entry of the order, the restitution shall be paid to the Crime Victims Compensation Fund created under section four, article two-a, chapter fourteen of this code.

(d) Eligibility for Compensation Fund. — Notwithstanding the definition of victim in section three, article two-a, chapter fourteen of this code, a victim of any offense under this article is a victim for all purposes of article two-a, chapter fourteen of this code: *Provided*, That for purposes of subsection (b), section fourteen, article two-a, chapter fourteen of this code, if otherwise qualified, a victim of any offense under this article may not be denied eligibility solely for the failure to report to law enforcement within the designated time frame.

(e) Law Enforcement Notification. — Should a law-enforcement officer encounter a child who reasonably appears to be a victim of an offense under this article, the officer shall notify the Department of Health and Human Resources. If available, the Department of Health

and Human Resources may notify the Domestic Violence Program serving the area where the child is found.

(f) Forfeiture; Debarment. —

(a) The following are declared to be contraband and no person shall have a property interest in them:

(1) All property which is directly or indirectly used or intended for use in any manner to facilitate a violation of this article; and

(2) Any property constituting or derived from gross profits or other proceeds obtained from a violation of this article.

(b) In any action under this section, the court may enter such restraining orders or take other appropriate action, including acceptance of performance bonds, in connection with any interest that is subject to forfeiture.

(c) Forfeiture actions under this section shall use the procedure set forth in article seven, chapter sixty-a of this code.

(d) Any person or business entity convicted of a violation of this article shall be debarred from state or local government contracts.

§61-14-8. Immunity for minor victim of sex trafficking.

(a) In a prosecution or a juvenile prosecution for an offense of prostitution in violation of subsection (b), section five, article eight of this chapter, a minor shall not be held criminally liable if the Court determines that the minor is a victim of an offense under this article: *Provided*, That subject to proof, a minor so charged shall be rebuttably presumed to be a victim under the provisions of this article.

(b) This section does not apply in a prosecution or a juvenile proceeding for any of the other offenses under subsection (b), section five, article eight of this chapter, including specifically soliciting, inducing, enticing or procuring another to commit an act or offense of prostitution, unless it is determined by the court that the minor was coerced into the criminal behavior.

(c) A minor who, under subsection (a) or (b) of this section, is not subject to criminal liability or adjudication as a juvenile delinquent is presumed to be an abused child, as defined in section two-hundred-one, article one, chapter forty-nine of this code, and may be eligible for services under chapter forty-nine of this code including, but not limited to, appropriate child welfare services.

§61-14-9. Petition to vacate and expunge conviction of sex trafficking victim.

(a) Notwithstanding the age and criminal history limitations set forth in section twenty-six, article eleven of this chapter, an individual convicted of prostitution in violation of subsection (b), section five, article eight of this chapter as a direct result of being a victim of trafficking, may apply by petition to the circuit court in the county of conviction to vacate the conviction and expunge the record of conviction. The court may grant the petition upon a finding that the individual's participation in the offense was a direct result of being a victim of trafficking.

(b) A victim of trafficking seeking relief under this section is not required to complete any type of rehabilitation in order to obtain expungement.

(c) A petition filed under subsection (a) of this section, any hearing conducted on the petition, and any relief granted are subject to the procedural requirements of section twenty-six, article eleven of this chapter: *Provided*, That the age or criminal history limitations in that section are inapplicable to victims of human trafficking.

CHAPTER 62. CRIMINAL PROCEDURE.

ARTICLE 1D. WIRETAPPING AND ELECTRONIC SURVEILLANCE ACT.

§62-1D-8. County prosecuting attorney or duly appointed special prosecutor may apply for order authorizing interception.

The prosecuting attorney of any county or duly appointed special prosecutor may apply to one of the designated circuit judges referred to in section seven of this article and such judge, in

accordance with the provisions of this article, may grant an order authorizing the interception of wire, oral or electronic communications by an officer of the investigative or law-enforcement agency when the prosecuting attorney or special prosecutor has shown reasonable cause to believe the interception would provide evidence of the commission of: (i) Kidnapping or abduction as defined and prohibited by the provisions of sections fourteen and fourteen-a, article two, chapter sixty-one of this code and including threats to kidnap or demand ransom as defined and prohibited by the provisions of section fourteen-c of said article two ~~or~~; (ii) of any offense included and prohibited by section eleven, article four, chapter twenty-five of said code, sections eight, nine and ten, article five, chapter sixty-one of said code or section one, article eight, chapter sixty-two of said code to the extent that any of said sections provide for offenses punishable as a felony ~~or~~; (iii) dealing, transferring or trafficking in any controlled substance or substances in the felonious violation of chapter sixty-a of this code; ~~or~~ (iv) of any offense included and prohibited by article fourteen, chapter sixty-one of this code; or (v) any aider or abettor to any of the foregoing offenses or any conspiracy to commit any of the foregoing offenses if any aider, abettor or conspirator is a party to the communication to be intercepted.

The bill (Eng. Com. Sub. for H. B. 2318), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

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

Senate Bill 198, Expanding Health Sciences Program to allow certain medical practitioners in underserved areas.

Com. Sub. for Senate Bill 280, Moving administration of Civil Air Patrol to Adjutant General.

Com. Sub. for Senate Bill 338, Relating to medical professional liability.

And,

Com. Sub. for Senate Bill 358, Relating generally to trustee sale of timeshare estates.

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

The Senate then proceeded to the thirteenth order of business.

At the request of Senator Blair, unanimous consent being granted, it was ordered that the Journal show had Senator Blair been present in the chamber on Tuesday, February 28, 2017, he would have voted “yea” on the passage of Engrossed Committee Substitute for Senate Bill 125, Engrossed Committee Substitute for Senate Bill 214, Engrossed Senate Bill 321 and Engrossed Senate Bill 426; and on Wednesday, March 1, 2017, he would have voted “yea” on the passage of Engrossed Committee Substitute for Senate Bill 5, Engrossed Committee Substitute for Senate Bill 9, Engrossed Committee Substitute for Senate Bill 180, Engrossed Committee Substitute for Senate Bill 225, Engrossed Committee Substitute for Senate Bill 261, Engrossed Committee Substitute for Senate Bill 337, Engrossed Committee Substitute for Committee Substitute for Senate Bill 345, Engrossed Senate Bill 346 and Engrossed Committee Substitute for Senate Bill 347.

At the request of Senator Swope, the name of Senator Swope was removed as a sponsor of **Senate Bill 435** (*Relating to Youth Mental Health Protection Act*).

At the request of Senator Azinger, the name of Senator Azinger was removed as a sponsor of **Senate Bill 518** (*Creating Returning Veterans and Displaced Miners Job Act*).

On motion of Senator Ferns, a leave of absence for the day was granted Senator Maroney.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Tuesday, March 7, 2017, at 11 a.m.

TUESDAY, MARCH 7, 2017

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Tom Bias, Retired United Methodist Clergy, Madison, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Randy E. Smith, a senator from the fourteenth district.

Pending the reading of the Journal of Monday, March 6, 2017,

At the request of Senator Palumbo, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2459—A Bill to repeal §16-2D-5f of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-2D-2, §16-2D-3, §16-2D-4, §16-2D-9, §16-2D-10, §16-2D-11, §16-2D-13 and §16-2D-16 of said code, all relating to regulation of health care; updating the certificate of need process; defining terms; adding exemptions; clarifying exemptions; and clarifying the appeals process.

Referred to the Committee on Health and Human Resources.

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

Eng. Com. Sub. for House Bill 2509—A Bill to amend and reenact §30-3-13a of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-14-12d of said code, all relating to the practice of telemedicine; changing certain prescription limitations.

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, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill 2590—A Bill to amend and reenact §11-24-3 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act; and specifying effective dates.

Referred to the Committee on Finance.

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

Eng. House Bill 2594—A Bill to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act; and specifying effective dates.

Referred to the Committee on Finance.

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

Eng. House Bill 2653—A Bill to amend and reenact §60A-10-16 of the Code of West Virginia, 1931, as amended, relating to extending the Multi State Real-Time Tracking System.

Referred to the Committee on Health and Human Resources.

Executive Communications

Senator Carmichael (Mr. President) laid before the Senate the following communication from His Excellency, the Governor:

Jim Justice
Governor of West Virginia

March 6, 2017

**Senate Executive Message No. 4
Regular Session 2017**

TO: The Honorable Members of the
West Virginia Senate

Ladies and Gentlemen:

I respectfully withdraw the following nomination from Senate Executive Message No. 3-T, Regular Session 2017, submitted by the Honorable Earl Ray Tomblin on January 13, 2017; the nominee was replaced on March 6, 2017:

- 1. For Member, Veterans' Council, James McCormick, New Haven, Mason County, for the term ending June 30, 2022.

Thank you for correcting your records.

Sincerely,

Jim Justice
Governor

Cc: Secretary of State
Senate Clerk

Which communication was received and referred to the Committee on Confirmations.

The Senate proceeded to the fourth order of business.

Senator Gaunch, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill 168, Relating to surcharge on fire and casualty insurance policies to fund volunteer fire departments.

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

Com. Sub. for Senate Bill 168 (originating in the Committee on Banking and Insurance)—A Bill to amend and reenact §33-3-33 of the Code of West Virginia, 1931, as amended, relating to surcharge on fire and casualty insurance policies for purpose of funding volunteer fire departments; providing that surcharge be increased to one percent beginning January 1, 2018; and deleting obsolete language.

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

Respectfully submitted,

C. Edward Gaunch,
Chair.

The bill (Com. Sub. for S. B. 168), 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 235, Relating to motorcycle registration renewal.

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

Respectfully submitted,

Mike Hall,
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 259, Requiring administrators of intestate estates to give bond and take oath.

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

Com. Sub. for Senate Bill 259 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §44-1-1, §44-1-6, §44-1-7, §44-1-8, §44-1-14a and §44-1-26 of the Code of West Virginia, 1931, as amended; and to amend and reenact §44-5-3 of said code, all relating generally to personal representatives of estates; waiving surety requirements for administrators of estates where grantee is sole beneficiary or sole distributee of the decedent; requiring county commission to hold hearing if application filed by interested party to compel nonresident executor otherwise exempt from bond requirements to post bond; requiring county commission to hold hearing if application filed by interested party to compel sole beneficiary to post surety; removing authority of clerk of county commission to require bond or surety upon knowledge; making executor or administrator not required to post surety liable upon his or her own personal recognizance in the event of default, failure or misadministration; requiring interested parties objecting to the qualifications of a personal representative or venue to file notice with the county commission sixty days after the date of first publication; authorizing action against bond surety when execution on judgment or decree against personal representative is returned without being satisfied; and making technical corrections.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Natural Resources has had under consideration

Senate Bill 471, Relating to state ownership of wildlife.

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

Com. Sub. for Senate Bill 471 (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-2-3 of the Code of West Virginia, 1931, as amended, relating to state ownership of wildlife; and making technical clarifications.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill (Com. Sub. for S. B. 471), under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on Natural Resources has had under consideration

Senate Bill 469, Prohibiting waste of game animals, birds or fish.

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

Com. Sub. for Senate Bill 469 (originating in the Committee on Natural Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5i, relating to prohibiting the wanton waste of game animals, game birds and game fish or parts thereof; providing exclusions; and setting forth misdemeanor criminal penalties and fines.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill (Com. Sub. for S. B. 469), under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on Natural Resources has had under consideration

Senate Bill 473, Permitting collection and sale of naturally shed deer antlers.

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

Com. Sub. for Senate Bill 473 (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-2-4 and §20-2-11 of the Code of West Virginia, 1931, as amended, all relating to wildlife; permitting the collection, possession and sale of naturally shed deer antlers; and clarifying the sale, trade or barter of wildlife or parts thereof.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,
Chair.

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

Your Committee on Natural Resources has had under consideration

Senate Bill 474, Exempting names of licensed hunters from public disclosure.

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

Com. Sub. for Senate Bill 474 (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-2-27 of the Code of West Virginia, 1931, as amended, relating to hunting licenses; and exempting the list of names, addresses and contact information for license holders from public disclosure with certain exceptions.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill (Com. Sub. for S. B. 474), under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration

Eng. Com. Sub. for House Bill 2740, Making a supplementary appropriation to the Department of Administration.

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

Respectfully submitted,

Mike Hall,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2740) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

On motion of Senator Ferns, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

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

The bill was read a second time and ordered to third reading.

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 2740) was then 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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maynard, Miller, Mullins, 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: Maroney—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. 2740) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maynard, Miller, Mullins, 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: Maroney—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. 2740) takes effect from passage.

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

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 Takubo:

Senate Bill 526—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7b; to amend and reenact §5-16-9 of said code; to amend said

code by adding thereto a new section, designated §5-16B-6f; to amend said code by adding thereto a new section, designated §9-5-25; to amend said code by adding thereto a new section, designated §33-15-4p; to amend said code by adding thereto a new section, designated §33-16-3bb; to amend said code by adding thereto a new section, designated §33-24-7p; to amend said code by adding thereto a new section, designated §33-25-8n; and to amend said code by adding thereto a new section, designated §33-25A-8p, all relating to mandatory insurance coverage for inherited enzymatic disorders; providing a list of diagnosed conditions for which insurance coverage should extend; providing that coverage extends to medically necessary foods for home use when prescribed by a physician; defining terms; and providing for exclusions.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

By Senators Stollings, Mann, Plymale, Romano and Mullins:

Senate Bill 527—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-41; to amend and reenact §18-10A-15 of said code; and to amend said code by adding thereto a new section, designated §18B-14-3, all relating to traumatic brain injury; setting forth findings; requiring State Board of Education, Higher Education Policy Commission and Council for Community and Technical College Education rules establishing Return-to-Learn protocols; requiring concussion management team any time a student suffers a concussion; setting forth members; prohibiting student from returning to participation in regular classroom activities without adaptive academic accommodations until authorized; requiring appropriate parental releases to foster communication and to allow data to be submitted to the Statewide Concussion Surveillance System; requiring county superintendent designee or designee of institution president, as applicable, to perform certain duties; requiring all school districts or state institutions of higher education, as applicable, to report certain information for inclusion in the Statewide Concussion Surveillance System; expanding provisions relating to the West Virginia University Center for

Excellence in Disabilities central registry of persons who sustain certain head injuries; and requiring the West Virginia University Center for Excellence in Disabilities to establish a Statewide Concussion Surveillance System to house certain data.

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

By Senators Mann, Stollings, Romano and Mullins:

Senate Bill 528—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-8-1b, relating to establishing process for providing that a student is not eligible for either home instruction exemption after the complaint required after ten total unexcused absences from school is filed, for the duration of legal proceedings relating to failing to cause a certain child under eighteen to attend school and at any point after conviction of the same offense; allowing investigation to determine whether the child is a neglected child due to refusal, failure or inability to supply the child with necessary education; requiring report to Department of Health and Human Resources if investigation reveals reasonable cause to suspect that the child is an abused child or a neglected child or reveals conditions that are likely to result in abuse or neglect; requiring that if the investigation reveals reasonable cause to suspect that the child is a neglected child due to refusal, failure or inability to supply the child with necessary education the county board of education shall hold a hearing to determine whether the home instruction would result in the child not being provided with an adequate education; and excluding application of these provisions to certain children.

Referred to the Committee on Education.

By Senators Weld and Ferns:

Senate Bill 529—A Bill to amend and reenact §5-16-2 and §5-16-13 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto three new sections, designated §5-16-6, §5-16-27 and §5-16-28, all relating to the Public Employees Insurance Agency; requiring the agency and the finance board to purchase stop-loss insurance; requiring that spouses of persons

eligible be required to enroll in an employer-sponsored plan if one is made available to them by their employer; limiting the employers and entities beyond the State of West Virginia which may purchase insurance through the Public Employees Insurance plan; creating a pilot program to allow larger state entities to offer self-insurance or purchase insurance coverage for their employees separate from the Public Employees Insurance plan; allowing rulemaking to establish and operate the pilot program; and establishing an effective date.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

By Senator Karnes:

Senate Bill 530—A Bill to repeal §18-2-26 of the Code of West Virginia, 1931, as amended; to repeal §18-9A-8a of said code; to amend and reenact §5B-3-5 of said code; to amend and reenact §6C-2-2 of said code; to amend and reenact §16-4C-6c of said code; to amend and reenact §18-2-5b, §18-2-24 and §18-2-26a of said code; to amend and reenact §18-2A-3 and §18-2A-5 of said code; to amend and reenact §18-2E-5 of said code; to amend and reenact §18-2I-3 and §18-2I-4 of said code; to amend and reenact §18-5-22 of said code; to amend and reenact §18-5A-4 of said code; to amend said code by adding thereto a new article, designated §18-5F-1, §18-5F-2, §18-5F-3, §18-5F-4, §18-5F-5, §18-5F-6, §18-5F-7, §18-5F-8 and §18-5F-9; to amend and reenact §18-9A-10 of said code; to amend and reenact §18-9D-2 and §18-9D-3 of said code; to amend and reenact §18-9E-4 of said code; to amend and reenact §18A-3-1a, §18A-3-1b and §18A-3-11 of said code; to amend and reenact §18A-3A-1 of said code; to amend and reenact §29-1-3 of said code; to amend and reenact §30-21-2 of said code; and to amend and reenact §30-31-11 of said code, all relating to replacing regional education service agencies with education service centers; providing for transfer of property, equipment and records; changing meaning of the remaining code references to the agencies; setting forth legislative intent; setting forth services to be offered by the centers; designating the two most important responsibilities of the centers; designating initial school district membership for each center; providing certain school

districts with flexibility to not be a member of a center; allowing districts to apply to be a member of a different center; requiring random selection system be used to determine center membership if a district is required to be a member of a center but is not; allowing centers to merge; allowing three or more counties from different centers to form a new center; establishing annual deadlines and effective date for any change in status of a district's membership; limiting change in membership status to once every four years; allowing districts to purchase services from any center that agrees to sell the services; abolishing a center and its regional council whenever it ceases to have fewer than three member districts; providing for a regional council to govern each center; allowing each regional council to hire an executive director, other officers and other staff; requiring each regional council to select one of its member county school districts to act as fiscal agent; allowing a regional council to form a nonprofit corporation; requiring each regional council to establish standards for service delivery; requiring each center to conform to the standards and requirements prescribed by the State Auditor; allowing centers to acquire and hold real property; requiring each center to continually explore possibilities for the delivery of services on a regional basis; requiring centers to develop an effective model for the regional delivery of instruction in certain subjects; requiring each center to submit a report and evaluation of the technical assistance and other services provided and utilized; allowing a school to submit evaluation of the services provided; allowing a center to receive and disburse funds from the state and federal governments, from member counties or from gifts and grants; setting forth the rate for center employees to be reimbursed for travel, meals and lodging; prohibiting county school board member from being employed by a center; excluding center employees from being eligible for or participating in Public Employee Insurance Agency insurance plans, the state Teachers Retirement System and the Teachers' Defined Contribution Retirement System; requiring at least half of regional council regular meetings be held during hours other than those of a regular school day; requiring the executive director to attend at least one meeting of each of the member of county boards of education; providing for compensation and reimbursement for travel of county board members serving on regional councils;

removing reference to the agencies in required study of the feasibility of establishing common regional configurations for all purposes the Joint Commission on Economic Development considers feasible; removing the agencies from participation in the public employees grievance procedure; replacing the agencies with the centers as one of the entities the State Board of Education may delegate Medicaid provider status and subsequent reimbursement; replacing the agencies with the centers as it pertains to the purpose of the school health services advisory committee; replacing the two agency representatives on the school health services advisory committee with two center representatives; modifying the provisions pertaining to the structure to enhance collaboration between professional development providers to be consistent with replacing the agencies with the centers; modifying the provisions on the required regional meetings on shared services and functions to be consistent with replacing the agencies with the centers; modifying the provisions pertaining to instructional resource sample items to be consistent with replacing the agencies with the centers; modifying the provisions pertaining to allowing the establishment of an instructional resources selection team to be consistent with replacing the agencies with the centers; modifying the provisions pertaining to the adoption of indicators of efficiency by the state board to be consistent with replacing the agencies with the centers; replacing the agencies with the centers as an entity the state board may seek resources from in establishing early detection and intervention programs for underachieving schools and school systems; replacing the agencies with the centers as an entity for which the Office of Education Performance Audits may receive assistance; replacing agencies with the centers as the entity the Office of Education Performance Audits is to make staff development need recommendations to; replacing the agencies with the centers as an entity the state board may request special staff development programs from when it determines a school or school system has insufficient capacity to correct deficiency; replacing the agencies with the centers as a source of training and development activities including the goals and action plans required of a county board under state board intervention must include; replacing the agencies with the centers as the entities to which the state board must submit its master plan for professional

development; replacing the agencies with the centers as to the entity for which its state board-approved plan must be included in the master plan for professional development; modifying the basis on which county school nurses are to meet on for the purposes of preparing recommendations; providing for electing a representative to serve on the council of school nurses to be consistent with replacing the agencies with the centers; modifying the selection of schools of excellence; modifying the sharing of services requirement for use of instructional improvement funds for personnel costs to be consistent with replacing the agencies with the centers; modifying the definition of “region” pertaining to the School Building Authority to be consistent with replacing the agencies with the centers; replacing agency with center as one of the entities the School Building Authority may contract for services for; replacing agency with center as one of the entities that may employ heating, ventilation and air-conditioning technicians at the discretion of the state board; replacing the agencies with the centers as one of the entities that have the option of contracting for heating, ventilation and air-conditioning services from prequalified vendors if more cost effective than certain other options; replacing agency with center as one of the entities a school or school district may partner with to offer a rigorous alternative program for teacher certification; modifying the preference for designating a person as a 21st Century Learner Fellow to be consistent with replacing the agencies with the centers; replacing the agency executive director with a center representative on the Center for Professional Development Board; modifying the Commission on the Arts membership limitation to be consistent with replacing the agencies with the centers; modifying exclusions from the terms “practice of psychology” and “practice of school psychology” and modifying the definition of “school board” pertaining to psychologists and school psychologists to be consistent with replacing the agencies with the centers; and modifying exemptions from requirements pertaining to licensed professional counselors to be consistent with replacing the agencies with centers.

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

By Senator Sypolt:

Senate Bill 531—A Bill to amend and reenact §19-13-4 of the Code of West Virginia, 1931, as amended, relating to the renewal date for apiary certificates of registration.

Referred to the Committee on Agriculture and Rural Development.

By Senators Ojeda, Beach, Facemire, Plymale, Rucker, Swope, Unger, Stollings, Romano, Cline and Mullins:

Senate Bill 532—A Bill to amend and reenact §25-1-11c of the Code of West Virginia, 1931, as amended; to amend and reenact §31-20-27 of said code; and to amend and reenact §49-2-905 of said code, all relating to requiring correctional officers to be paid overtime for all hours worked beyond forty in a one-week work period.

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

By Senators Hall and Mullins:

Senate Bill 533—A Bill to amend and reenact §8-13-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §60-3-9d of said code; to amend and reenact §60-4-3b of said code; and to amend and reenact §60-8-4 of said code, all relating to the collection of taxes on wine and intoxicating liquors; providing that no wine or liquor excise tax shall be collected on purchases of wine or intoxicating liquors in the original sealed package for the purpose of resale, if the final purchase of such wine or intoxicating liquor is subject to the excise tax; providing that no liter tax shall be collected on wine sold in the original sealed package for the purpose of resale, if the subsequent sale of such wine is subject to the liter tax; and defining terms.

Referred to the Committee on Finance.

By Senators Palumbo, Gaunch, Jeffries, Romano, Stollings, Takubo and Cline:

Senate Bill 534—A Bill to amend and reenact §7-11B-3, §7-11B-4 and §7-11B-7 of the Code of West Virginia, 1931, as

amended; to amend and reenact §7A-2-4 of said code; to amend said code by adding thereto a new section, designated §7A-2-5; to amend and reenact §11-22-2 of said code; and to amend and reenact §31-20-10a of said code, all relating to incentives for consolidating local governments; amending certain terms to include municipalities that successfully consolidated; authorizing municipalities that successfully consolidate to be eligible for tax increment financing; allowing consolidation of local governments to include public school districts, library districts and fire districts; creating certain incentives for municipalities that consolidate; creating certain incentives for counties that consolidate; creating certain incentives for municipalities and counties that form metro governments by consolidation; setting an expiration date for the incentives created; authorizing counties that consolidate to impose an additional county excise tax on the transfer of real estate; and requiring the Division of Corrections to pay for regional jail bills of counties that consolidate from the point of a felony conviction, rather than after sentencing.

Referred to the Committee on Government Organization.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 535—A Bill to repeal §5B-2-8, §5B-2-8a, §5B-2-9, §5B-2-11, §5B-2-12 and §5B-2-12a of the Code of West Virginia, 1931, as amended; to amend and reenact §5B-1-2 of said code; and to amend said code of 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, §5B-2I-7 and §5B-2I-8, all relating to the reorganization of the Division of Tourism; transferring all powers and duties of the Tourism Commission to the new West Virginia Tourism Office; requiring quarterly meetings; restructuring the Tourism Advertising Partnership Program as a cooperative advertising program administered by the West Virginia Tourism Office; vesting in the executive director all authority for expenditures of funds in the Tourism Promotion Fund; and requiring confidentiality of certain private information.

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

By Senators Maynard, Jeffries and Ferns:

Senate Bill 536—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5i; and to amend and reenact §20-2-16 of said code, all relating to hunting; using leashed dogs to track mortally wounded deer or bear; and clarifying the handling of dogs caught chasing deer.

Referred to the Committee on Natural Resources.

By Senators Rucker, Azinger, Cline, Ferns, Karnes, Maynard, Ojeda, Smith and Sypolt:

Senate Bill 537—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 Education; and then to the Committee on Health and Human Resources.

Senators Unger, Plymale, Beach, Stollings, Romano, Cline, Prezioso and Rucker offered the following resolution:

Senate Resolution 32—Designating Tuesday, March 7, 2017, as West Virginia Alzheimer's Association Day at the Capitol.

Whereas, Nearly one in three senior citizens who dies each year has Alzheimer's or another dementia; and

Whereas, Over 5 million Americans are living with Alzheimer's and as many as 16 million Americans will have the disease by 2050; and

Whereas, In West Virginia in 2016, 37,000 West Virginians ages 65 and older had an Alzheimer's or dementia-related diagnosis. That number is expected to increase to 39,000 by 2020, and will continue to rise to 44,000 by 2025; and

Whereas, The cost of caring for those with Alzheimer's and other dementias was estimated to total \$236 billion in 2016 in the United States, increasing to \$1.1 trillion by midcentury; and

Whereas, There are more than 300,000 caregivers in West Virginia and 108,000 of those are caring for someone with Alzheimer's or another dementia. These caregivers provide almost \$2 billion in unpaid care each year; therefore, be it

Resolved by the Senate:

That the Senate hereby designates Tuesday, March 7, 2017, as West Virginia Alzheimer's Association Day at the Capitol; and, be it

Further Resolved, That the Senate hereby acknowledges the West Virginia Alzheimer's Association and the work they do to care for West Virginia residents living with Alzheimer's; and, be it

Further Resolved, That the Senate extends its sincere gratitude and appreciation to the West Virginia Alzheimer's Association for its dedication and commitment to helping those affected by Alzheimer's in West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Alzheimer's Association.

At the request of Senator Unger, 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 Stollings regarding the adoption of Senate Resolution 32 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 27, US Air Force Senior Airman Luke Christopher Wamsley Memorial Bridge.

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

The Senate proceeded to the eighth order of business.

Com. Sub. for Senate Bill 236, Relating to damages for medical monitoring.

On third reading, coming up in regular order, with the right having been granted on Tuesday, February 28, 2017, for amendments to be received on third reading, was reported by the Clerk.

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

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

ARTICLE 7. ACTIONS FOR INJURIES.

§55-7-31. Limitations on medical monitoring damages.

(a) In any civil action where a plaintiff who does not allege a present physical injury or disease seeks to recover future medical monitoring costs as damages, a defendant cannot be required to pay as damages or provide any other type of legal, injunctive or equitable relief for a plaintiff's future medical surveillance, screening tests or monitoring procedures only unless the plaintiff proves to a reasonable degree of certainty all of the requirements for the underlying cause of action and that:

(1) He or she has been significantly exposed;

(2) To a proven hazardous substance;

(3) Through the tortious conduct of the defendant;

(4) As a proximate result of the exposure, the plaintiff has suffered a significantly increased risk of contracting a serious latent disease relative to the general population of more than one hundred percent;

(5) The increased risk of disease makes it objectively medically necessary for the plaintiff to undergo periodic diagnostic medical examinations and such periodic diagnostic medical examinations are different from what would be prescribed in the absence of the exposure;

(6) Monitoring procedures exist that make the early detection of a disease possible; and

(7) Early detection is beneficial, meaning that a treatment exists that can significantly decrease the risk of death or the severity of the disease, according to contemporary scientific principles.

(b) In any civil action in which a court orders a defendant to pay for a plaintiff's future medical surveillance, screening tests, or monitoring procedures in the absence of a present physical injury or disease, no plaintiff shall be awarded or paid any moneys to cover the cost of his or her future medical surveillance, screening tests or monitoring procedures until such surveillance, tests or monitoring procedures have been completed. With respect to payments for such damages in the future, the court shall order that the liable defendant make periodic payments into a fund established sufficient to timely pay the cost of future medical surveillance, screening tests or monitoring procedures that are required by the judgment of the court. The court shall determine how such fund will be administered. The court shall also determine the date after which such future medical surveillance, screening tests or monitoring procedures are no longer required and, after that date, any moneys remaining in the fund that are not needed to pay for medical surveillance, screening tests or monitoring procedures completed prior to such termination date shall be repaid to the liable defendant who paid such amounts into the fund. If there are

multiple such defendants, then repayments shall be made in proportion to the total contributions of each defendant into the fund.

(c) The damage award authorized by this section is not available in a civil action brought against an employer pursuant to paragraph (B), subdivision (2), subsection (d), section two, article four, chapter twenty-three of this code.

(d) No award of punitive damages shall be made with respect to damages awarded under this section.

(e) It is a defense to the award of damages authorized in this section that the benefits of medically monitoring the exposed population are outweighed by the costs of the monitoring. In making this determination, the finder of fact may consider:

(1) The number of people likely to benefit from the monitoring in relation to the population to be monitored;

(2) Whether early diagnosis of the latent disease is likely to lead to better treatment outcome;

(3) Whether treatment currently exists for the disease that is the subject of medical monitoring or whether the condition diagnosed is an irreversible and untreatable disease; and

(4) Whether the assets of the defendant are limited such that the available funds should be reserved to compensate those who have or develop injury.

(f) Notwithstanding any provision of this code to the contrary, the venue for any civil action brought pursuant to the provisions of this section shall lie in the county where the significant exposure allegedly occurred.

Following discussion,

The question being on the adoption of Senator Palumbo's amendment to the bill, the same was put and prevailed.

There being no further amendments offered,

The bill, as just amended, was ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 236 was then 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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sybolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—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. 236) passed.

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

Eng. Com. Sub. for Senate Bill 236—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-31, relating to claims or damages for medical monitoring; providing for certain elements for a claim for medical monitoring damages in addition to the underlying cause of action that must be shown in order to recover; establishing requirements for an order for payment of medical monitoring expenses; declaring that medical monitoring is not available in certain civil actions; prohibiting awards of punitive damages with respect to medical monitoring awards; establishing a defense if the benefits of medical monitoring are outweighed by the costs of the monitoring; detailing factors that may be considered in assessing the defense established; and requiring any civil action for medical monitoring be brought in the county where the alleged exposure occurred.

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 239, Limiting use of wages by employers and labor organizations for political activities.

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

Pending extended discussion,

Senator Unger moved that the bill (Eng. Com. Sub. for S. B. 239) be referred to the Committee on Finance.

Following discussion,

The question being on the adoption of Senator Unger's aforestated motion, and on this question, Senator Unger demanded the yeas and nays.

The roll being taken, the yeas were: Beach, Facemire, Jeffries, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger and Woelfel—12.

The nays were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maynard, Mullins, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld and Carmichael (Mr. President)—21.

Absent: Maroney—1.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Unger's aforestated motion had not prevailed.

The question now being "Shall Engrossed Committee Substitute for Senate Bill 239 pass?"

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maynard, Mullins, 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: Maroney—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. 239) 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 392, Relating to Municipal Police Officers and Firefighters Retirement System.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maynard, Miller, Mullins, 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: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 392) passed with its title.

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

Eng. Com. Sub. for Senate Bill 442, Relating generally to crimes against persons.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maynard, Miller, Mullins, 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: Maroney—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. 442) 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 456, Relating to standards for termination of parental rights in child abuse and neglect cases.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maynard, Miller, Mullins, 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: Maroney—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. 456) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maynard, Miller, Mullins, 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: Maroney—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 S. B. 456) takes effect from passage.

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 2318, Relating generally to human trafficking.

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 2318 pass?”

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maynard, Miller, Mullins, 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: Maroney—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. 2318) passed.

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

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; 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 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 of unknowingly patronizing an individual victim of human trafficking to engage in commercial sexual activity; creating offense of patronizing a minor victim of human trafficking; creating criminal penalties; 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; providing for forfeiture of profits from human trafficking and debarment from state and local government contracts for persons or entities convicted of human trafficking offenses; making certain victims of human trafficking 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 of an offense under this article; 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 of human trafficking offenses.

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.

Senate Bill 198, Expanding Health Sciences Program to allow certain medical practitioners in underserved areas.

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 280, Moving administration of Civil Air Patrol to Adjutant General.

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 338, Relating to medical professional liability.

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 358, Relating generally to trustee sale of timeshare estates.

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

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Com. Sub. for Senate Bill 173, Relating to autocycles.

Senate Bill 185, Allowing spending units designate fund into which proceeds from sale of surplus property must be deposited.

Com. Sub. for Senate Bill 206, Expanding definition of “kidnapping” to include taking or gaining custody of, confining or concealing person by force.

Com. Sub. for Senate Bill 220, Relating to offenses and penalties under Uniform Controlled Substances Act.

And,

Senate Bill 365, Maintaining solvency of Unemployment Compensation Fund.

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

The Senate then proceeded to the thirteenth order of business.

On motion of Senator Ferns, a leave of absence for the day was granted Senator Maroney.

Pending announcement of meetings of standing committees of the Senate, including a minority party caucus,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Wednesday, March 8, 2017, at 11 a.m.

WEDNESDAY, MARCH 8, 2017

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Jeffrey S. Allen, Executive Director, West Virginia Council of Churches, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Jeff Mullins, a senator from the ninth district.

Pending the reading of the Journal of Tuesday, March 7, 2017,

At the request of Senator Beach, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2367—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-3F-1, §61-3F-2 and §61-3F-3, all relating to establishing a criminal offense of organized retail crime; defining terms; making it unlawful for a person to knowingly commit an organized retail crime; making it unlawful for a person to knowingly organize, supervise, finance, conspire, receive retail goods from, or otherwise manage or assist another person in committing an organized retail crime; establishing criminal penalties; providing for the aggregation of counts and sum of property value; providing for prosecution in any county in which a retail crime occurred; allowing for inference by trier of fact that a

particular scheme or course of conduct was undertaken for profit; and providing for seizure and forfeiture of cash, assets or other property derived in part or total from any proceeds from participating in an organized retail crime.

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 2579—A Bill to amend and reenact §60A-4-409 of the Code of West Virginia, 1931, as amended, relating to increasing the penalties for transporting controlled substances into the state; and providing for a differing penalty as to marihuana.

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 2674—A Bill to amend and reenact §27-3-1 of the Code of West Virginia, 1931, as amended, and to amend the said Code, by adding thereto two new sections, designated §44A-3-17 and §44A-3-18, all relating to the disclosure of certain confidential information relating to persons in guardianship; access to and receipt of certain information regarding a protected person by certain relatives of the protected person; authorizing relatives of a protected person to petition the circuit court for access and information about a protected person; defining “relative”; providing a relative may petition the court for an order granting access to a protected person; setting forth time standards in which to conduct a hearing after a petition is filed; providing for an emergency hearing under particular circumstances; providing for service of a petition upon a guardian and setting time standards for service thereof; providing for the entry of an order by the court following notice and hearing conducted thereon; providing standards for a court to observe and implement in issuing a ruling

on a petition; providing the court may award attorney's fees and costs be paid to a prevailing party; setting forth particular duties for a guardian to provide relatives notice about a protected person's condition and circumstances; authorizing court to retain jurisdiction; regarding dissemination of information about a protected person to relatives; and providing a guardian method whereby one may be relieved of responsibility for providing information regarding a protected person to a relative.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body, to take effect January 1, 2018, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2678—A Bill to amend and reenact §56-6-31 of the Code of West Virginia, 1931, as amended, relating to the rate of interest allowed for prejudgment and post-judgment interest; providing that every judgment or decree for the payment of money entered by any court of this state shall bear simple interest; providing that the court may award prejudgment interest on all or some of the amount of the special or liquidated damages; defining special damages; proving that if an obligation is based upon a written agreement, then the obligation bears prejudgment interest at the rate and terms set forth in the written agreement until the date the judgment or decree is entered; providing that the rate of prejudgment interest is two percentage points above the Fifth Federal Reserve District secondary discount rate in effect on January 2, of the year in which the right to bring the action has accrued; providing that the court will determine that prejudgment interest rate and that the determined rate shall remain constant from that date until the date of the judgment or decree; providing that the rate of prejudgment interest may not exceed nine percent per annum or be less than four percent per annum; requiring that the administrative office of the Supreme Court of Appeals shall annually determine the prejudgment interest rate and take appropriate measures to notify the courts and members of the West Virginia State Bar of the rate of interest in effect; creating an exception to how prejudgment interest is calculated for cases in which the right to bring the action accrued prior to 2009; providing that the rate of post-judgment interest is two percentage points above the Fifth

Federal Reserve District secondary discount rate in effect on January 2, of the year in which the judgment or decree is entered; providing that the rate of post-judgment interest may not exceed nine percent per annum or be less than four percent per annum; requiring that the administrative office of the Supreme Court of Appeals shall annually determine the post-judgment interest rate and take appropriate measures to notify the courts and members of the West Virginia State Bar of the rate of interest in effect; and stating that the amendments to this section become effective January 1, 2018.

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 2691—A Bill to amend and reenact §30-27-8 and §30-27-10 of the Code of West Virginia, 1931, as amended, all relating to allowing a person who is qualified by training to be a barber and a cosmetologist to elect to practice solely as a barber and maintain licensure through continuing education subjects related to barbering.

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 2725—A Bill to amend and reenact §30-27-5 of the Code of West Virginia, 1931, as amended, relating to restricting the authority of the Board of Barbers and Cosmetologists to regulate the use of commonly available, retail beauty products.

Referred to the Committee on Government Organization.

Executive Communications

Senator Carmichael (Mr. President) laid before the Senate the following communication from His Excellency, the Governor:

Jim Justice
Governor of West Virginia

March 8, 2017

Senate Executive Message No. 5
Regular Session 2017

TO: The Honorable Members of the
West Virginia Senate

Ladies and Gentlemen:

I respectfully withdraw the following nominations from Senate Executive Message No. 3-T, Regular Session 2017, submitted by the Honorable Earl Ray Tomblin on January 13, 2017; both nominees have resigned:

8. For Member, West Virginia Northern Community and Technical College Board of Governors, Jonathon H. Greer, Wheeling, Ohio County, for the term ending June 30, 2020.
46. For Member, West Virginia Board of Veterinary Medicine, Ronald Lee Smith, Charleston, Kanawha County, for the term ending June 30, 2021.

Thank you for correcting your records.

Sincerely,

Jim Justice
Governor

Cc: Secretary of State
Senate Clerk

Which communication was received and referred to the Committee on Confirmations.

The Senate proceeded to the fourth order of business.

Senator Weld, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

Senate Bill 326, Requiring Department of Defense family advocacy groups be notified about abuse or neglect of military member's child.

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 Health and Human Resources.

Respectfully submitted,

Ryan W. Weld,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Health and Human Resources.

Senator Weld, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

Senate Bill 327, Relating to teaching certificates for teachers whose spouses are members of armed forces on active duty stationed in state.

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

Com. Sub. for Senate Bill 327 (originating in the Committee on Military)—A Bill to amend and reenact §18A-3-2a of the Code of West Virginia, 1931, as amended, relating generally to teaching certificates; providing that the state superintendent may issue a temporary teaching certificate to an individual who is married to an active duty member of the United States armed forces; requiring that the individual hold an unencumbered teaching certificate or license issued by an equivalent credentialing body; requiring that the individual's spouse is assigned to a duty station in this state; requiring that the individual is assigned to a duty station in this state; providing that the temporary teaching certificate is valid for

one year; and providing that the temporary teaching certificate may be renewed.

And,

Senate Bill 520, Relating to in-state resident tuition rates for certain reserve members.

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

Com. Sub. for Senate Bill 520 (originating in the Committee on Military)—A Bill to amend and reenact §18B-10-1a of the Code of West Virginia, 1931, as amended, relating generally to in-state residency tuition rates; providing that members of a reserve unit in West Virginia shall qualify as residents for purposes of calculating tuition rates; striking the requirement that members of the National Guard participate in the National Guard Education Services Program; and providing that current members of the United States armed forces shall qualify as residents for purposes of calculating tuition rates.

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

Respectfully submitted,

Ryan W. Weld,
Chair.

The bills (Com. Sub. for S. B. 327 and 520), under the original double committee references, were then referred to the Committee on Education.

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 333, Requiring all DHHR-licensed facilities access WV Controlled Substances Monitoring Program Database.

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

Com. Sub. for Senate Bill 333 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §60A-9-4 of the Code of West Virginia, 1931, as amended; to amend and reenact §60A-9-5 and §60A-9-5a of said code; and to amend said code by adding thereto a new section, designated §60A-9-9, all relating the Controlled Substances Monitoring Program Database; requiring reporting instances of an overdose or a suspected overdose to the database; setting out elements to be reported; allowing access to the database to deans of the state's medical schools to monitoring prescribing practices of residents; allowing the Board of Pharmacy to require that drugs of concern be reported to the database; exempting reporting requirements for drugs of concern from criminal penalties; allowing the Board of Pharmacy to develop administrative penalties for not reporting drugs of concern; providing for rulemaking; requiring the licensing boards to report to the Board of Pharmacy when notified of unusual prescribing habits of a licensee; and making technical corrections.

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

Respectfully submitted,

Tom Takubo,
Chair.

The bill (Com. Sub. for S. B. 333), under the original double committee reference, was then referred to the Committee on the Judiciary.

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 350, Allowing licensed professional counselors be issued temporary permit.

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

Com. Sub. for Senate Bill 350 (originating in the Committee on Government Organization)—A Bill to amend and reenact §30-31-3, §30-31-6, §30-31-8 and §30-31-9 of the Code of West Virginia, 1931, as amended, all relating to licenses and temporary permits for licensure for professional counselors and marriage and family therapists.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 382, Allowing automobile auctions obtain abandoned vehicles' titles.

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

Com. Sub. for Senate Bill 382 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17-24A-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17A-4-10 of said code, all relating to certificates of title and registration for motor vehicles; allowing licensed automobile auctions to obtain title to abandoned

or junked motor vehicles; making technical corrections; allowing insurance companies to obtain salvage certificates, cosmetic total loss salvage certificates or nonrepairable motor vehicle certificates to motor vehicles for which a total loss claim was paid; allowing licensed automobile auction to obtain salvage certificates or nonrepairable motor vehicle certificates to certain vehicles; specifying application requirements that require the Division of Motor Vehicles to issue certificates; and requiring applicant to indemnify and hold harmless the division from liability due to error or misrepresentation of applicant.

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,

Gregory L. Boso,
Chair.

The bill (Com. Sub. for S. B. 382), under the original double committee reference, was then referred to the Committee on Government Organization.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 398, Creating Emergency Volunteer Health Practitioners 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 Government Organization.

Respectfully submitted,

Tom Takubo,
Chair.

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

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 423, Relating to operation of licensed group homes.

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

Com. Sub. for Senate Bill 423 (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 §9-5-25, relating to operation of licensed group homes; requiring the Department of Health and Human Resources to seek a waiver from the Centers for Medicare and Medicaid Services for existing group homes in this state; and requiring the Department of Health and Human Resources to amend filings with the Centers for Medicare and Medicaid Services to allow a greater number of occupants to be served in licensed group homes.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Tom Takubo,
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 441, Establishing Municipal Home Rule Pilot Program.

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

Com. Sub. for Senate Bill 441 (originating in the Committee on Government Organization)—A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended, relating to municipal home rule; establishing the Municipal Home Rule Pilot Program as a permanent program identified as the Municipal Home Rule Program; providing that any ordinance, act, resolution, rule or regulation enacted pursuant to the Municipal Home Rule Pilot Program shall continue until repealed; allowing all municipalities to participate in the Municipal Home Rule Program; prohibiting municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule or regulation that is contrary to certain laws governing the professional licensing or certification of public employees; and eliminating the automatic termination of the Municipal Home Rule Pilot Program on July 1, 2019.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 459, Including “In God We Trust” license plate on statutory list of special license plates.

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 Finance.

Respectfully submitted,

Gregory L. Boso,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance, with an amendment from the Committee on Transportation and Infrastructure pending.

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 481, Relating to municipal courts notifying DMV of person's failure to appear and pay costs.

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

Com. Sub. for Senate Bill 481 (originating in the Committee on Government Organization)—A Bill to amend and reenact §8-10-2a and §8-10-2b of the Code of West Virginia, 1931, as amended; and to amend and reenact §17B-3-6 of said code, all relating to eliminating the requirement that municipal courts wait at least ninety days prior to notifying the Division of Motor Vehicles of a person's failure to appear or failure to pay assessed costs, fines, forfeitures or penalties.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 490, Clarifying standard of liability for officers of corporation.

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

Respectfully submitted,

Charles S. Trump IV,
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 491, Relating to county litter control officers.

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

Respectfully submitted,

Craig Blair,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 492, Relating to court participation in drug court program.

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

Com. Sub. for Senate Bill 492 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §62-15-4 of the Code of West Virginia, 1931, as amended, relating eliminating requirement that every judicial circuit participate in a drug court

program; and expressing legislative intent in removing requirement to continue legislative authorization for drug courts in circuits where judges have found them effective.

And,

Senate Bill 496, Relating generally to guaranteed asset protection waivers.

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

Com. Sub. for Senate Bill 496 (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 §33-4-22, relating generally to guaranteed asset protection waivers; providing short title, scope and legislative intent of section; defining certain terms; specifying requirements for offering guaranteed asset protection waivers; requiring contractual liability or other insurance policies on guaranteed asset protection waivers in certain circumstances; providing for disclosures and cancellation; exempting commercial transactions; providing for enforcement of section and severability; excluding waivers from consumers sales and service tax; specifying effective date of section; and providing for section to apply to guaranteed asset protection waivers issued on and after specified date.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

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

Senate Bill 505, Providing five-year reclamation period following completion of well pads for horizontal wells.

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

Com. Sub. for Senate Bill 505 (originating in the Committee on Energy, Industry and Mining)—A Bill to amend and reenact §22-6A-14 of the Code of West Virginia, 1931, as amended, relating to providing a five-year reclamation period following completion of the construction of a well pad for well pads designed for multiple horizontal wells.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Randy E. Smith,
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 Concurrent Resolution 3, Urging Congress call convention of states to impose fiscal restraints on federal government.

And reports the same back with the recommendation that it be adopted.

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

Eng. Com. Sub. for House Bill 2099, Defining the act of leaving the scene of a crash involving death or serious bodily injury as a felony; Erin's Law.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator 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 2301, Relating to direct primary care.

And has amended same.

And,

Eng. House Bill 2431, Allowing influenza immunizations to be offered to patients and residents of specified facilities.

And has amended same.

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

Respectfully submitted,

Tom Takubo,
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

Eng. Com. Sub. for House Bill 2347, Allowing schools licensed to provide barber, cosmetology and related training to hold theory classes and clinical classes at different locations.

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

Respectfully submitted,

Craig Blair,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senators Trump, Stollings, Cline and Weld:

Senate Bill 538—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-12-17a, relating generally to creating special conditions of parole; authorizing the Board of Parole to require parolees to engage in alcohol or antagonist drug opioid therapy as a special condition of parole if recommended by the Commissioner of Corrections; and establishing conditions for imposition and maintenance of the special condition.

Referred to the Committee on the Judiciary.

By Senators Ferns and Rucker:

Senate Bill 539—A Bill to amend and reenact §3-8-1, §3-8-1a, §3-8-2, §3-8-2b, §3-8-2c, §3-8-5, §3-8-5a, §3-8-5b, §3-8-5d, §3-8-5f, §3-8-7, §3-8-8, §3-8-9, §3-8-10, §3-8-11 and §3-8-12 of the Code of West Virginia, 1931, as amended, all relating generally to the regulation and control of financing elections; modifying findings and definitions; modifying provisions relating to receipts and expenditures in elections, electioneering communications,

reporting requirements and financial statements; modifying offenses and criminal penalties; modifying provisions relating to loans to candidates, organizations or persons for election purposes; and modifying provisions relating to corporate contributions and use of certain contributions.

Referred to the Committee on the Judiciary.

By Senators Maynard and Cline:

Senate Bill 540—A Bill to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended, relating to county boards of education; school counselors; requiring all counselors to inform graduating high school students of the availability of student aid; and requiring all graduating high school students to apply for student aid.

Referred to the Committee on Education.

By Senators Maynard and Cline:

Senate Bill 541—A Bill to amend and reenact §18A-2-1 of the Code of West Virginia, 1931, as amended, relating to hiring of professional personnel; permitting posting of vacancies; and providing for job applications.

Referred to the Committee on Education.

By Senators Maynard, Cline, Mullins, Plymale, Swope, Takubo and Stollings:

Senate Bill 542—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-17A-8, relating to providing for special obligation notes to finance construction of completion of Interstate 73 and Interstate 74 through West Virginia; and providing for the repayment of the bonds by unmanned toll booth collections.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senators Mullins and Cline:

Senate Bill 543—A Bill to amend and reenact §18-5-18a of the Code of West Virginia, 1931, as amended, relating to allowing the

maximum number of pupils per teacher to be exceeded by up to five pupils in certain instances; and removing restriction on number of classrooms with two or more grades that include one or more of certain grade levels.

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

By Senators Maynard, Stollings, Smith, Cline, Prezioso, Facemire, Boso and Palumbo:

Senate Bill 544—A Bill to amend and reenact §46A-6B-3 and §46A-6B-4 of the Code of West Virginia, 1931, as amended, all relating to the use of aftermarket crash parts by a motor vehicle repair shop; requiring a warranty equal to or better than the remainder of the original manufacturer's warranty; requiring specification of genuine crash parts be made by the insurer; requiring documentation of aftermarket crash parts be made available to consumer by a repair shop; permitting a right of recovery by the insurer from the aftermarket crash parts distributor; and changing the notice statement to consumer required to be provided by motor vehicle repair shop using aftermarket crash parts by stating that the parts are warranted by the manufacturer or distributor of the parts instead of the vehicle manufacturer.

Referred to the Committee on the Judiciary.

By Senator Cline:

Senate Bill 545—A Bill to amend and reenact §61-2-10b of the Code of West Virginia, 1931, as amended, relating to increasing the criminal penalties for malicious assault, unlawful assault and assault on a law-enforcement officer.

Referred to the Committee on the Judiciary.

By Senators Cline and Stollings:

Senate Bill 546—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-6-13, relating to the creation of emergency text number systems for children; and declaring that this be known as Constance's Law.

Referred to the Committee on Government Organization.

By Senator Blair:

Senate Bill 547—A Bill to amend and reenact §59-1-2 and §59-1-2b of the Code of West Virginia, 1931, as amended, all relating to modifying fees to be paid to the Secretary of State; making fees for limited liability companies be consistent with corporations; adding a voluntary fee for businesses to expedite services to be provided by the Secretary of State; providing that the Secretary of State may set fees by legislative rule; and removing statutory caps imposed on retaining funds of the office.

Referred to the Committee on Finance.

By Senator Hall:

Senate Bill 548—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.

Referred to the Committee on the Judiciary.

By Senators Maynard and Cline:

Senate Bill 549—A Bill to amend and reenact §17C-15-44 of the Code of West Virginia, 1931, as amended, relating to allowing individuals at least twenty-one years of age to operate or ride a motorcycle without a helmet under specified conditions; and authorizing rules.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 550—A Bill to amend and reenact §5A-10-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5A-11-3 of said code, all relating to the disposition of vacated school buildings or other state-owned buildings by the Public Land Corporation and Real Estate Division within the Department of Administration.

Referred to the Committee on Government Organization.

By Senator Maynard:

Senate Bill 551—A Bill to amend and reenact §18-9D-15 of the Code of West Virginia, 1931, as amended, relating generally to limiting the School Building Authority's discretion to disburse funds on an ad hoc basis by requiring that the School Building Authority distribute specific funds to county boards on the basis of a county's net student enrollment; and requiring that county boards deposit certain funds into a savings account and only use said funds to facilitate school maintenance, construction or improvement projects.

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

By Senator Maynard:

Senate Bill 552—A Bill to amend and reenact §15-5-4c of the Code of West Virginia, 1931, as amended, relating to emergency services; and authorizing the West Virginia Disaster Recovery Board to intervene to restore access to private property, real estate or other premises, when the access is destroyed as the direct result of damage from flooding or other natural or man-made causes.

Referred to the Committee on Government Organization.

By Senator Maynard:

Senate Bill 553—A Bill to amend and reenact §18A-4-2 of the Code of West Virginia, 1931, as amended, relating to providing teachers with a three percent pay raise.

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

By Senator Weld:

Senate Bill 554—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-1-6a, relating to false swearing in a legislative proceeding; providing criminal penalty; and providing disqualification from holding office or position of honor, trust or profit, and serving as a juror.

Referred to the Committee on the Judiciary.

By Senator Ferns:

Senate Bill 555—A Bill to repeal §5-16-7e of the Code of West Virginia, 1931, as amended; to amend and reenact §5-16-1, §5-16-2, §5-16-3, §5-16-4, §5-16-5, §5-16-7, §5-16-7a, §5-16-7c, §5-16-7d, §5-16-8, §5-16-9, §5-16-10, §5-16-11, §5-16-12, §5-16-12a, §5-16-13, §5-16-15, §5-16-16, §5-16-17, §5-16-18 and §5-16-24 of said code; and to amend said code by adding thereto a new article, designated §5-16A-1, §5-16A-2, §5-16A-3, §5-16A-4, §5-16A-5, §5-16A-6, §5-16A-7, §5-16A-8, §5-16A-9, §5-16A-10, §5-16A-11, §5-16A-12, §5-16A-13, §5-16A-14, §5-16A-15, §5-16A-16, §5-16A-17, §5-16A-18, §5-16A-19 and §5-16A-20, all relating generally to the Public Employees Insurance Agency; providing for dissolution of the Public Employees Insurance Agency; converting state agency to employer-owned mutual insurance company; setting forth a short title; defining terms; clarifying the duties of the director; providing for private carriers to insure public employees; providing for employees of the agency to be exempt from provisions of civil service coverage; providing for personnel provisions for employees laid off in first year of operation; providing for retraining benefits for laid-off employees; providing for transfer of certain Public Employees Insurance Agency functions, rights, responsibilities, employees and assets to the Insurance Commissioner and the Public Employees Insurance Council; providing certain civil remedies to commission, mutual company and private carriers; providing for transfer of authority over certain funds to the Insurance Commissioner; providing for capital and surplus requirements of employers' mutual insurance company; providing for election of a board of directors of employers' mutual insurance company; providing for governance and organization of the new mutual insurance company; providing for establishment of claims index to assist insurers; providing for establishment and administration of certain funds and accounts in the State Treasury; providing for adverse risk assignment plan; providing, upon meeting of certain criteria, for issuance of proclamation by the Governor; providing for preferential placement of any employee laid off after transfer of functions; providing certain retraining and other benefits; providing for

novation of policies to new employers mutual insurance company; providing for requirements of a basic policy of public employees insurance; providing for setting of insurance rates; providing for collection of premiums; providing for transfer of rules to be applicable to the public employees insurance market; providing for transfer of certain assets to new mutual insurance company; providing for selection of finance board members by Governor; providing for a Public Employees Insurance Council; making technical corrections throughout; providing internal effective dates; providing for civil administrative and criminal penalties; and making conforming changes throughout.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

By Senator Trump:

Senate Bill 556—A Bill to repeal §46A-5-106 and §46A-5-107 of the Code of West Virginia, 1931, as amended; to amend and reenact §46A-2-105, §46A-2-115, §46A-2-122 and §46A-2-128 of said code; and to amend and reenact §46A-5-101, §46A-5-104 and §46A-5-105 of said code, all relating to the Consumer Credit and Protection Act; modifying requirements for contracts allowing for balloon payments; establishing that reasonable charges meet certain requirements to be recoverable; modifying and adding definitions; excepting the collection of default charges from unconscionable conduct; establishing means of notice to debt collector of a consumer's representation by legal counsel; limiting monetary penalties for violations of statute; prohibiting the consumer from bringing a class action under the Consumer Credit and Protection Act; establishing the Attorney General and county prosecuting attorney may bring a class action under the Consumer Credit and Protection Act; modifying the statute of limitations from four years to one year; removing fee shifting provisions; and removing the remedy of cancellation of debt for willful violations.

Referred to the Committee on the Judiciary.

By Senator Prezioso (By Request of the Executive):

Senate Bill 557—A Bill to repeal §5A-7-1, §5A-7-2, §5A-7-3, §5A-7-4, §5A-7-4a, §5A-7-5, §5A-7-6, §5A-7-7, §5A-7-8, §5A-7-

9, §5A-7-10 and §5A-7-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-6-4 of said code; to amend said code by adding thereto two new sections, designated §-5A-6-4d and §5A-6-4e; and to amend and reenact §18B-4-2 of said code; all relating to the Office of Technology; dissolving the Information Services and Communications Division; authorizing the Chief Technology Officer to assess fees for services provided; requiring the Chief Technology Officer to oversee telecommunications services to state spending units; requiring the Chief Technology Officer to supervise and maintain the central mailing office; requiring the Chief Technology Officer to oversee the West Virginia Network for Educational Telecomputing; directing the deposit of any moneys received for services; creating a special revenue account for administration of telecommunications services; authorizing the Chief Technology Officer to review and pay uncontested amounts due for telecommunications services; providing a process for state spending units to contest amounts due; authorizing the Chief Technology Officer to invoice spending units for amounts paid on behalf of the spending unit; authorizing the Secretary of the Department of Administration to make a final decision on contested amounts due; authorizing the secretary to direct the transfer of funds into the special revenue account for unpaid telecommunications services; authorizing the secretary to assess a penalty with notice on spending units for unpaid amounts for telecommunications services; and authorizing a special fund to receive moneys for services provided by the agency.

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

By Senators Beach, Facemire, Miller, Ojeda, Romano, Woelfel, Plymale and Stollings:

Senate Bill 558—A Bill to amend and reenact §17A-3-23 of the Code of West Virginia, 1931, as amended, relating to requiring state-owned or -leased vehicles be subject to registration requirements; requiring that state-owned or -leased vehicles have current registration; and requiring state-owned or -leased vehicles bear plates that indicate current registration.

Referred to the Committee on Government Organization.

By Senator Ferns:

Senate Bill 559—A Bill to amend and reenact §29-22B-501 of the Code of West Virginia, 1931, as amended, relating to the limited video lottery; and permitting limited video lottery retailers with more than one location to sell one or more of their operations to another person.

Referred to the Committee on the Judiciary.

By Senators Takubo, Maynard, Stollings, Swope, Plymale and Cline:

Senate Bill 560—A Bill to amend and reenact section §55-7B-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto thirteen new sections, designated §55-7B-6d, §55-7B-6e, §55-7B-6f, §55-7B-6g, §55-7B-6h, §55-7B-6i, §55-7B-6j, §55-7B-6k, §55-7B-6l, §55-7B-6m, §55-7B-6n, §55-7B-6o and §55-7B-6p, all relating to establishing a medical malpractice review panel; defining terms; allowing the Board of Medicine to convene a review panel; making use of the panel voluntary; providing for selection of a chairperson; setting forth powers and duties of the chairperson; providing for selection of panel members; setting out a procedure to challenge panel members; setting out powers and duties of the review panel; providing for matters which the panel may consider in their deliberations; requiring the panel to issue findings and expert opinions; establishing a procedure for the payment of costs and fees; allowing the report to be admissible in court in certain circumstances; granting civil and criminal immunity to panel members; providing for compensation of panel members; and providing for rulemaking.

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

By Senators Stollings and Ojeda:

Senate Bill 561—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-6b, relating to allowing a severely economically depressed county to retain fifty percent of coal severance tax collected in that county for economic development and education.

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

By Senator Blair:

Senate Bill 562—A Bill to amend and reenact §17-10-17 of the Code of West Virginia, 1931, as amended, relating to civil actions for damages brought against county commissions and municipalities by persons injured by reason of a slip, trip, fall or similar injury resulting from defect, disrepair, maintenance of, or failure to maintain or repair any road, bridge, street, sidewalk, alleyway or public walkway.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 563—A Bill to repeal §46A-5-106 and §46A-5-107 of the Code of West Virginia, 1931, as amended; to amend and reenact §46A-2-105, §46A-2-115, §46A-2-122 and §46A-2-128 of said code; to amend said code by adding thereto two new sections, designated §46A-2-140 and §46A-2-141; and to amend and reenact §46A-5-101 and §46A-5-102 of said code, all relating to the Consumer Credit and Protection Act; modifying requirements for contracts allowing for balloon payments; establishing that reasonable charges meet certain requirements to be recoverable; modifying and adding definitions; excepting the collection of default charges from unconscionable conduct; establishing means of notice to debt collector of a consumer's representation by legal counsel; limiting monetary penalties for violations of statute; enforcing arbitration agreements; establishing that contents of a pleading not provide the basis for a claim of a violation of the Consumer Credit and Protection Act; prohibiting the consumer from bringing a class action under the Consumer Credit and Protection Act; establishing the Attorney General and county prosecuting attorney may bring a class action under the Consumer Credit and Protection Act; modifying the statute of limitations from four years to one year; and removing fee shifting provisions.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Joint Resolution 7—Proposing an amendment to the Constitution of the State of West Virginia, amending section three,

article VI thereof, relating to limiting the number of years Senators and Delegates may serve; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Referred to the Committee on the Judiciary.

Senators Boso, Karnes and Beach offered the following resolution:

Senate Concurrent Resolution 28—Requesting the Division of Highways to name a section of road from the Intersection of U. S. Route 219 and WV State Route 15 at Valley Head, West Virginia, south to the Pocahontas County line in Randolph County, the “U. S. Army SPC 4 Randall W. Arbogast Memorial Road”.

Whereas, Randall W. Arbogast was born at Valley Head, West Virginia, on February 12, 1945, the eldest son of the late Warren Everett Arbogast and Arizona Ware Arbogast. He was a graduate of Tygarts Valley High School Class of 1964 and was employed by Pioneer Lumber Company until entering the U. S. Army on September 29, 1965, and was one of 4,000 soldiers assigned to the elements of the 196th Light Infantry Brigade. The 196th was the first “light” infantry brigade in U. S. military history. He was the only casualty of the Vietnam War from southern Randolph County communities of Valley Head, Mingo and Monterville, West Virginia. He was also the only graduate of Tygarts Valley High School to lose his life in the Vietnam War; and

Whereas, Randall served with B Company 4th Battalion 31 Infantry from September 29, 1965 thru February 11, 1967. On his 22nd birthday, February 12, 1967, he was transferred to B Company 1st Battalion Mechanized 5th Infantry 25th Infantry Division where he was assigned as an 11C10 Indirect Fire Infantryman M-60 Machine Gunner. On May 3, 1967, his squad was engaged in hostile action with the enemy in Hau Nghia Province. He was hit with a blast from a white phosphorous grenade. Randall suffered sixty-eight percent total body burns with

forty-seven percent being third degree burns. He was evacuated from the field and on May 8, 1967, arrived at Brook General Hospital, Fort Sam Houston, Texas, for treatment of his injuries. He died on May 31, 1967, of septicemia due to burns received in combat. He was survived by two brothers, Stanley and Steve Arbogast, and six sisters, Lou Arbogast Burkhardt, Leanne Arbogast, Jean Arbogast Hesson, Janice Arbogast Hadley, Kayleen Arbogast Dunsmoor and Carol Arbogast. SPC 4 Arbogast was awarded the Purple Heart, Bronze Star, the Republic of Vietnam Campaign Medal, the Vietnam Service Medal, the National Defense Medal and the Combat Infantry Badge. His name is listed on the Vietnam Memorial Wall in Washington, D. C.; and

Whereas, The death of this brave American soldier and his sacrifice to his country, state and community should not go unnoticed and the naming of a section of road from the Intersection of U. S. Route 219 and WV State Route 15 at Valley Head, West Virginia, south to the Pocahontas County line, the “U. S. Army SPC 4 Randall W. Arbogast Memorial Road” in Randolph County would be an appropriate tribute; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a section of road from the Intersection of U. S. Route 219 and WV State Route 15 at Valley Head, West Virginia, south to the Pocahontas County line in Randolph County, the “U. S. Army SPC 4 Randall W. Arbogast Memorial Road”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the road as the “U. S. Army SPC 4 Randall W. Arbogast Memorial Road”; and, be it

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

Which, under the rules, lies over one day.

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

Senate Resolution 33—Designating March 8, 2017, as Disability Advocacy Day.

Whereas, There are over 400,000 West Virginians with disabilities; and

Whereas, People with disabilities have the right to live, work and fully participate in their communities to realize their dreams; and

Whereas, People with disabilities have the right to receive the support they need to exercise self-determination, achieve independence and become productive employees in the workplace; and

Whereas, West Virginia cannot afford to segregate its citizens with disabilities thereby impairing their ability to be productive members of society; and

Whereas, West Virginia's citizens with disabilities have banded together in a collective group, called the Fair Shake Network, to help bring their concerns to the forefront of public awareness; and

Whereas, The Fair Shake Network has developed a statewide network concerned with all types of disabilities and all age groups, providing opportunities for people to learn from each other and take action together; and

Whereas, The member organizations: Appalachian Center for Independent Living; West Virginia Developmental Disabilities Council; West Virginia Statewide Independent Living Council; West Virginia Division of Rehabilitation Services; WV Autism Training Center; West Virginia Parent Training and Information; Disability Rights of WV; West Virginia University Center for Excellence in Disabilities; West Virginia State Rehabilitation Council; Open Doors, Inc.; National Association of Social Workers, WV Chapter; WV Olmstead Office; Mountain State

Parents CAN; WV Association of the Deaf; Central West Virginia Action Network; Mountain State Centers for Independent Living; and partner organizations including: Job Squad; Northern West Virginia Center for Independent Living; Ron Yost Personal Assistance Services Program; The Arc of WV; People First of WV; West Virginia Commission for the Deaf and Hard of Hearing; Fair Housing Action Network; and Aging and Disability Resource Network; have joined together to help increase public awareness of issues involving the many concerns of West Virginians with disabilities through the Fair Shake Network; and

Whereas, The purpose of Disability Advocacy Day is to increase the awareness and understanding of legislators, administrators, policymakers and the public of the public policy issues that are important to people with disabilities; therefore, be it

Resolved by the Senate:

That the Senate hereby designates March 8, 2017, as Disability Advocacy Day; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of the Fair Shake Network.

At the request of Senator Gaunch, 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 Gaunch and Woelfel regarding the adoption of Senate Resolution 33 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 eighth order of business.

Eng. Senate Bill 198, Expanding Health Sciences Program to allow certain medical practitioners in underserved areas.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maynard, Miller, Mullins, 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: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 198) 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 280, Moving administration of Civil Air Patrol to Adjutant General.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maynard, Miller, Mullins, 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: Maroney—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. 280) 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 338, Relating to medical professional liability.

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, Karnes, Mann, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—30.

The nays were: Facemire, Jeffries and Romano—3.

Absent: Maroney—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. 338) 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 358, Relating generally to trustee sale of timeshare estates.

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, Jeffries, Karnes, Mann, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—31.

The nays were: Facemire and Hall—2.

Absent: Maroney—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. 358) passed with its title.

Senator Ferns moved that the bill take effect from passage.

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

The nays were: Facemire and Hall—2.

Absent: Maroney—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 S. B. 358) takes effect from passage.

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 Com. Sub. for Senate Bill 173, Relating to autocycles.

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

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

Senate Bill 185, Allowing spending units designate fund into which proceeds from sale of surplus property must be deposited.

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 206, Expanding definition of “kidnapping” to include taking or gaining custody of, confining or concealing person by force.

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 220, Relating to offenses and penalties under Uniform Controlled Substances Act.

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

Senate Bill 365, Maintaining solvency of Unemployment Compensation Fund.

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

The Senate proceeded to the tenth order of business.

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

Senate Bill 235, Relating to motorcycle registration renewal.

Com. Sub. for Senate Bill 259, Requiring administrators of intestate estates to give bond and take oath.

And,

Com. Sub. for Senate Bill 473, Permitting collection and sale of naturally shed deer antlers.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Boso, Miller, Woelfel, Hall and Ojeda.

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

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

On motion of Senator Ferns, a leave of absence for the day was granted Senator Maroney.

Pending announcement of meetings of standing committees of the Senate, including a majority party caucus,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Thursday, March 9, 2017, at 11 a.m.

THURSDAY, MARCH 9, 2017

The Senate met at 11 a.m.

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

Prayer was offered by Pastor David Clark, Belle Church of the Nazarene, Belle, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Sue Cline, a senator from the ninth district.

Pending the reading of the Journal of Wednesday, March 8, 2017,

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 Senate then proceeded to the fourth order of business.

Senator Boley, from the Committee on Confirmations, submitted the following report, which was received:

Your Committee on Confirmations has had under consideration

Senate Executive Message 3-T, dated January 13, 2017, requesting confirmation by the Senate of the nominations mentioned therein. The following list of names from Executive Message 3-T is submitted:

2. For Member, Veterans' Council, Jack Gerrard, Clarksburg, Harrison County, for the term ending June 30, 2019.
3. For Member, West Virginia State University Board of Governors, Charles E. Jones, Jr., Charleston, Kanawha County, for the term ending June 30, 2020.
4. For Member, Bluefield State College Board of Governors, Charlie Cole, Bluefield, Mercer County, for the term ending June 30, 2017.
5. For Member, Blue Ridge Community and Technical College Board of Governors, Keith Unger, Berkeley Springs, Morgan County, for the term ending June 30, 2020.
6. For Member, Blue Ridge Community and Technical College Board of Governors, Stephanie L. Harvey, Martinsburg, Berkeley County, for the term ending June 30, 2020.
7. For Member, Blue Ridge Community and Technical College Board of Governors, Bradley Close, Berkeley Springs, Morgan County, for the term ending June 30, 2018.

9. For Member, West Virginia Northern Community and Technical College Board of Governors, David Artman, Weirton, Hancock County, for the term ending June 30, 2019.
10. For Member, West Virginia Northern Community and Technical College Board of Governors, Larry Lemon, New Martinsville, Wetzel County, for the term ending June 30, 2020.
11. For Member, West Virginia School of Osteopathic Medicine Board of Governors, Cheryl Schreiber, Weirton, Brooke County, for the term ending June 30, 2020.
12. For Member, West Virginia School of Osteopathic Medicine Board of Governors, Charles H. Davis, Stow, Ohio, for the term ending June 30, 2020.
14. For Member, West Virginia University – Parkersburg Board of Governors, Donna M. Smith, Vienna, Wood County, for the term ending June 30, 2020.
15. For Member, West Virginia University – Parkersburg Board of Governors, Jeffrey Matheny, Mineral Wells, Wood County, for the term ending June 30, 2020.
16. For Member, West Virginia University – Parkersburg Board of Governors, Jason Landers, Vienna, Wood County, for the term ending June 30, 2020.
17. For Member, West Virginia University – Parkersburg Board of Governors, Joseph Oliverio, Belmont, Pleasants County, for the term ending June 30, 2020.
18. For Member, West Virginia University – Parkersburg Board of Governors, John P. Hushion, Vienna, Wood County, for the term ending June 30, 2020.

19. For Member, West Virginia Board of Architects, Edward W. Tucker, Huntington, Cabell County, for the term ending June 30, 2021.
20. For Member, West Virginia Board of Architects, Edsel Smith, Jane Lew, Lewis County, for the term ending June 30, 2017.
21. For Member, West Virginia University Board of Governors, Thomas A. Heywood, Charleston, Kanawha County, for the term ending June 30, 2019.
22. For Member, West Virginia University Board of Governors, Ben Statler, Naples, Florida, for the term ending June 30, 2019.
23. For Member, Southern West Virginia Community and Technical College Board of Governors, Howard E. Seufer, Jr., Charleston, Kanawha County, for the term ending June 30, 2020.
24. For Member, Tourism Commission, Kara D. Dense, Lewisburg, Greenbrier County, for the term ending May 1, 2019.
25. For Member, State Conservation Committee, Angela Rosser, Charleston, Kanawha County, for the term ending June 30, 2019.
26. For Member, State Conservation Committee, Roscoe Adkins, Logan, Logan County, for the term ending June 30, 2018.
27. For Member, Real Estate Commission, Joe L. Ellison, Greenville, Monroe County, for the term ending June 30, 2019.
28. For Member, Real Estate Commission, Densil Nibert, Shenandoah Junction, Jefferson County, for the term ending June 30, 2020.

29. For Member, Real Estate Commission, Cheryl Dawson, Hurricane, Putnam County, for the term ending June 30, 2018.
31. For Member, West Virginia State Board of Registration for Professional Engineers, Larry C. Nottingham, Duck, Clay County, for the term ending June 30, 2017.
32. For Member, West Virginia Board of Architects, Wendy Scatterday, Wheeling, Ohio County, for the term ending June 30, 2019.
33. For Member, West Virginia Massage Therapy Licensure Board, Roland Meffort, Nitro, Kanawha County, for the term ending June 30, 2017.
35. For Member, West Virginia Massage Therapy Licensure Board, Marsha Starr, Hamlin, Lincoln County, for the term ending June 30, 2018.
36. For Member, West Virginia Massage Therapy Licensure Board, John Skelton, Shady Spring, Raleigh County, for the term ending June 30, 2018.
37. For Member, West Virginia Massage Therapy Licensure Board, Laurie Lively, Lewisburg, Greenbrier County, for the term ending June 30, 2017.
38. For Member, Regional Jail and Correctional Facility Authority, Tim P. McCormick, Wheeling, Ohio County, for the term ending June 30, 2020.
39. For Member, Regional Jail and Correctional Facility Authority, Michael M. Taylor, Elkins, Randolph County, for the term ending June 30, 2020.
41. For Member, West Virginia Commission for the Deaf and Hard of Hearing, Gwen Bryant, St. Albans, Kanawha County, for the term ending June 30, 2019.

42. For Member, West Virginia Commission for the Deaf and Hard of Hearing, David Blaine, Daniels, Raleigh County, for the term ending June 30, 2017.
43. For Member, Economic Development Authority, Anne Barth, Charleston, Kanawha County, for the term ending June 30, 2020.
44. For Member, West Virginia Board of Veterinary Medicine, Keith B. Berkeley, Ranson, Jefferson County, for the term ending June 30, 2019.
45. For Member, West Virginia Board of Veterinary Medicine, John R. Wilson, Lewisburg, Greenbrier County, for the term ending June 30, 2020.
47. For Member, West Virginia Board of Veterinary Medicine, Amy Runyon Meadows, Lewisburg, Greenbrier County, for the term ending June 30, 2021.
48. For Member, New River Community and Technical College Board of Governors, Jim Ferguson, Bluefield, Mercer County, for the term ending June 30, 2017.
49. For Member, New River Community and Technical College Board of Governors, Tom Cochran, Daniels, Raleigh County, for the term ending June 30, 2019.
50. For Member, Shepherd University Board of Governors, Henry M. Kayes, Jr., Martinsburg, Berkeley County, for the term ending June 30, 2018.
51. For Member, West Virginia Board of Medicine, Wes Steele, Fairmont, Marion County, for the term ending September 30, 2021.
52. For Member, West Virginia Board of Medicine, Carrie A. Lakin, Charleston, Kanawha County, for the term ending September 30, 2021.

53. For Member, Mountwest Community and Technical College Board of Governors, Cathy Burns, Huntington, Cabell County, for the term ending June 30, 2020.
54. For Member, Mountwest Community and Technical College Board of Governors, Anthony E. Martin, Huntington, Cabell County, for the term ending June 30, 2020.
55. For Member, Mountwest Community and Technical College Board of Governors, Rodney Wiles, Huntington, Wayne County, for the term ending June 30, 2020.
56. For Member, Mountwest Community and Technical College Board of Governors, Melvin Miller, Huntington, Cabell County, for the term ending June 30, 2018.
57. For Member, School Building Authority, T. Bart Willis, Logan, Logan County, for the term ending July 31, 2019.
58. For Member, School Building Authority, Tom Lange, Kearneysville, Jefferson County, for the term ending July 31, 2019.
60. For Member, West Virginia Real Estate Appraiser Licensing and Certification Board, Dean E. Dawson, Scott Depot, Putnam County, for the term ending June 30, 2019.
61. For Member, West Virginia Real Estate Appraiser Licensing and Certification Board, Frank DeChiazza, Charleston, Kanawha County, for the term ending June 30, 2019.
62. For Member, West Virginia Real Estate Appraiser Licensing and Certification Board, Darlene Dunn, Morgantown, Monongalia County, for the term ending June 30, 2019.
63. For Member, West Virginia Real Estate Appraiser Licensing and Certification Board, Ann Wilson Worley,

Beckley, Raleigh County, for the term ending June 30, 2019.

64. For Member, West Virginia Board of Respiratory Care, Eric O. Hawkins, Bluefield, Mercer County, for the term ending June 30, 2019.
65. For Member, West Virginia Board of Respiratory Care, Tracy S. Matthews, Sod, Lincoln County, for the term ending June 30, 2019.
66. For Member, West Virginia Board of Respiratory Care, Rayan E. Ihle, Charleston, Kanawha County, for the term ending June 30, 2017.
67. For Member, West Virginia Board of Respiratory Care, Barbara Hayden Folden, Mullens, Wyoming County, for the term ending June 30, 2018.
68. For Member, Board of Examiners for Registered Professional Nurses, Doris F. Burkey, Berkeley Springs, Morgan County, for the term ending June 30, 2021.
69. For Member, Public Employees Insurance Agency Finance Board, Philip Reale II, South Charleston, Kanawha County, for the term ending June 30, 2018.
70. For Member, Oil and Gas Conservation Commission, Barry K. Lay, Glenville, Gilmer County, for the term ending July 27, 2020.
71. For Member, Oil and Gas Conservation Commission, Robert L. Radabaugh, Sand Fork, Gilmer County, for the term ending July 27, 2022.
72. For Member, Oil and Gas Conservation Commission, Anthony Gum, Buckhannon, Upshur County, for the term ending July 27, 2018.

73. For Member, West Virginia Parkways Authority, Troy N. Giatras, Charleston, Kanawha County, for the term ending June 30, 2019.
76. For Member, Unemployment Compensation Board of Review, John A. Canfield, Charleston, Kanawha County, for the term ending January 1, 2023.
77. For Member, West Virginia Parole Board, Edward E. Wooton, Petersburg, Grant County, for the term ending June 30, 2019.

And reports the same back with the recommendation that the Senate do advise and consent to all of the nominations listed above.

Respectfully submitted,

Donna J. Boley,
Chair.

The time having arrived for the special order of business to consider the list of nominees for public office submitted by His Excellency, the Governor, the special order thereon was called by the President.

Thereupon, Senator Carmichael (Mr. President) laid before the Senate the following executive message:

Senate Executive Message 3-T, dated January 13, 2017 (*shown in the Senate Journal of Wednesday, February 8, 2017, pages 85 through 92, inclusive*);

Senator Boley then moved that the Senate advise and consent to all of the executive nominations referred to in the foregoing report from the Committee on Confirmations.

The question being on the adoption of Senator Boley's aforestated motion,

The roll was then taken; and

On this question, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maynard, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—28.

The nays were: Beach, Facemire, Miller and Romano—4.

Absent: Maroney and Smith—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared Senator Boley's motion had prevailed and that all the executive nominations referred to in the foregoing report from the Committee on Confirmations had been confirmed.

Senator Boley moved that the Senate advise and consent to the nomination of Kathy L. Martin to the Real Estate Commission (being nomination 30 in Executive Message 3-T), the nomination of Joan F. Wysong to the West Virginia Massage Therapy Licensure Board (being nomination 34 in Executive Message 3-T), the nomination of Karen McNealy to the West Virginia Commission for the Deaf and Hard of Hearing (being nomination 40 in Executive Message 3-T) and the nomination of Rachel Phillips to the West Virginia Real Estate Appraiser Licensing and Certification Board (being nomination 59 in Executive Message 3-T).

Senator Prezioso then moved to amend Senator Boley's aforesated motion to advise and consent by including the nomination of Jo Marie Chandler to the Unemployment Compensation Board of Review (being nomination 74 in Executive Message 3-T) and the nomination of Belinda Biafore to the Unemployment Compensation Board of Review (being nomination 75 in Executive Message 3-T).

Following extended discussion,

The question being on the adoption of Senator Prezioso's amendment to Senator Boley's aforesated motion, and on this question, Senator Prezioso demanded the yeas and nays.

The roll being taken, the yeas were: Beach, Facemire, Jeffries, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger and Woelfel—13.

The nays were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maynard, Rucker, Swope, Sypolt, Takubo, Trump, Weld and Carmichael (Mr. President)—19.

Absent: Maroney and Smith—2.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Prezioso's amendment to Senator Boley's aforestated motion had not prevailed.

The question now being on Senator Boley's motion that the Senate advise and consent to the nomination of Kathy L. Martin to the Real Estate Commission (being nomination 30 in Executive Message 3-T), the nomination of Joan F. Wysong to the West Virginia Massage Therapy Licensure Board (being nomination 34 in Executive Message 3-T), the nomination of Karen McNealy to the West Virginia Commission for the Deaf and Hard of Hearing (being nomination 40 in Executive Message 3-T) and the nomination of Rachel Phillips to the West Virginia Real Estate Appraiser Licensing and Certification Board (being nomination 59 in Executive Message 3-T).

The roll was then taken; and

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maynard, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—30.

The nays were: Miller and Romano—2.

Absent: Maroney and Smith—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared Senator Boley's motion had prevailed and the nomination of Kathy L. Martin to the

Real Estate Commission, the nomination of Joan F. Wysong to the West Virginia Massage Therapy Licensure Board, the nomination of Karen McNealy to the West Virginia Commission for the Deaf and Hard of Hearing and the nomination of Rachel Phillips to the West Virginia Real Estate Appraiser Licensing and Certification Board had been confirmed.

Thereafter, at the request of Senator Maynard, and by unanimous consent, the remarks by Senators Prezioso, Ferns, Romano, Miller, Boso, Plymale, Unger and Blair regarding the adoption of Senator Prezioso's amendment to Senator Boley's aforesated motion were ordered printed in the Appendix to the Journal.

Consideration of executive nominations having been concluded,

Without objection, the Senate returned 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

Eng. Senate Bill 176, Repealing article concerning detection of tuberculosis, high blood pressure and diabetes.

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

Eng. Senate Bill 188, Correcting definition of "telehealth" in medication-assisted treatment programs.

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 212, Removing DMV from administering license suspension and revocation in cases of individuals charged with DUI.

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

Com. Sub. for Senate Bill 212 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §17C-5-2, §17C-5-2b, §17C-5-4, §17C-5-7 and §17C-5-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §17C-5A-1, §17C-5A-1a and §17C-5A-3 of said code; to amend said code by adding thereto two new sections, designated §17C-5A-1b and §17C-5A-1c; to amend said code by adding thereto a new section, designated §17C-5C-6; and to amend and reenact §17C-19-3 of said code, all relating generally to the procedures for drivers' license suspensions and revocations for driving under the influence of alcohol, controlled substances or drugs; transferring authority for hearing matters related to suspensions or revocations of drivers' license for operating a motor vehicle while under the influence of alcohol, controlled substances or drugs from the Office of Administrative Hearings to courts; establishing mandatory revocation periods for individuals convicted of driving under the influence; authorizing alternate revocation period involving participation in Motor Vehicle Alcohol Test and Lock Program for certain first offenses; establishing mandatory revocation periods for individuals upon subsequent convictions for driving under the influence; directing Commissioner of Division of Motor Vehicles to revoke driver's license upon conviction for driving under the influence; requiring individuals whose driver's licenses have been revoked upon conviction for driving under the influence to complete comprehensive safety and treatment program before driver's license can be reinstated; prohibiting persons convicted of certain felonies from participating in Motor Vehicle Alcohol Test and Lock Program; permitting persons convicted of certain misdemeanors to participate in Motor Vehicle Alcohol Test and Lock Program; requiring driver consent to requiring participation in Motor Vehicle Alcohol Test and Lock Program; requiring any period of revocation imposed pursuant to a conviction begin once

any period of incarceration has been served; making individuals who are found guilty of driving under the influence ineligible for deferral of further proceedings upon condition of participation in Motor Vehicle Alcohol Test and Lock Program; requiring deferral program to be completed within one year; prohibiting secondary test of blood without issuance of warrant signed by a magistrate or circuit judge; authorizing secondary test of blood with written consent; requiring that individual arrested for driving under the influence be advised verbally of certain consequences for refusal to submit to secondary chemical test; requiring that individual arrested for driving under the influence be given written statement informing the individual of legal consequences of taking or refusing to submit to secondary chemical test and informing the individual of right to receive secondary blood test; requiring arresting officer to wait fifteen minutes before refusal considered final; requiring that, following an individual's refusal to submit to secondary chemical test, an arresting officer execute a signed statement that the officer administered all required warnings; directing officer to submit copy of written statement to Commissioner of Division of Motor Vehicles and court having jurisdiction over charges filed against the individual; eliminating all statutory provisions authorizing or requiring the Commissioner of the Division of Motor Vehicles to take administrative action upon an individual's driver's license on the basis of a driving under the influence arrest absent direction from court; directing Bureau for Public Health to prepare report for Joint Committee on Government and Finance related to minimum levels of drugs and controlled substances to be admitted as prima facie evidence of driving under the influence and minimum levels that laboratories can reliably identify and measure in blood; limiting administrative jurisdiction of Division of Motor Vehicles and Office of Administrative Hearings to offenses occurring on or before June 30, 2017; providing that administrative hearings relating to refusal to undergo a secondary chemical test does not apply to offenses occurring on or after July 1, 2017; eliminating requirement for an order entered by the Division of Motor Vehicles revoking a driver's license to advise of procedures for requesting administrative hearing when the offense is driving under the influence; limiting the right of individuals to challenge suspension or revocation of

driver's licenses to the issue of mistaken identity; requiring the commissioner to take corrective action if a driver's license is incorrectly suspended or revoked based on mistaken identity; providing that plea of no contest constitutes a conviction; requiring pretrial suspension of driver's license if individual refuses to submit to secondary chemical test; permitting pretrial suspension of driver's license by court under certain circumstances; establishing right to request and receive hearing of suspension orders pending criminal proceedings in court where case is pending; setting time limits for defendant to request hearing and for hearing to be held; requiring the clerk of a court to transmit a copy of an order suspending or revoking a driver's license and any surrendered license to the Division of Motor Vehicles; providing terms and length of pretrial license suspension; giving persons convicted of driving under the influence credit for pretrial suspension time against period of revocation imposed; authorizing court to modify pretrial suspension of driver's license; providing that any period of modified pretrial driver's license suspension is not credited against future period of revocation imposed; establishing the scope of review for judicial review of pretrial driver's license suspension for refusal to submit to secondary chemical test; directing clerk of court to forward orders on refusal hearings to Division of Motor Vehicles; providing that finding of driver refusal is final if no hearing requested; prescribing periods of revocation for Commissioner of Division of Motor Vehicles to impose upon receipt of court order on refusal; directing copy of revocation order to be sent to person by certified mail; specifying contents of order; providing that revocation for refusal run concurrently with other revocation imposed as a result of same incident that led to refusal; making persons convicted of driving under the influence eligible for participation in comprehensive safety and treatment program and related reductions in length of revocation for successful completion thereof; establishing procedures and timeline for the Office of Administrative Hearings to transfer jurisdiction of certain driver's license suspension and revocation matters to the courts; establishing timeline for OAH to transfer jurisdiction of certain driver's license suspension and revocation matters to Division of Motor Vehicles; directing arresting officer to request, and driver to surrender, driver's license

upon arrest for driving under the influence; eliminating obsolete language; and making technical corrections.

With the recommendation that the committee substitute 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

Senate Bill 299, Supplementing, amending, decreasing and increasing items of appropriations from State Road Fund to DOH.

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

Com. Sub. for Senate Bill 299 (originating in the Committee on Finance)—A Bill supplementing, amending, decreasing and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2017, organization 0803, for the fiscal year ending June 30, 2017.

Senate Bill 300, Supplemental appropriation from unappropriated balance in Treasury to Division of Personnel.

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

Com. Sub. for Senate Bill 300 (originating in the Committee on Finance)—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Administration, Division of Personnel, fund 2440, fiscal year 2017, organization 0222, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017.

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

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

Com. Sub. for Senate Bill 301 (originating in the Committee on Finance)—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Education, State Board of Education – School Lunch Program, fund 8713, fiscal year 2017, organization 0402, by supplementing and amending the appropriation for the fiscal year ending June 30, 2017.

And,

Senate Bill 305, Supplemental appropriation of public moneys from Treasury to Fire Commission.

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

Com. Sub. for Senate Bill 305 (originating in the Committee on Finance)—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Military Affairs and Public Safety, Fire Commission – Fire Marshal Fees, fund 6152, fiscal year 2017, organization 0619, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017.

With the recommendation that the four committee substitutes do pass.

Respectfully submitted,

Mike Hall,
Chair.

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

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 344 (originating in the Committee on Banking and Insurance), Relating to application of payments on consumer credit sale and loans.

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

Com. Sub. for Com. Sub. for Senate Bill 344 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §46A-2-115 of the Code of West Virginia, 1931, as amended; and to amend and reenact §46A-3-111, §46A-3-112 and §46A-3-113 of said code, all relating to consumer credit sales and consumer loans; specifying application of payments and partial payments on consumer credit sales and consumer loans; modifying provisions related to delinquency charges; permitting certain payments be held in a suspense or unapplied funds account; providing requirements concerning funds held in a suspense or unapplied funds account; and assessing delinquency charges on such loans.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Pensions has had under consideration

Senate Bill 393, Relating to administration of municipal pensions.

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.

Senator Swope, from the Committee on the Workforce, submitted the following report, which was received:

Your Committee on the Workforce has had under consideration

Senate Bill 399, Prohibiting political subdivisions from enacting local ordinances regulating benefits employers provide to employees.

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

Com. Sub. for Senate Bill 399 (originating in the Committee on the Workforce)—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 and §21-5I-5, all relating to prohibiting political subdivisions from enacting local ordinances regulating benefits employers provide to their employees; establishing a short title; providing for definitions; outlining legislative intent; establishing areas where political subdivisions are prohibited from enacting or promulgating ordinances, local policies or local regulations; and providing for exceptions.

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

Respectfully submitted,

Chandler Swope,
Chair.

The bill (Com. Sub. for S. B. 399), 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 531, Relating to renewal date for apiary certificates of registration.

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

Com. Sub. for Senate Bill 531 (originating in the Committee on Agriculture and Rural Development)—A Bill to amend and reenact §19-13-4 of the Code of West Virginia, 1931, as amended, relating to the renewal date for apiary certificates of registration.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Dave Sypolt,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senators Takubo and Stollings:

Senate Bill 564—A Bill to amend and reenact §18-10M-2, §18-10M-4, §18-10M-6, §18-10M-7 and §18-10M-8 of the Code of West Virginia, 1931, as amended, all relating to the Statewide Independent Living Council; making changes required by amendments to the federal Rehabilitation Act of 1973; modifying the powers and duties of the council; altering the manner in which

appropriations are administered; specifying funding eligibility criteria; and making conforming amendments.

Referred to the Committee on Government Organization.

By Senators Gaunch, Palumbo, Takubo, Stollings and Jeffries:

Senate Bill 565—A Bill to amend and reenact §8-38-9 of the Code of West Virginia, 1931, as amended, relating to the Legislature's authorizing the City of South Charleston to levy a special district excise tax for the benefit of the South Charleston Park Place Economic Opportunity Development District.

Referred to the Committee on Finance.

By Senators Hall, Facemire and Stollings:

Senate Bill 566—A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof.

Referred to the Committee on Finance.

By Senator Boso:

Senate Bill 567—A Bill to amend and reenact §15-2C-6 of the Code of West Virginia, 1931, as amended, relating to fees collected to conduct criminal background checks.

Referred to the Committee on Finance.

By Senators Maynard and Gaunch:

Senate Bill 568—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-5-30, relating to making it a crime for doctors and lawyers to knowingly file a fraudulent claim for disability benefits or providing substantive information in support of a fraudulent claim; and establishing the penalties.

Referred to the Committee on the Judiciary.

By Senators Prezioso, Hall, Stollings and Takubo:

Senate Bill 569—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-

52-1, §16-52-2 and §16-52-3, all relating to the creation of the Office of Rural Health within the Center for Rural Health Development, Inc.; and creating a steering committee and establishing structure and responsibilities.

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

Senators Rucker, Azinger, Blair, Boley, Clements, Gaunch, Karnes, Mann, Maroney, Maynard, Mullins and Smith offered the following resolution:

Senate Concurrent Resolution 29—Declaring pornography to be a public health crisis leading to a broad spectrum of individual and public health impacts and societal harms.

Whereas, Pornography is a public health hazard; and

Whereas, Pornography perpetuates a sexually toxic environment; and

Whereas, Efforts to prevent pornography exposure and addiction, to educate individuals and families concerning its harms, and to develop recovery programs must be addressed systemically in ways that hold broader influences accountable; and

Whereas, Pornography is contributing to the hypersexualizing of teenagers, and even prepubescent children, in our society; and

Whereas, Owing to advances in technology and the universal availability of the Internet, young children are exposed to what used to be referred to as hardcore, but is now considered mainstream, pornography at an alarming rate; and

Whereas, The average age of exposure to pornography is now 11 to 12 years of age; and

Whereas, This early exposure is leading to low self-esteem and body image disorders, an increase in problematic sexual activity at younger ages, and an increased desire among adolescents to engage in risky sexual behavior; and

Whereas, Exposure to pornography often serves as children's and youths' sex education and shapes their sexual templates; and

Whereas, Because pornography treats women as objects and commodities for the viewer's use, it teaches girls that they are to be used and teaches boys to be users; and

Whereas, Pornography normalizes violence and abuse of women and children; and

Whereas, Pornography treats women and children as objects and often depicts rape and abuse as if such acts are harmless; and

Whereas, Pornography equates violence toward women and children with sex and pain with pleasure, which increases the demand for sex trafficking, prostitution, images of child sexual abuse and child pornography; and

Whereas, The use of pornography can potentially negatively affect brain development and functioning, contribute to emotional and medical illnesses, shape deviant sexual arousal and lead to difficulty in forming or maintaining intimate relationships as well as problematic or harmful sexual behaviors and addiction; and

Whereas, The use of pornography, by either partner, is linked to an increased likelihood that girls will engage in group intercourse; and

Whereas, Recent research indicates that pornography is potentially biologically addictive, which means the user requires more novelty, often in the form of more shocking material, in order to be satisfied; and

Whereas, This biological addiction leads to increasing themes of risky sexual behaviors, extreme degradation, violence, child sexual abuse and child pornography; and

Whereas, Pornography use is linked to lessening desire in young men to marry, dissatisfaction in marriage and infidelity; and

Whereas, This link demonstrates that pornography has a detrimental effect on the family unit; and

Whereas, Overcoming pornography's harms is beyond the capability of the afflicted individual to address alone; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby declares pornography to be a public health crisis leading to a broad spectrum of individual and public health impacts and societal harms; and, be it

Further Resolved, That the Legislature recognizes the need for education, prevention, research and policy change at the community and societal level in order to address the pornography epidemic that is harming the people of West Virginia and the nation; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to every member of the West Virginia Legislature.

Which, under the rules, lies over one day.

Senators Beach, Clements, Ojeda, Woelfel, Stollings and Maynard offered the following resolution:

Senate Concurrent Resolution 30—Urging the United States Congress to call a convention for the exclusive purpose of proposing an amendment to the Constitution of the United States of America that will restore free and fair elections in the United States.

Whereas, The Framers of the Constitution of the United States of America intended that the Congress of the United States of America should be “dependent on the people alone” (James Madison, Federalist 52); and

Whereas, That dependency has evolved from a dependency on the people alone to a dependency on powerful special interests,

through campaigns or third-party groups, that has created a fundamental imbalance in our representative democracy; and

Whereas, Americans across the political spectrum agree that elections in the United States of America should be free from the disproportional influence of special interests and fair enough that any citizen can be elected into office; and

Whereas, The Constitution of the State of West Virginia states that “all power is vested in, and consequently derived from the people,” that “government is instituted for [their] common benefit” and the people have the inalienable and indefeasible right to alter or reform their government (Article III, Sections 2 & 3); and

Whereas, Article V of the United States Constitution requires Congress to call a convention for proposing amendments to the federal Constitution on the application of two-thirds legislatures of the several states; and

Whereas, The West Virginia Legislature perceives the need for an amendments convention in order to restore balance and integrity to our elections by proposing an amendment to the federal Constitution that will permanently protect free and fair elections in America by addressing, inter alia, issues raised by the decisions of the United States Supreme Court in *Citizens United v. Federal Election Commission* (2010) 130 S.Ct. 876 and related cases and events, and desires that said convention should be so limited; and

Whereas, The State of West Virginia desires that the delegates to said convention shall be comprised equally of individuals currently elected to state and local office, or be selected by election, in each Congressional district for the purpose of serving as delegates, though all individuals elected or appointed to federal office now or in the past, be prohibited from serving as delegates to the convention, and intends to retain the ability to restrict or expand the power of its delegates within the limits expressed herein; and

Whereas, the State of West Virginia intends that this be a continuing application considered together with applications

calling for a convention passed in the 2013-2014 Vermont Legislature as R454, the 2013-2014 California Legislature as Resolution Chapter 77, the 98th Illinois General Assembly as SJR 42, the 2014-2015 New Jersey Legislature as SCR 132, the 2015-2016 Rhode Island Legislature as HR 7670 and SR 2589, and all other passed, pending, and future applications until such time as two thirds of the several states have applied for a convention for a similar purpose and said convention is convened by Congress; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby urges the United States Congress to call a convention for the exclusive purpose of proposing an amendment to the Constitution of the United States of America that will restore free and fair elections in the United States; and, be it

Further Resolved, That the people of the State of West Virginia speaking through its Legislature, and pursuant to Article V of the United States Constitution, hereby apply to the United States Congress to call a convention for the exclusive purpose of proposing an amendment to the Constitution of the United States of America that will restore free and fair elections as described herein, as soon as two thirds of the several states have applied for a convention for a similar purpose; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward copies of this resolution to the President of the United States; the Vice President of the United States in his capacity as presiding officer of the United States Senate; the Speaker of the United States House of Representatives; the Minority Leader of the United States House of Representatives; the President Pro Tempore of the United States Senate; to each Senator and Representative from West Virginia in the Congress of the United States with the respectful request that the full and complete text of this resolution be printed in the *Congressional Record*; to the presiding officers of each legislative body of each of the several states, requesting the cooperation of the states in issuing an application compelling Congress to call a convention for proposing an amendment pursuant to Article V of the U. S. Constitution.

Which, under the rules, lies over one day.

Senators Boso, Stollings and Beach offered the following resolution:

Senate Concurrent Resolution 31—Requesting the Division of Highways to name bridge number 42-219/34-0.12 (42A161), locally known as the 11th Street Bridge, carrying CR 219/34 over Tygart Valley River in Randolph County, the “U. S. Navy BT2 Mark Edward Hutchison Memorial Bridge”.

Whereas, Boiler Technician Hutchison was born on March 30, 1963, in Elkins, to Edward S. Hutchison and Helen Ruth “Purkey” Hutchison; and

Whereas, Boiler Technician Hutchison was the youngest of the five Hutchison children. He grew up in the Elkins area where he attended school as well as the Vo-Tech Center until graduation from Elkins High School in 1981. He was involved in many local organizations and activities including the Boy Scouts, the Izaak Walton League and the Woodford United Methodist Church; and

Whereas, Boiler Technician Hutchison enlisted in the U. S. Navy on April 12, 1983, and served honorably as a BT2 Class Boiler Technician, and was deployed to the Middle East during Operation Desert Shield in August, 1990; and

Whereas, Boiler Technician Hutchison was killed in a tragic boiler room accident aboard the USS Iwo Jima on October 30, 1990, and was hailed for his bravery and heroism by shipmates and the author Timothy Cummings who wrote an investigative report for Chief Engineer Magazine for his efforts to save the ship and protect his fellow shipmates when the horrific accident occurred; and

Whereas, Boiler Technician Hutchison’s body was returned to his birthplace for final military rites and burial in the Mountain State Memorial Gardens on November 5, 1990; and

Whereas, Boiler Technician Hutchison’s father, Edward S. Hutchison, is a 92 year-old WWII Navy Veteran who served from

1943 to 1945. He served in several theaters of war during this time including his participation as an operator of LCVP landing craft and the landing of troops on the beaches of Normandy on D-Day, June 6, 1944. Mr. Hutchison also served as an Elkins City Councilman for several years during the 1970s; and

Whereas, It is fitting that an appropriate memorial recognizing U. S. Navy Boiler Technician Mark Edward Hutchison and the sacrifice he made be established in the area where he lived; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 42-219/34-0.12 (42A161), locally known as the 11th Street Bridge, carrying CR 219/34 over Tygart Valley River in Randolph County, the “U. S. Navy BT2 Mark Edward Hutchison Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Navy BT2 Mark Edward Hutchison Memorial Bridge”; and, be it

Further Resolved, That the Clerk is hereby requested to forward a copy of this resolution to the Commissioner of Highways.

Which, under the rules, lies over one day.

Senators Weld, Ferns, Stollings, Beach and Romano offered the following resolution:

Senate Resolution 34—Memorializing the life of Frank Cuomo, Jr., dedicated public servant.

Whereas, Frank Cuomo, Jr., was born on Thursday, September 12, 1940, in Follansbee, West Virginia, the son of the late Frank and Anna Cuomo; and

Whereas, Frank Cuomo, Jr., was a 1958 graduate of Follansbee High School where he was a member of the 1956 West Virginia state championship baseball team and the 1958 Weirton American Legion championship baseball team. In 1962, he graduated from West Virginia University with a Bachelor of Science degree in industrial engineering and belonged to the Alpha Pi Mu Honorary National Engineering Society. In 1966, Frank obtained a Doctorate of Jurisprudence from the West Virginia University College of Law with top honors; and

Whereas, Following law school, Frank Cuomo, Jr., joined the law firm of Pinsky, Mahan, Barnes and Watson, where he soon became a full partner. In 1979, Frank became a sole practitioner until his son, the Honorable West Virginia Circuit Court Judge Jason Cuomo, joined his practice in 1996. As a trial lawyer, Frank earned many victories, helping to establish several landmark decisions in the Supreme Court of the State of West Virginia including a worker's right to present a claim for suicide as a compensable work injury, an indigent's right to government-paid blood tests following an arrest for a suspected DUI and a case helping to solidify the defense of battered woman's syndrome against a murder charge; and

Whereas, Frank Cuomo, Jr., was the first President of the Brooke County Young Democrats; the Vice President of the Brooke County Bar Association; a 50-year member of the West Virginia and Pennsylvania State Bar Associations; was licensed to practice law before the United States Supreme Court and the northern and southern districts of the Federal Courts of West Virginia; a member of the West Virginia Trial Lawyers Association; a member of the Follansbee Chamber of Commerce; and a past Kiwanis Club member; and

Whereas, For 22 years, from 1967 until 1989, Frank Cuomo, Jr., served diligently and honorably as the attorney for the City of Follansbee, where he was instrumental in helping the city obtain an \$8.75 million grant to establish Wheeling-Nisshin. Additionally, Frank was also key in helping the city win a court battle that established the annexation of the sites encompassing Koppers

Industries, the former Wheeling-Pittsburgh Steel facilities and the Highland Hills residential area; and

Whereas, By his actions as the City Attorney, Frank Cuomo, Jr., was pivotal, along with Follansbee Mayor Adam Dalessio, City Manager Ray Stoaks and the City Council, in securing the financial future of Follansbee for many decades; and

Whereas, In 2006, Frank Cuomo, Jr., was named the Parade Marshal for the Follansbee Community Days and in 2016, Frank was honored by the Follansbee Chamber of Commerce as its Citizen of the Year; and

Whereas, In his private life, Frank Cuomo, Jr., was one of the original founders of the Follansbee Youth Basketball League in 1981, and enjoyed the years he spent as a Little League Baseball Coach in the Follansbee Youth Baseball League; and was a member of the Christian Assembly of Follansbee; and

Whereas, For the past 50 years, Frank Cuomo, Jr., has been married to his loving wife Sharon, with whom he shared the joy of having two children; their son Jason A. Cuomo and his wife, Dana; and their daughter Dana Merenda along with her husband Ross. Frank and Sharon have also been blessed with four grandchildren, Caitlin Lee Cuomo, Evan Michael Cuomo, Melina Marie Merenda, and Silia Sarina Merenda; and

Whereas, Sadly, Frank Cuomo, Jr., passed away peacefully on Sunday, December 18, 2016, at his home in Follansbee, West Virginia, under the care of his loving family, bringing an end to a productive life of dedicated public service; therefore, be it

Resolved by the Senate:

That the Senate hereby memorializes the life of Frank Cuomo, Jr., dedicated public servant; and, be it

Further Resolved, That the Senate extends its sincere condolences to the family of Frank Cuomo, Jr., at his passing; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the family of Frank Cuomo, Jr.

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

The question being on the adoption of the resolution, and on this question, Senator Blair demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Maroney and Smith—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the resolution (S. R. 34) adopted.

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Weld regarding the adoption of Senate Resolution 34 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.

Petitions

Senator Sypolt presented a petition from Matthew Lazo and the East Hardy High School Inspire West Virginia club, requesting the Legislature to replace the Smarter Balance Assessment with the ACT test.

Referred to the Committee on Education.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 3, Urging Congress call convention of states to impose fiscal restraints on federal government.

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

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

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

Senate Concurrent Resolution 28, US Army SPC4 Randall W. Arbogast Memorial Road.

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. Senate Bill 185, Allowing spending units designate fund into which proceeds from sale of surplus property must be deposited.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Stollings, Swope, Sybolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Maroney and Smith—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 185) 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 206, Expanding definition of “kidnapping” to include taking or gaining custody of, confining or concealing person by force.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Maroney and Smith—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. 206) 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 220, Relating to offenses and penalties under Uniform Controlled Substances Act.

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 220 pass?”

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Maroney and Smith—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. 220) 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 365, Maintaining solvency of Unemployment Compensation 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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Maroney and Smith—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 365) 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 Com. Sub. for Senate Bill 173, Relating to certain motor vehicles.

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

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

On page eight, section forty-four, line one, by striking out the words “under the age of eighteen”.

Following extended discussion,

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

The bill (Com. Sub. for Com. Sub. for S. B. 173), as amended, was then ordered to engrossment and third reading.

Senate Bill 235, Relating to motorcycle registration renewal.

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 259, Requiring administrators of intestate estates to give bond and take oath.

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 473, Permitting collection and sale of naturally shed deer antlers.

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

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Senate Bill 350, Allowing licensed professional counselors be issued temporary permit.

Com. Sub. for Senate Bill 423, Relating to operation of licensed group homes.

Com. Sub. for Senate Bill 441, Establishing Municipal Home Rule Pilot Program.

Com. Sub. for Senate Bill 481, Eliminating requirement municipal courts wait 90 days before notifying DMV of person's failure to appear or pay assessed costs.

Senate Bill 490, Clarifying standard of liability for officers of corporation.

Senate Bill 491, Relating to county litter control officers.

Com. Sub. for Senate Bill 492, Eliminating requirement every circuit court participate in drug court program.

Com. Sub. for Senate Bill 496, Relating generally to guaranteed asset protection waivers.

Com. Sub. for Senate Bill 505, Providing five-year reclamation period following completion of well pads for horizontal wells.

Eng. Com. Sub. for House Bill 2099, Defining the act of leaving the scene of a crash involving death or serious bodily injury as a felony; Erin's Law.

Eng. Com. Sub. for House Bill 2301, Relating to direct primary care.

Eng. Com. Sub. for House Bill 2347, Allowing schools licensed to provide barber, cosmetology and related training to hold theory classes and clinical classes at different locations.

And,

Eng. House Bill 2431, Allowing influenza immunizations to be offered to patients and residents of specified facilities.

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senators Ojeda, Boso and Maynard.

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

The Senate proceeded to the thirteenth order of business.

On motion of Senator Ferns, leaves of absence for the day were granted Senators Maroney and Smith.

At the request of Senator Beach, the name of Senator Beach was removed as a sponsor of **Senate Bill 519** (*Amending WV Nurse Overtime and Patient Safety Act*).

At the request of Senator Ferns, the name of Senator Ferns was removed as a sponsor of **Senate Bill 555** (*Dissolving PEIA*).

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Friday, March 10, 2017, at 11 a.m.

FRIDAY, MARCH 10, 2017

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Mitchell Bias, Regional Church of God, Delbarton, 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 Thursday, March 9, 2017,

At the request of Senator Facemire, 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 provisions of rule number fifty-four of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to grant Amy Karnes, wife of the Honorable Robert Karnes, a senator from the eleventh district, privileges of the floor for the day.

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. Com. Sub. for House Bill 2503—A Bill to repeal §30-14-15 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-14-14 of said code, relating to the rulemaking authority for Board of Osteopathic Medicine.

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 2540—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-21, relating to authorizing a person to practice professions and occupations for a charitable function; provides qualifications for volunteers; provides volunteers may be

compensated; limits volunteer authorization to twenty-one days; requires information be provided to the applicable board; requires record keeping of volunteer authorizations; and provides boards may not charge a fee for charitable practice.

Referred to the Committee on Health and Human Resources.

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

Eng. House Bill 2628—A Bill to amend and reenact §30-3-12 and §30-3-14 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-14-11 and §30-14-12a of said code, all relating generally to the powers and duties of the Board of Medicine and the Board of Osteopathic Medicine with regard to evidence of serious misconduct of individuals subject to the boards' jurisdiction; authorizing the Board of Medicine to deny a license to any applicant who has been convicted of a felony; requiring the Board of Osteopathic Medicine to revoke a license when an osteopathic physician or physician's assistant is convicted of a felony involving prescription drugs; authorizing the Board of Medicine to order a permanent revocation of license when warranted by evidence; specifying additional disciplinary and restorative powers for the Board of Osteopathic Medicine; clarifying that these boards may impose disciplinary sanctions when license knowingly fails to report the gross misconduct of another licensee; and requiring the boards to refer information to law enforcement and prosecuting authorities when a board has reason to believe a crime has occurred.

Referred to the Committee on Government Organization.

The Senate proceeded to the fourth order of business.

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

Your Committee on Finance has had under consideration

Senate Bill 25, Creating farm-to-food bank tax credit.

And,

Senate Bill 364, Incorporating changes to Streamlined Sales and Use Tax Agreement.

And reports the same back with the recommendation that they each 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 28, Creating new system for certain contiguous counties to establish regional recreation authorities.

With amendments from the Committee on Natural Resources pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Natural Resources to which the bill was first referred.

Respectfully submitted,

Craig Blair,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 219, 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 Senate Bill 219 (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 §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.

And,

Senate Bill 455, Removing archaic language regarding commitment orders of sentenced persons.

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

Com. Sub. for Senate Bill 455 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §62-7-10 of the Code of West Virginia, 1931, as amended, relating generally to commitment of persons to the custody of the Commissioner of Corrections; updating the commitment order form sentencing courts are required to complete when committing a person to the custody of the Commissioner of Corrections; requiring that the commitment order contain certain information; and clarifying that the circuit clerk of the court is required to transmit certified copies of the commitment order to the Commissioner of the Division of Corrections and the West Virginia Regional Jail Authority upon entry.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Miller moved that Committee Substitute for Senate Bill 219 be referred to the Committee on Finance.

Following discussion,

The question being on the adoption of Senator Miller's aforesated motion, the same was put.

The result of the voice vote being inconclusive, Senator Beach demanded a division of the vote.

A standing vote being taken, there were fifteen "yeas" and eighteen "nays".

Whereupon, Senator Carmichael (Mr. President) declared Senator Miller's aforesated motion had not prevailed.

At the request of Senator Prezioso, and by unanimous consent, Senator Prezioso addressed the Senate regarding the rejection of Senator Miller's motion to refer Committee Substitute for Senate Bill 219 to the Committee on Finance.

At the request of Senator Plymale, unanimous consent being granted, Senator Plymale addressed the Senate regarding the rejection of Senator Miller's motion to refer Committee Substitute for Senate Bill 219 to the Committee on Finance.

At the request of Senator Beach, and by unanimous consent, the remarks by Senators Miller, Hall, Romano, Ojeda, Prezioso and Plymale regarding the rejection of Senator Miller's motion to refer Committee Substitute for Senate Bill 219 to the Committee on Finance were ordered printed in the Appendix to the Journal.

At the request of Senator Trump, unanimous consent being granted, Senator Trump addressed the Senate regarding the rejection of Senator Miller's motion to refer Committee Substitute for Senate Bill 219 to the Committee on Finance.

At the request of Senator Hall, and by unanimous consent, Senator Hall addressed the Senate regarding the rejection of Senator Miller's motion to refer Committee Substitute for Senate Bill 219 to the Committee on Finance.

Pending announcement of a minority party caucus,

On motion of Senator Prezioso, the Senate recessed for 10 minutes.

Upon expiration of the recess, the Senate reconvened and proceeded to the sixth order of business, which agenda includes the making of main motions.

On motion of Senator Trump, the Senate reconsidered the vote by which in earlier proceedings today it rejected Senator Miller's motion to refer Committee Substitute for Senate Bill 219 to the Committee on Finance.

The vote thereon having been reconsidered,

The question again being on the adoption of Senator Miller's motion to refer Committee Substitute for Senate Bill 219 to the Committee on Finance, the same was put and prevailed.

At the request of Senator Ferns, and by unanimous consent, the Senate returned 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 256, Relating to prohibiting aiding and abetting of sexual abuse by school personnel.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator 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 268, Requiring county commissions maintain websites with specific information.

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

Com. Sub. for Senate Bill 268 (originating in the Committee on Government Organization)—A Bill to amend and reenact §7-1-3rr of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §8-39-1, all relating to requiring county commissions to maintain websites with specific information; requiring county commissions to provide website information to the Secretary of State; requiring Class I and Class II municipalities to maintain websites with specific information; and to allow Class III and IV municipalities to maintain websites provided they contain specific information.

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

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 326, Requiring Department of Defense family advocacy groups be notified about abuse or neglect of military member's child.

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

Senate Bill 428, Relating to partial filling of prescriptions.

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

Com. Sub. for Senate Bill 428 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §30-5-27 of the Code of West Virginia, 1931, as amended, relating to partial filling of prescriptions; permitting partial filling of prescriptions for controlled substances listed in Schedule II under certain circumstances; setting conditions for partial filling of prescriptions for controlled substances listed in Schedule II; permitting remaining portion of prescription to be filled within thirty days of first partial filling; setting forth steps to be followed if pharmacist is unable to fill remaining portion of prescription; prohibiting further quantities from being supplied beyond seventy-two hours in absence of new prescription; providing that remaining portions of a partially filled prescription for controlled substances listed in Schedule II may be filled in emergency situations; and defining “emergency situation”.

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

Respectfully submitted,

Tom Takubo,
Chair.

The bill (Com. Sub. for S. B. 428), under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration

Senate Bill 440, Relating to use of Regional Jail and Correctional Facility Authority funds.

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

Com. Sub. for Senate Bill 440 (originating in the Committee on Finance)—A Bill to amend and reenact §31-20-10 of the Code of West Virginia, 1931, as amended, relating to mandating that investment of certain Regional Jail and Correctional Facility Authority special funds be with the West Virginia Board of Treasury Investments or the West Virginia Investment Management Board; and eliminating obsolete language.

With the recommendation that the 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

Eng. Com. Sub. for House Bill 2167, Creating a Silver Alert program for senior citizens.

And has amended same.

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

Respectfully submitted,

Craig Blair,
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

Eng. Com. Sub. for House Bill 2359, Relating to offenses and penalties for practicing osteopathic medicine without a license.

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,

Craig Blair,
Chair.

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

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

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill 2542, Relating to public higher education personnel.

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

Respectfully submitted,

Kenny Mann,
Chair.

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

Your Committee on Finance has had under consideration

Eng. House Bill 2590, Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act.

And,

Eng. House Bill 2594, Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act.

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

Respectfully submitted,

Mike Hall,
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 Senator Boso:

Senate Bill 570—A Bill to amend and reenact §15-2-17 of the Code of West Virginia, 1931, as amended; and to amend and

reenact §15-2E-3 and §15-2E-5 of said code, all relating to the sale of items in the State Police Academy post exchange to the public.

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

By Senator Blair:

Senate Bill 571—A Bill to amend and reenact §16-2-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-17-20, all relating generally to certification and qualifications of sanitarians; terminating the State Board of Sanitarians; providing for the State Division of Personnel to establish education standards and qualifications for sanitarians in collaboration with local boards of health; and correcting an erroneous reference.

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

By Senators Sypolt and Gauch:

Senate Bill 572—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-5-6e; to amend and reenact §3-10-1 and §3-10-8 of said code; and to amend said code by adding thereto a new section, designated §3-10-8a, all relating to providing for the nonpartisan election of county surveyors; specifying the manner of appointment of a successor when an elected country surveyor vacates office; and prescribing when elections must be held to elect a new surveyor.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 573—A Bill to amend and reenact §11-13-2o of the Code of West Virginia, 1931, as amended, relating to adjusting the tax on the business of generating or producing or selling electricity from wind turbine facilities to match that of other power generation facilities recently placed into service.

Referred to the Committee on Finance.

By Senators Trump and Woelfel:

Senate Bill 574—A Bill to amend and reenact §38-1-13 of the Code of West Virginia, 1931, as amended; to amend and reenact §44D-1-103 and §44D-1-107 of said code; to amend said code by adding thereto a new section, designated §44D-1-113; to amend and reenact §44D-3-303 of said code; to amend and reenact §44D-4-403, §44D-4-405, §44D-4-409 and §44D-4-414 of said code; to amend and reenact §44D-5-503b and §44D-5-505 of said code; to amend and reenact §44D-6-604 of said code; and to amend and reenact §44D-8-813 and §44D-8-817 of said code, all relating generally to trusts and their administration; removing the requirement of notice to certain trustees; modifying definitions; establishing the insurable interest of a trustee; increasing amount of noncharitable trust property to modify or terminate trust without court approval; requiring qualified trustee be independent to meet definition of “qualified interest”; adding reference to exception to provision allowing creditor or assignee to reach amount distributed for grantor’s benefit; changing references from beneficiary to interested person in limitations on actions to contest validity of revocable trust; modifying duties of trustee to inform and report to beneficiaries; and requiring trustee to wind up administration of trust upon its termination.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 575—A Bill to amend and reenact §61-6-23 of the Code of West Virginia, 1931, as amended, relating to limitations on nuisance actions against shooting ranges for noises.

Referred to the Committee on the Judiciary.

By Senators Trump and Blair:

Senate Bill 576—A Bill to amend and reenact §37-7-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new chapter, designated §37B-1-1, §37B-1-2, §37B-1-3, §37B-1-4, §37B-1-5, §37B-1-6 and §37B-1-7, all relating generally to real property; providing an exception to waste for certain oil and gas development; providing a short title; providing declarations of public policy and legislative findings;

providing definitions; providing that consent for the lawful use of the oil and gas mineral property by two-thirds of mineral interest owners is permissible, not waste and not trespass; providing that cotenants are not liable for damages for as a result of the lawful use of oil and gas mineral property when an accounting is provided and a pro rata share of revenues and costs are distributed to or reserved for each unknown or unlocatable cotenant; allowing for an acreage weighted average royalty interest, free of post-production expenses, to each nonconsenting cotenant; permitting for the joint development by horizontal drilling of multiple adjacent leases held by the same operator if the operator has a surface use agreement with all surface owners whose tracts may be disturbed by joint development; providing that royalties distributed to royalty owners affected by joint development may not be reduced by post-production expenses; and providing for severability of provisions.

Referred to the Committee on the Judiciary.

By Senators Rucker, Blair, Clements, Maynard, Ojeda and Unger:

Senate Bill 577—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-23-12e, relating to the licensing of advance deposit wagering; providing for source market fees; providing for the distribution of those fees from wagers made by West Virginia account holders, for distribution of those fees from wagers made by account holders located within and outside thirty miles of a licensed racing association and for distribution of those fees from wagers made by account holders located within thirty miles of two or more licensed racing associations; providing for regulatory authority in the Racing Commission over advance deposit wagering; providing for the assessment and imposition of regulatory fees and taxes on advance deposit wagering licensees' wagering in West Virginia and for the distribution of the fees and taxes; prohibiting advance deposit wagering in West Virginia unless conducted through an advance deposit wagering licensee or as otherwise provided by law; providing for criminal penalties for accepting or attempting to accept advance deposit wagers without a license; providing authority for the Racing Commission to seek civil remedies and

damages; providing that all advance deposit wagers placed by residents or nonresidents within the state are considered to be wagering within West Virginia subject to the laws of this state and rules of the Racing Commission; authorizing rulemaking; and defining terms.

Referred to the Committee on Finance.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 29, Declaring pornography public health crisis.

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

Senate Concurrent Resolution 30, Urging US Congress convene to propose amendment to US Constitution restoring free and fair elections.

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

Senate Concurrent Resolution 31, US Navy BT2 Mark Edward Hutchison Memorial Bridge.

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Com. Sub. for Senate Bill 173, Relating to certain motor vehicles.

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, Facemire, Ferns, Gaunch, Hall,

Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld and Carmichael (Mr. President)—33.

The nays were: Woelfel—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 173) passed.

On motion of Senator Stollings, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for Com. Sub. for Senate Bill 173—A Bill to amend and reenact §17B-1-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-2-7b of said code; to amend said code by adding thereto a new section, designated §17C-1-69; and to amend and reenact §17C-15-44 of said code, all relating to autocycles; creating an autocycle exemption from motorcycle examination, licensing and endorsement requirements; allowing a person with a valid driver's license to operate an autocycle; creating an autocycle exemption from helmet and certain other motorcycle or motor-driven cycle safety requirements; defining terms; deleting obsolete language regarding the motorcycle safety and education committee; and making technical corrections.

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

Eng. Senate Bill 235, Relating to motorcycle registration renewal.

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, Facemire, Ferns, Gaunch, Hall,

Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 235) 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 259, Requiring administrators of intestate estates to give bond and take oath.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 259) 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 473, Permitting collection and sale of naturally shed deer antlers.

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 473 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, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 473) passed with its title.

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

Thereafter, at the request of Senator Karnes, and by unanimous consent, the remarks by Senator Ojeda regarding the passage of Engrossed Committee Substitute for Senate Bill 473 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 350, Allowing licensed professional counselors be issued temporary permit.

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 423, Relating to operation of licensed group homes.

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 441, Establishing Municipal Home Rule Pilot Program.

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 481, Eliminating requirement municipal courts wait 90 days before notifying DMV of person's failure to appear or pay assessed costs.

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

Senate Bill 490, Clarifying standard of liability for officers of corporation.

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

Senate Bill 491, Relating to county litter control officers.

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

Com. Sub. for Senate Bill 492, Eliminating requirement every circuit court participate in drug court program.

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 496, Relating generally to guaranteed asset protection waivers.

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 505, Providing five-year reclamation period following completion of well pads for horizontal wells.

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 2099, Defining the act of leaving the scene of a crash involving death or serious bodily injury as a felony; Erin's Law.

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 and adopted:

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

ARTICLE 4. CRASHES.

§17C-4-1. Crashes involving death or personal injuries; Erin's Law.

(a) The driver of any vehicle involved in a crash resulting in the injury to or death of any person shall immediately stop the vehicle at the scene of the crash or as close to the scene as possible and return to and remain at the scene of the crash until he or she has complied with the requirements of section three of this article: *Provided*, That the driver may leave the scene of the crash as may reasonably be necessary for the purpose of rendering assistance to ~~an injured~~ any person injured in the crash, as required by ~~said~~ section three ~~Every such of this article. stop shall be made without obstructing traffic more than is necessary.~~

~~(b) Any person knowingly violating the provisions of subsection (a) of this section after being involved in a crash resulting in the death of any person is guilty of a felony and, upon conviction, thereof, shall be fined by not more than \$5,000, or imprisoned in a correctional facility for not less than one year nor more than five years, or both fined and confined. Any driver who is involved in a crash in which another person suffers bodily injury and who intentionally violates subsection (a) of this section when he or she knows or has reason to believe that another person~~

suffered physical injury in said crash, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by confinement in jail for not more than one year, or fined not more than \$1,000, or both fined and confined.

(c) Notwithstanding the provisions of subsection (b) of this section, any driver who is involved in a crash in which another person suffers serious bodily injury and who intentionally violates subsection (a) of this section when he or she knows or has reason to believe that another person has suffered physical injury in said crash is guilty of a felony and, upon conviction, shall be imprisoned in a state correctional facility for not less than one year nor more than three years, or fined not more than \$2,500, or both fined and imprisoned.

~~(e) (d) Any person knowingly violating the provisions of subsection (a) of this section after being involved in a crash resulting in physical injury to any person is guilty of a misdemeanor and, upon conviction thereof, shall be punished by confinement in jail for not more than one year, or fined not more than \$1,000, or both. Notwithstanding the provisions of subsection (b) or (c) of this section, any driver who is involved in a crash that proximately causes the death of another person who intentionally violates subsection (a) of this section when he or she knows or has reason to believe that another person has suffered physical injury in said crash is guilty of a felony and, upon conviction thereof, shall be fined not more than \$5,000, or imprisoned in a state correctional facility for not less than one year nor more than five years, or both fined and imprisoned: *Provided*, That any death underlying a prosecution under this subsection must occur within one year of the crash.~~

(e) As used in this section:

(1) "Bodily injury" means injury that causes substantial physical pain, illness or any impairment of physical condition;

(2) "Physical injury" means bodily injury, serious bodily injury or death; and

(3) “Serious bodily injury” means bodily injury that creates a substantial risk of death, that causes serious or prolonged disfigurement, prolonged impairment of health, prolonged loss or impairment of the function of any bodily organ, loss of pregnancy, or the morbidity or mortality occurring because of a preterm delivery.

~~(d)~~ (f) The commissioner shall revoke the license or permit or operating privilege to drive of any resident or nonresident person convicted pursuant to the provisions of this section for a period of one year from the date of conviction or the date of release from incarceration, whichever is later.

~~(e)~~ (g) This section may be known and cited as “Erin’s Law”.

The bill (Eng. Com. Sub. for H. B. 2099), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2301, Relating to direct primary care.

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

Eng. Com. Sub. for House Bill 2347, Allowing schools licensed to provide barber, cosmetology and related training to hold theory classes and clinical classes at different locations.

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

Eng. House Bill 2431, Allowing influenza immunizations to be offered to patients and residents of specified facilities.

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

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Senate Bill 212, Relating generally to procedures for drivers' license suspensions and revocations.

Com. Sub. for Senate Bill 299, Supplementing, amending, decreasing and increasing items of appropriations from State Road Fund to DOH.

Com. Sub. for Senate Bill 300, Supplemental appropriation from unappropriated balance in Treasury to Division of Personnel.

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

Com. Sub. for Senate Bill 305, Supplemental appropriation of public moneys from Treasury to Fire Commission.

Com. Sub. for Senate Bill 344, Relating to application of payments on consumer credit sale and loans.

And,

Com. Sub. for Senate Bill 531, Relating to renewal date for apiary certificates of registration.

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

On motion of Senator Ferns, the Senate recessed for five minutes to permit Wesley Self 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 twelfth order of business.

Remarks were made by Senators Miller, Boso and Cline.

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

Following points of inquiry by Senator Unger, with resultant responses by Senator Ferns,

Pending announcement of meetings of standing and select committees of the Senate, including a minority party caucus,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Saturday, March 11, 2017, at 9 a.m.

SATURDAY, MARCH 11, 2017

The Senate met at 9 a.m.

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

Prayer was offered by the Honorable C. Edward Gaunch, a senator from the eighth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Donna J. Boley, a senator from the third district.

Pending the reading of the Journal of Friday, March 10, 2017,

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:

Health and Human Resources, Department of

Sudden Unexplained Infant Deaths (§16-1-6)

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. Com. Sub. for House Bill 2526—A Bill to amend and reenact §60A-2-201, §60A-2-204, §60A-2-206, §60A-2-210 and §60A-2-212 of the Code of West Virginia, 1931, as amended, all relating to classifying additional drugs to Schedules I, II, IV and V of controlled substances; and adding a provision relating to the scheduling of a cannabidiol in a product approved by the Food and Drug Administration.

Referred to the Committee on the Judiciary.

A message from The Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2017, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2554—A Bill to repeal §21-11-1, §21-11-2, §21-11-3, §21-11-4, §21-11-5, §21-11-6, §21-11-7, §21-11-8, §21-11-9, §21-11-10, §21-11-10a, §21-11-11, §21-11-12, §21-11-13, §21-11-14, §21-11-15, §21-11-16, §21-11-17, §21-11-18 and §21-11-20 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §30-41-1, §30-41-2, §30-41-3, §30-41-4, §30-41-5, §30-41-6, §30-41-7, §30-41-8, §30-41-9, §30-41-10, §30-41-11, §30-41-12, §30-41-13, §30-41-14, §30-41-15, §30-41-16, §30-41-17, §30-41-18, §30-41-19, §30-41-20 and §30-41-21 all relating to the West Virginia Contractor Act; providing a short title and declaration of policy with definitions; continuing the West Virginia Contractor Licensing Board, composition, terms, qualifications and appointment; administrative duties of board and legislative rules; necessity for contractor license and exemptions; procedure for licensing; providing for expiration date, fees and renewal of license; providing for revocation for unlawful use, assignment or transfer of license; prerequisites to obtaining building permit and mandatory written contracts; requiring informational list for basic universal design features; providing injunction and criminal penalties for violation of article; specific administrative duties of board and record keeping by the board; authorizing to grant

reciprocity and to provide training to students who desire to obtain a West Virginia contractor license; and misdemeanor criminal penalties for violations of article.

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 2571—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-20-11, relating to selection of language developmental milestones for purposes of developing a resource for use by parents to monitor and track deaf and hard-of-hearing children's expressive and receptive language acquisition and developmental stages toward English literacy.

Referred to the Committee on Education.

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

Eng. House Bill 2675—A Bill to amend and reenact §3-5-13 and §3-5-13a of the Code of West Virginia, 1931, as amended, all relating to primary elections and nominating procedures; and designating the placement of nonpartisan judicial offices on the primary election ballot.

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 2706—A Bill to amend and reenact §18B-17-2 and §18B-17-3 of the Code of West Virginia, 1931, as amended, all relating to authorizing legislative rules regarding higher education; authorizing legislative rules for the Higher Education Policy Commission regarding the West Virginia Higher Education

Grant Program, Providing Real Opportunities for Maximizing In-state Student Excellence (PROMISE), Research Trust Fund Program, and Annual Reauthorization of Degree-Granting Institutions; and authorizing legislative rules for the Council for Community and Technical College Education regarding the Annual Reauthorization of Degree-Granting Institutions, and Business, Occupational and Trade Schools.

Referred to the Committee on Education.

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

Eng. Com. Sub. for House Bill 2726—A Bill to amend and reenact §62-11B-9 of the Code of West Virginia, 1931, as amended, relating generally to authorizing home incarceration officers to arrest a participant for violating the terms and conditions of his or her supervision without a court order.

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 2731—A Bill to amend and reenact §51-2-2 of the code of West Virginia, 1931, as amended, relating to clarifying that only civil actions with controversial amounts exceeding \$7,500 must be heard in circuit court, except in actions relating to real estate installment sales contracts or actions confined exclusively by the Constitution to some other tribunal.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 10th day of March, 2017, presented to His Excellency, the Governor, for his action, the following bills,

signed by the President of the Senate and the Speaker of the House of Delegates:

(**S. B. 176**), Repealing article concerning detection of tuberculosis, high blood pressure and diabetes.

(**S. B. 188**), Correcting definition of “telehealth” in medication-assisted treatment programs.

And,

(**Com. Sub. for H. B. 2740**), Making a supplementary appropriation to the Department of Administration.

Respectfully submitted,

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

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

Your Committee on the Judiciary has had under consideration

Senate Bill 187, Providing for confidentiality of patients’ medical records.

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

Com. Sub. for Senate Bill 187 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §27-3-1 of the Code of West Virginia, 1931, as amended, relating generally to confidentiality of medical records for patients’ physical, mental or emotional conditions; eliminating disclosure exception for treatment or internal review purposes; eliminating 30-day requirement; eliminating requirement that provider make good faith effort to obtain consent from the patient or legal representative; eliminating requirement that the minimum information necessary is released for a specifically stated purpose;

eliminating requirement that prompt notice of the disclosure, the recipient of the information and the purpose of the disclosure is given to the patient or legal representative; and adopting provisions of federal law which pertain to disclosure of protected health information.

And,

Senate Bill 497, Relating to liability for physicians who provide services at school athletic events.

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

Com. Sub. for Senate Bill 497 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §55-7-19 of the Code of West Virginia, 1931, as amended, relating to liability for health care providers who provide services at school athletic events; providing that persons licensed, certified or registered in this state or another state to provide health care or professional health care services are subject to limited liability if they render emergency care or treatment at a public or private elementary or secondary school athletic event; outlining circumstances under which liability can be limited; eliminating provisions limiting liability to the extent of insurance coverage; eliminating reference to standard of care in Medical Professional Liability Act; and establishing that acts of willful misconduct are not subject to limited liability.

With the recommendation that the two 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 255, Relating to filling vacancies on county commissions and other county offices.

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

Com. Sub. for Senate Bill 255 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-10-3, §3-10-5 and §3-10-7 of the Code of West Virginia, 1931, as amended, all relating generally to vacancies in elected office; requiring vacancies in offices of Secretary of State, Auditor, Treasurer, Attorney General, Commissioner of Agriculture, or other office created or made elective to be filled by voters of entire state, to be filled by Governor from list of three qualified persons submitted by party executive committee of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred; requiring Governor to fill vacancies in those offices with person of same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred; providing that Governor fill vacancies created in state Legislature from list of three qualified persons submitted by party executive committee of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred; requiring vacancies in offices of county commissioner or clerk of the county commission to be filled by county commission with person of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred; providing process for vacancy on county commission to be filled if county commission fails to fill the vacancy; providing Governor fill vacancies on county commission when no quorum on county commission from list of three qualified persons submitted by party executive committee of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred; making appointments subject to provisions of section one of article; and making technical corrections.

And,

Senate Bill 454, Eliminating certain fees generated by suggestee executions.

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

Com. Sub. for Senate Bill 454 (originating in the Committee on the Judiciary)—A Bill to repeal §38-5B-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §29-12D-1a of said code; to amend and reenact §38-5B-5 and §38-5B-9 of said code; to amend and reenact §49-4-716 of said code; and to amend and reenact §51-2A-8 of said code, all relating to providing more efficient collection and submission of state moneys received as a result of certain court transactions or court services; eliminating certain fees generated by suggestee executions; providing for monthly remittance of moneys collected by clerk of court from assessments on claims filed under Medical Professional Liability Act; directing clerk of court to remit certain assessments on claims filed under Medical Professional Liability Act to State Treasury; directing payment of certain sums collected pursuant to execution of judgment to be paid to judgment creditor; directing clerk of court of conviction to collect any fees collected for teen court program and remit monthly to sheriff for deposit in appropriate account; directing circuit clerk to remit moneys received for duplication of family court records to remit amounts received to State Treasury for deposit in West Virginia Supreme Court of Appeals Fund; and making technical corrections.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
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 290, Authorizing operators of distillery or mini-distillery offer for purchase and consumption of liquor on Sundays.

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

Com. Sub. for Senate Bill 290 (originating in the Committee on Economic Development)—A Bill to amend and reenact §60-4-3a of the Code of West Virginia, 1931, as amended, relating to authorizing operators of a distillery or mini-distillery to offer for consumption liquor on the premises if purchased and consumed on the premises of the distillery or mini-distillery; and allowing distilleries and mini-distilleries to sell and serve alcohol beginning at 1:00 p.m. or 10:00 a.m. on Sundays if that county permits the sale of alcohol at that time.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

The bill (Com. Sub. for S. B. 290), under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration

Senate Bill 302, Supplemental appropriation of federal funds from Treasury to Division of Human Services.

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

Com. Sub. for Senate Bill 302 (originating in the Committee on Finance)—A Bill making a supplementary appropriation of

federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2017, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017.

Senate Bill 303, Supplemental appropriation of public moneys from Treasury to DHHR.

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

Com. Sub. for Senate Bill 303 (originating in the Committee on Finance)—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Health and Human Resources, Division of Health - Laboratory Services Fund, fund 5163, fiscal year 2017, organization 0506, the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund, fund 5214, fiscal year 2017, organization 0506, and the Department of Health and Human Resources, Division of Human Services – Health Care Provider Tax – Medicaid State Share Fund, fund 5090, fiscal year 2017, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017.

And,

Senate Bill 306, Supplemental appropriation of federal funds from Treasury to Workforce West Virginia.

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

Com. Sub. for Senate Bill 306 (originating in the Committee on Finance)—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Commerce, Workforce West

Virginia – Workforce Investment Act, fund 8749, fiscal year 2017, organization 0323, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017.

With the recommendation that the three committee substitutes 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

Senate Bill 466, Calculating state share of gross profits from limited video lottery revenues at 50 percent.

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

Respectfully submitted,

Mike Hall,
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 Trump and Blair:

Senate Bill 578—A Bill to amend and reenact §16-29-1 and §16-29-2 of the Code of West Virginia, 1931, as amended, all relating generally to copies of health care records furnished to patients and the fees charged therein.

Referred to the Committee on Health and Human Resources.

By Senators Sypolt and Cline:

Senate Bill 579—A Bill to amend and reenact §8-13-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-3-9d of said code, all relating to exempting a farm winery from certain taxes on the selling or distribution of wine when that wine is made on the farm winery and is sold at retail to the public on the premises of the farm winery.

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

By Senator Trump:

Senate Bill 580—A Bill to amend and reenact §36-8-13 of the Code of West Virginia, 1931, as amended, relating to limiting the amount of funds from the Unclaimed Property Fund that may be deducted during a fiscal year for the purpose of paying expenses of administering the Unclaimed Property Fund and the Unclaimed Property Trust Fund.

Referred to the Committee on Finance.

By Senators Trump, Woelfel and Plymale:

Senate Bill 581—A Bill to amend and reenact §38-1-13 of the Code of West Virginia, 1931, as amended; to amend and reenact §44D-1-103 of said code; to amend said code by adding thereto a new section, designated §44D-1-113; to amend and reenact §44D-4-405 and §44D-4-414 of said code; to amend and reenact §44D-5-503b and §44D-5-505 of said code; to amend and reenact §44D-6-604 of said code; and to amend and reenact §44D-8-813 and §44D-8-817 of said code, all relating generally to trusts and their administration.

Referred to the Committee on the Judiciary.

By Senators Smith, Mullins, Boso and Cline:

Senate Bill 582—A Bill to repeal §22-3-30a of the Code of West Virginia, 1931, as amended; to repeal §22A-2-14, §22A-2-28, §22A-2-30, §22A-2-31, §22A-2-32, §22A-2-33, §22A-2-34, §22A-2-35, §22A-2-41, §22A-2-50, §22A-2-51, §22A-2-52, §22A-2-69 and §22A-2-73 of said code; to repeal §22A-2A-102,

§22A-2A-201, §22A-2A-202, §22A-2A-203, §22A-2A-204, §22A-2A-204a, §22A-2A-205, §22A-2A-206, §22A-2A-207, §22A-2A-208, §22A-2A-209, §22A-2A-210, §22A-2A-211, §22A-2A-212, §22A-2A-213, §22A-2A-214, §22A-2A-301, §22A-2A-302, §22A-2A-303, §22A-2A-304, §22A-2A-305, §22A-2A-306, §22A-2A-307, §22A-2A-308, §22A-2A-309, §22A-2A-310, §22A-2A-401, §22A-2A-402, §22A-2A-403, §22A-2A-404, §22A-2A-405, §22A-2A-501, §22A-2A-601, §22A-2A-602, §22A-2A-603, §22A-2A-604, §22A-2A-701, §22A-2A-702, §22A-2A-703, §22A-2A-704, §22A-2A-801, §22A-2A-802, §22A-2A-803, §22A-2A-804, §22A-2A-805, §22A-2A-806, §22A-2A-807 and §22A-2A-901 of said code; to repeal §22A-6-7, §22A-6-8, §22A-6-9, §22A-6-10, §22A-6-11, §22A-6-12 and §22A-6-13 of said code; to amend and reenact §22-1-17 of said code; to amend and reenact §22-3-11, §22-3-13a, §22-3-23 and §22-3-35 of said code; to amend and reenact §22-6-24 of said code; to amend and reenact §22-11-1 of said code; to amend and reenact §22A-1-1, §22A-1-2, §22A-1-3, §22A-1-4, §22A-1-5, §22A-1-6, §22A-1-14, and §22A-1-15 of said code; to amend and reenact §22A-2-2, §22A-2-3, §22A-2-4, §22A-2-4a, §22A-2-5, §22A-2-6, §22A-2-11, §22A-2-13, §22A-2-20, §22A-2-24, §22A-2-25, §22A-2-26, §22A-2-27, §22A-2-29, §22A-2-36, §22A-2-37, §22A-2-38, §22A-2-39, §22A-2-40, §22A-2-42, §22A-2-43, §22A-2-43a, §22A-2-44, §22A-2-45, §22A-2-46, §22A-2-47, §22A-2-48, §22A-2-49, §22A-2-53, §22A-2-53a, §22A-2-53b, §22A-2-53c, §22A-2-55, §22A-2-55a, §22A-2-56, §22A-2-57, §22A-2-58, §22A-2-59, §22A-2-60, §22A-2-61, §22A-2-62, §22A-2-63, §22A-2-64, §22A-2-66, §22A-2-70, §22A-2-72, §22A-2-74, §22A-2-75 and §22A-2-78 of said code; to amend and reenact §22A-2A-101 of said code; to amend said code by adding thereto a new section, designated §22A-2-1001; to amend and reenact §22A-6-1, §22A-6-3, §22A-6-4, §22A-6-5 and §22A-6-6 of said code; to amend and reenact §22A-7-2, §22A-7-3, §22A-7-4, §22A-7-5, §22A-7-5a and §22A-7-7 of said code; to amend and reenact §22A-9-1 of said code; to amend and reenact §22A-11-2, §22A-11-3 and §22A-11-4 of said code; and to amend said code by adding thereto two new sections, designated §22A-11-5 and §22A-11-6, all relating generally to coal mining, coal mining safety and environmental protection; creating a special reclamation water

trust fund; establishing additional duties for the Secretary of the Department of Environmental Protection; permitting coal operators to request that preblast surveys be limited to owners and occupants of man-made structures; eliminating certain bond requirements; providing that bonds may not be released until certain conditions are met; providing for plugging and cleaning out of certain gas wells; adding legislative findings to the Water Pollution Control Act as it pertains to trout waters; providing that the Office of Miners' Health, Safety and Training be within the Department of Commerce; replacing the Director of the Office of Miners' Health, Safety and Training responsibility for safety inspections with being responsible for compliance visits and education; eliminating some duties of the Director of the Office of Miners' Health, Safety and Training; eliminating the Board of Coal Mine Health and Safety, the Coal Mine Safety and Technical Review Committee, the Board of Miner Training, Education and Certification, and the Mine Inspectors' Examining Board; making the Director of the Office of Miners' Health, Safety and Training be responsible for compliance visits and enforcement of state mine certifications and Individual Penalty Assessments; requiring mine inspectors to provide safety compliance assistance in improving the miner's health and safety and to improve existing safety plans and programs; adopting the federal standards in lieu of existing state standards in the following areas of coal mining: replacing existing state standards relating to underground coal mines of ventilation, ventilation plans, fans, belt air, unused and abandoned parts of mines, movement of off-track mining equipment, boreholes, daily inspections, preparation of a danger signal, control of coal dust and rock dusting, roof control programs and plans, roof support, use of authorized explosives, storage or use of unauthorized explosives, use of cabs and canopies, use of hoisting machinery, use of haulage roads and certain equipment, the transportation of miners, use of conveyor belts, use of electricity, telephone poles and communication facilities, actions required to detect and respond to excess methane, the operation of cutting and mining machines, hand held electric drills, trailing cables, installation of lighting, welding and cutting, responsibility for care and maintenance of face equipment, when respiratory equipment is to be worn, safeguards for mechanical equipment, smoking in and

about surface structures, railroad cars, haulage and surface areas, ramps, tipples, cleaning plants, protective equipment and clothing, safety helmets, checking systems, fire protection, miner security, first-aid equipment, accessible outlets and safe roadways for emergencies, coal storage bins, recovery tunnels, coal storage piles, thermal coal dryers, sealing of mines, accident notices and investigations, shafts and slopes, longwall and short wall mining, control of respirable dust, operator procures around gas and oil wells and use of diesel-powered equipment; making changes to who may serve on the Board of Coal Mine Health and Safety; changing the board's powers and duties; transferring the duties of the board of Miners' Training, Education and Certification to the board of Coal Mine Health and Safety; transferring the duties of the former Mine Inspectors' Examining Board to the board of Coal Mine Health and Safety; providing that the Mine Safety Technology Task Force be continued as a part of the duties and powers of the Board of Coal Mine Health and Safety; providing that mine rescue teams be staffed by the Office of Miners' Health, Safety and Training; requiring a mine emergency plan be developed; establishing conditions when a person is permitted to perform mine rescue duties; deleting certain definitions; changing certain existing definitions; removing certain criminal penalties; and requiring rulemaking.

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

By Senators Smith and Cline:

Senate Bill 583—A Bill to amend and reenact §22-20-1 of the Code of West Virginia, 1931, as amended, relating to abolishing the Office of Environmental Advocate within the Department of Environmental Protection.

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

By Senators Palumbo, Plymale, Prezioso, Takubo and Trump:

Senate Bill 584—A Bill to amend the code of West Virginia, 1931, as amended, by adding thereto a new section, designated §1-

2-2a, relating to creating an independent redistricting commission with certain requirements; reducing the number of Senate districts and members following the 2020 census; reducing the number of House of Delegates members following the 2020 census; requiring Senate and Delegate districts conform to certain restrictions; designating duties of the commission; providing that members are nominated by State Election Commission; setting forth required traits and restrictions of members; providing for how commission members are appointed; setting forth a process for determining the chair of the commission; providing for the filling of vacancies of commission; requiring members to conduct an organizational meeting and select a vice-chairperson; providing for the removal of a member for cause; providing for the filling of vacancies that may occur on commission; setting forth certain requirements of the commission; providing that three members constitute a quorum; providing that members are ineligible for public office or registration as paid lobbyist for three years after completing their last term on commission; requiring that commission plan and propose congressional and legislative districts; providing specific criteria that commission must observe in proposing district mappings; requiring commission to advertise a proposed draft map of districts to the public; permitting legislators to make inquiry of commission members regarding their methodology and proposed redistrict mapping; requiring that commission publish its proposals for district boundaries; requiring the commission to recommend redistricting plans to the Legislature; authorizing a vote on the plans in an extraordinary session called by the Governor; requiring the full Legislature to vote on the first proposal plan ratification without amendment; setting forth a process for subsequent proposed plans, amendment restrictions and vote requirements; authorizing the West Virginia Supreme Court of Appeals to make the final determination between three plans proposed by the independent redistricting commission if the Legislature and Governor cannot agree; requiring that the commission certify to Secretary of State that its proposals for district boundaries is in accordance with constitutional and legal requirements; providing for reimbursement of expenses and per diem allowances for commission members; authorizing the commission to contract for staffing and consultants; prohibiting certain persons from

influencing or attempting to influence district mapping proposals of the commission; and providing for the expiration of commission appointments.

Referred to the Committee on the Judiciary.

By Senator Blair:

Senate Bill 585—A Bill to repeal §24-3-1b of the Code of West Virginia, 1931, as amended, relating to locomotive crew size.

Referred to the Committee on Government Organization.

Senators Ojeda, Stollings, Plymale and Beach offered the following resolution:

Senate Concurrent Resolution 32—Requesting the Division of Highways to name the portion of State Route 10 from milepost 9.10 (37.744779, -81.890197) to milepost 13.60 (37.767490, -81.921406) in Logan County, the “U. S. Army SGT Denver E. Short Memorial Road”.

Whereas, Denver E. Short was born May 6, 1921, in Logan County, at Davin on Huff Creek, he attended Man High School and later married Margaret Parsons from West Logan, and they had two daughters, Katy Short Ojeda and Brenda Short Thomas; and

Whereas, Denver E. Short enlisted in the U. S. Army in August, 1941, and was honorably discharged on September 27, 1945, after having participated in historic battles in central Europe and received medals for his service and for wounds received in action; and

Whereas, As a platoon Sergeant in Headquarters Battery of the 155th Airborne Anti-Aircraft Battalion, Sergeant Denver E. Short served in four European wartime campaigns: In Normandy; the Rhineland; the Ardennes; and central Europe; and

Whereas, Sergeant Denver E. Short suffered his first combat wound from small arms fire on D-Day, June 6, 1944, he was subsequently wounded in Belgium in 1944 and again in France in 1945. As a result of his wounds, he was hospitalized on numerous

occasions, first in a hospital in England and two different extended stays in hospitals in France, and was awarded three separate Purple Heart Medals for his wounds; and

Whereas, Sergeant Denver E. Short also received the first Oak Leaf Cluster to his first Purple Heart Medal, a second Oak Leaf Cluster to his second Purple Heart Medal and two Distinguished Unit Badges; and

Whereas, Sergeant Denver E. Short passed away on August 26, 2001, and was a proud veteran, great father and husband, a quiet, humble man, a devout Christian and a true American hero; and

Whereas, Naming the portion of State Route 10 from milepost 9.10 (37.744779, -81.890197) to milepost 13.60 (37.767490, -81.921406) in Logan County, the “U. S. Army SGT Denver E. Short Memorial Road”, is an appropriate recognition of his service and sacrifices for his country as a part of The Greatest Generation and service to his state, community and Logan County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the portion of State Route 10 from milepost 9.10 (37.744779, -81.890197) to milepost 13.60 (37.767490, -81.921406) in Logan County, the “U. S. Army SGT Denver E. Short Memorial Road”; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the road as the “U. S. Army SGT Denver E. Short Memorial Road”; and, be it

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

Which, under the rules, lies over one day.

Senators Palumbo, Plymale and Beach offered the following resolution:

Senate Concurrent Resolution 33—Requesting the Division of Highways to name bridge number 20-77-90.32 (20A627), (38.25068, -81.57285), locally known as the Marmet Bridge over 85th Street, carrying West Virginia Turnpike I-77 over 85th Street, Marmet, in Kanawha County, as the “U. S. Army Ranger SGT Richard E. Arden Memorial Bridge”.

Whereas, U. S. Army Ranger Sergeant Richard Elton Arden was born on October 26, 1949, in Charleston, to Richard and Imogene Arden of Marmet; and

Whereas, Sergeant Arden grew up in Marmet, as the oldest of eight children, with four brothers and three sisters. He graduated from East Bank High School in 1967. Sergeant Arden went to work for C&P Telephone Company (later Lucent/AT&T), where he started as a janitor, became a cable splicer and then went into management as a Communications Representative. Eventually, Sergeant Arden became a manager of Technical Sales and Engineering for Lucent/AT&T, and was later transferred to Washington, D. C. and Columbus. He retired in 2007 with 35 years of service; and

Whereas, Sergeant Arden was a decorated veteran of the United States Army. He was a Team Leader, Company H Rangers, 75th in Airborne with the 1st Cavalry Division, serving two tours of duty in Vietnam from 1968 to 1970. A true hero, Sergeant Arden received medals of commendation for bravery and heroism, including a Silver Star for Gallantry in Action, two Bronze Stars for Heroism, three Commendations for Heroism and two Purple Hearts; and

Whereas, Sergeant Arden was a devoted and loving husband, father, son, brother, son-in-law, brother-in-law, uncle, cousin and friend survived by his loving wife Janelle (Poling) Arden, whom he described to others as the love of his life, his mother, Imogene C. (Asbury) Arden, currently of Hurricane, with whom he had a special bond and loved dearly. He is also survived by his children and grandchildren whom he loved dearly and was extremely proud of: Brian Arden (Janey Kent) of Cincinnati, Ohio, Tim (Kara) Arden and granddaughter Emma of Charleston, and Paige (John)

Ricci and granddaughter Emma of Charleston, and Paige (John) Ricci and granddaughter Nola of Jacksonville, Florida; and

Whereas, Sergeant Arden gained a second family when he married Janelle, and he loved them dearly as well. His father and mother-in-law Calvin and Marilou Poling, sister-in-law Janene (Poling) Addonizio, her husband Jim and his children, Erica and Christopher. He was also loved by Janelle's aunts, uncles and cousins; and

Whereas, Sergeant Arden was a member of Peace Lutheran Church in Canal Winchester, Ohio. His hobbies were woodworking, golf and spending time with his many friends; and

Whereas, Sergeant Arden passed from this life to the next life on Wednesday, April 20, 2016, in his home, surrounded by his loving wife Janelle, sons Brian and Tim, and other close family members; and

Whereas, It is fitting and proper, to honor the life of Sergeant Arden for his dedicated service to his community, state and country by naming this bridge in his memory; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 20-77-90.32 (20A627), (38.25068, -81.57285), locally known as the Marmet Bridge over 85th Street, carrying West Virginia Turnpike I-77 over 85th Street, Marmet, in Kanawha County, as the "U. S. Army Ranger SGT Richard E. Arden Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army Ranger SGT Richard E. Arden Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways; to his wife Janelle Arden and his mother Imogene C. Arden.

Which, under the rules, lies over one day.

Senators Prezioso, Beach, Facemire, Jeffries, Miller, Palumbo, Plymale, Romano, Stollings, Swope and Unger offered the following resolution:

Senate Concurrent Resolution 34—Requesting the Department of Administration to name the State Office Complex located at 416 Adams Street, Fairmont, West Virginia, the “Joe Manchin, III, Office Building”.

Whereas, Joe Manchin, III, was born in Farmington, Marion County, West Virginia, the son of the late Mary O. Gouzd Manchin and John Manchin, and the grandson of Italian and Czechoslovakian immigrants; and

Whereas, From the earliest age, instilled in Joe Manchin, III, was a work ethic and true understanding of service to God, family and community; and

Whereas, Joe Manchin, III, true to his upbringing and Italian/Czechoslovakian heritage, has dedicated his life to the service of others. Following his graduation from Farmington High School and West Virginia University, he garnered success as a local businessman and entrepreneur, and served with distinction as a member of the West Virginia House of Delegates and West Virginia Senate. He was later elected and served as Secretary of State and Governor of West Virginia, and on November 2, 2010, was elected to, and continues to serve in, the United States Senate as a Senator from the State of West Virginia; and

Whereas, Following the demolition of the State Office Complex at 107-109 Adams Street, under the dedicated leadership of Senator Manchin, a coalition of the City of Fairmont, the Marion County Commission and the Marion Regional Development Corporation acted to provide for and facilitate the development and construction of a replacement State Office Building at 416 Adams Street; and

Whereas, Joe Manchin, III’s life has been, and continues to be, an outstanding example of selfless service and sacrifice to God,

family and community, and it is right and just to honor him by naming the West Virginia State Office Complex located at 416 Adams Street, Fairmont, Marion County, West Virginia the “Joe Manchin, III, Office Building”; therefore, be it

Resolved by the Legislature of West Virginia:

That the Department of Administration is hereby requested to name the State Office Complex located at 416 Adams Street, Fairmont, West Virginia, the “Joe Manchin, III, Office Building”; and, be it

Further Resolved, That the Clerk of the Senate is directed to forward a copy of this resolution to the Secretary of the Department of Administration, the Marion County Commission, the City of Fairmont and the Honorable Senator Joe Manchin, III.

Which, under the rules, lies over one day.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 350, Allowing licensed professional counselors be issued temporary permit.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—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. 350) 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 423, Relating to operation of licensed group homes.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—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. 423) 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 441, Establishing Municipal Home Rule Pilot Program.

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, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—30.

The nays were: Facemire, Miller and Romano—3.

Absent: Takubo—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. 441) 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 481, Eliminating requirement municipal courts wait 90 days before notifying DMV of person's failure to appear or pay assessed costs.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—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. 481) 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 490, Clarifying standard of liability for officers of corporation.

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, Facemire, Ferns, Gaunch, Hall,

Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 490) 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 491, Relating to county litter control officers.

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 491 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, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 491) 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 492, Eliminating requirement every circuit court participate in drug court program.

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

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 492 pass?”

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Ferns, Gaunch, Hall, Karnes, Mann, Maynard, Palumbo, Plymale, Prezioso, Rucker, Smith, Swope, Trump, Woelfel and Carmichael (Mr. President)—20.

The nays were: Clements, Cline, Facemire, Jeffries, Maroney, Miller, Mullins, Ojeda, Romano, Stollings, Sypolt, Unger and Weld—13.

Absent: Takubo—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. 492) 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 496, Relating generally to guaranteed asset protection waivers.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—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. 496) 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 505, Providing five-year reclamation period following completion of well pads for horizontal wells.

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 505 pass?”

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Mullins, Ojeda, Palumbo, Plymale, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—30.

The nays were: Beach, Miller and Prezioso—3.

Absent: Takubo—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. 505) 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 2099, Defining the act of leaving the scene of a crash involving death or serious bodily injury as a felony; Erin's Law.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—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. 2099) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2099—A Bill to amend and reenact §17C-4-1 of the Code of West Virginia, 1931, as amended, relating to crashes involving death or personal injuries generally; defining terms; clarifying when a driver may leave the scene of a crash for the purpose of rendering assistance to an injured person in the crash; clarifying essential elements of the crimes of leaving the scene of a crash that causes bodily injury, serious bodily injury or death; creating a felony crime of leaving the scene of a crash that causes another person serious bodily injury and providing criminal penalties; clarifying knowledge requirement; and clarifying that the offense of leaving the scene of a crash that causes death requires death to occur within one year of the crash.

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 2301, Relating to direct primary care.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—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. 2301) passed.

The following amendment to the title of the bill, from the Committee on Health and Human Resources, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2301—A Bill to repeal §16-2J-1, §16-2J-2, §16-2J-3, §16-2J-4, §16-2J-5, §16-2J-6, §16-2J-7, §16-2J-8 and §16-2J-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §30-3F-1, §30-3F-2, §30-3F-3, §30-3F-4 and §30-3F-5, all relating to direct primary care; defining terms; permitting individuals to enter into agreements, for direct primary care with an individual or other legal entity authorized to provide primary care services, outside of an insurance plan or outside of the Medicaid or Medicare program and pay for the care outside of insurance plans and the Medicaid or Medicare program; providing that insurance benefits are not forfeited by certain purchases; providing that certain products are not the offer of insurance; providing that direct primary care membership agreement is not considered insurance; prohibiting direct primary care providers from billing third-party payers for services or products under the

direct primary care membership agreement; providing that a direct primary care provider is not required to obtain certain credentials; prohibiting the billing of third-party providers for direct primary care services; stating certain requirements for direct primary care membership agreement; providing rule-making authority by the West Virginia Board of Medicine, the West Virginia Board of Osteopathic Medicine, the West Virginia Board of Dentistry, the West Virginia Board of Chiropractic and the West Virginia Board of Examiners for Registered Professional Nurses to effectuate the provisions of this new article; and authorizing civil penalties in the form of sanctions by the respective boards for violations that constitute unprofessional conduct.

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 2347, Allowing schools licensed to provide barber, cosmetology and related training to hold theory classes and clinical classes at different locations.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—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. 2347) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. House Bill 2431, Allowing influenza immunizations to be offered to patients and residents of specified facilities.

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: Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: Azinger—1.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2431) passed.

The following amendment to the title of the bill, from the Committee on Health and Human Resources, was reported by the Clerk and adopted:

Eng. House Bill 2431—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-3-4a, relating to offering influenza immunizations to patients upon discharge from licensed hospitals; providing that the immunizations are voluntary; and providing for exceptions based upon availability and in cases where immunizations are contraindicated.

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 212, Relating generally to procedures for drivers' license suspensions and revocations.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Trump, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page eighteen, section four, line eighty-eight, after “(3)” by inserting the words “of this subsection”;

On page nineteen, section seven, line four, by striking out the word “contained” and inserting in lieu thereof the words “set forth”;

On page twenty-seven, section one-a, line thirty-two, by striking out the words “section two of this article” and inserting in lieu thereof the words “said section”;

And,

On page thirty-one, section one-c, line thirty-three, after the word “person” by inserting the words “whose license is”.

The bill (Com. Sub. for S. B. 212), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 299, Supplementing, amending, decreasing and increasing items of appropriations from State Road Fund to DOH.

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 300, Supplemental appropriation from unappropriated balance in Treasury to Division of Personnel.

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 301, Supplemental appropriation of federal funds from Treasury to State Board of Education, School Lunch Program.

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 305, Supplemental appropriation of public moneys from Treasury to Fire Commission.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill 344, Relating to application of payments on consumer credit sale and loans.

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 531, Relating to renewal date for apiary certificates of registration.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Senate Bill 25, Creating farm-to-food bank tax credit.

Senate Bill 28, Creating new system for certain contiguous counties to establish regional recreation authorities.

Senate Bill 256, Relating to prohibiting aiding and abetting of sexual abuse by school personnel.

Senate Bill 326, Requiring Department of Defense family advocacy groups be notified about abuse or neglect of military member's child.

Senate Bill 364, Incorporating changes to Streamlined Sales and Use Tax Agreement.

Com. Sub. for Senate Bill 440, Relating to use of Regional Jail and Correctional Facility Authority funds.

Com. Sub. for Senate Bill 455, Relating generally to commitment of persons to custody of Commissioner of Corrections.

Eng. Com. Sub. for House Bill 2167, Creating a Silver Alert program for senior citizens.

Eng. Com. Sub. for House Bill 2542, Relating to public higher education personnel.

Eng. House Bill 2590, Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act.

And,

Eng. House Bill 2594, Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Woelfel.

Thereafter, at the request of Senator Plymale, and by unanimous consent, the remarks by Senator Woelfel were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

On motion of Senator Ferns, a leave of absence for the day was granted Senator Takubo.

At the request of Senator Smith, the name of Senator Smith was removed as a sponsor of **Senate Bill 485** (*Relating to expansion of broadband service*).

At the request of Senator Ojeda, the name of Senator Ojeda was removed as a sponsor of **Senate Bill 524** (*Relating to WV academic standards*).

Pending announcement of meetings of standing and select committees of the Senate, including a minority party caucus,

On motion of Senator Ferns, the Senate adjourned until Monday, March 13, 2017, at 11 a.m.

MONDAY, MARCH 13, 2017

The Senate met at 11 a.m.

(Senator Carmichael, Mr. President, in the Chair.)

Prayer was offered by Seth Polk, Lead Pastor, Cross Lanes Baptist Church, Cross Lanes, 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 Saturday, March 11, 2017,

At the request of Senator Azinger, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the fourth order of business.

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 186 (originating in the Committee on Education), Adjusting date when children become eligible for certain school programs and school attendance requirements.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 186 (originating in the Committee on Finance)—A Bill to amend and reenact §18-5-18 and §18-5-44 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-8-1a of said code, all relating to adjusting the date upon which children become eligible for certain school programs and school attendance requirements; changing the kindergarten age attainment requirement from age five prior to September 1 to age five prior to July 1, with the July 1 date to become enforceable with the 2019-2020 school year; changing the early childhood education program age attainment date requirement from age four prior to September 1 to age four prior to July 1, with the July 1 date becoming enforceable with the 2018-2019 school year; and changing the age for which compulsory attendance begins to those who attain age six by July 1 of each year, with the July 1 date becoming enforceable with the 2019-2020 school year.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Mike Hall,
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 192, Exempting licensed surveyors from liability for defamation or slander of title when performing professional duties.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 192 (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 §37-12-3, relating generally to licensed surveyors; and providing that licensed surveyors may not be held liable for defamation or slander of title while performing their professional duties, except in cases of professional negligence, incompetence, malicious intent, fraud or deceit.

And,

Senate Bill 575, Limiting nuisance actions against shooting ranges for noise.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 575 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-6-23 of the Code of West Virginia, 1931, as amended, relating generally to shooting ranges; limiting applicability of municipal and county noise ordinances for shooting ranges to those ordinances in effect at the time construction of a shooting range is begun or operation of a shooting range is begun, whichever is earlier in time; declaring that shooting ranges taken by eminent domain which reopen within two years of the final order of condemnation in the same municipality or county are subject to the noise control standards in effect at the time construction or operation of the condemned shooting range began, whichever occurred earlier in time; and declaring legislative intent that amendments to the section enacted during the 2017 regular session are retroactive.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Maynard, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 308, Clarifying administrative and law-enforcement activities of DNR police officers are related to conservation and management of state's fish and wildlife.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 308 (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-7-1 of the Code of West Virginia, 1931, as amended, relating to natural resources police officers; finding the administrative and law-enforcement activities of the natural resources police officers are important to the state's conservation, fish and wildlife; and clarifying that subsistence allowance is pensionable.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill (Com. Sub. for S. B. 308), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 381, Relating to Parkways Authority maintaining status quo.

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,

Gregory L. Boso,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

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 413, Relating to bids on government construction contracts.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 413 (originating in the Committee on Government Organization)—A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended, relating to the solicitation for bids for government construction contracts; submitting bids on government construction contracts; defining the term “alternates”; limiting the number of alternates that may be included on any solicitation of bids for government construction contracts; establishing procedures for acceptance of alternate bids and determination of the lowest qualified responsible bidder; and providing procedures for the required submission of a list of subcontractors who will perform more than \$25,000 of work on certain projects.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
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 461, Exempting WV State Police from state purchasing requirements.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 461 (originating in the Committee on Government Organization)—A Bill to amend and reenact §5A-3-1 and §5A-3-3 of the Code of West Virginia, 1931, as amended, all relating to exempting the West Virginia State Police from state purchasing requirements; and requiring the West Virginia State Police report to the Joint Committee on Government Organization on the effects of exempting said agency from state purchasing requirements.

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. 461), under the original double committee reference, was then referred to the Committee on Finance.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 471, Relating to state ownership of wildlife.

And,

Com. Sub. for Senate Bill 474, Exempting names of licensed hunters from public disclosure.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Charles S. Trump IV,
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 479, Relating to Sunday sales of liquor by retail licensees.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 479 (originating in the Committee on Government Organization)—A Bill to amend and reenact §60-3-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-3A-17, §60-3A-18 and §60-3A-25 of said code, all relating to the regulation of liquor sales; providing for the days on which state stores and agencies may be open; eliminating the prohibition on the sale of liquor by retail licensees on any Sundays; providing for when retail licensees may not sell liquor on Sundays and other days; and providing that the wholesale markup on all liquor, other than wine, shall be a maximum of twenty-eight percent.

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. 479), under the original double committee reference, was then referred to the Committee on Finance.

Senator Maynard, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 493, Providing increase in compensation for conservation officers.

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 Finance.

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance, with an amendment from the Committee on Natural Resources pending.

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 495, Relating to regulation of events by State Athletic Commission.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Mann, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 524, Relating to WV academic standards.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Kenny Mann,
Chair.

Senator Maynard, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 536, Authorizing tracking of wounded or injured bear or deer.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Mark R. Maynard,
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 Senator Sypolt:

Senate Bill 586—A Bill to amend and reenact §19-2B-4 of the Code of West Virginia, 1931, as amended, relating to changing the annual fees for custom slaughters, custom processors or distributors to triennial fees; and adjusting the fees accordingly.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on Finance.

By Senator Azinger:

Senate Bill 587—A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to dangerous weapons; license to carry deadly weapons; and exempting honorably discharged veterans of the armed forces of the United States from payment of fees and costs required to get a license to carry deadly weapons.

Referred to the Committee on the Judiciary.

By Senator Sypolt:

Senate Bill 588—A Bill to amend and reenact §11-1C-2, §11-1C-4 and §11-1C-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §59-1-10 of said code, all relating to the reproduction, distribution and sale of tax maps; defining terms; specifying powers of the Property Valuation Training and Procedures Commission to promulgate rules; specifying duties of county assessors; requiring that sale, reproduction and distribution of certain records be in accordance with specified legislative rules; and specifying certain fees.

Referred to the Committee on Government Organization.

By Senators Maynard and Cline:

Senate Bill 589—A Bill to amend and reenact §20-1-7 of the Code of West Virginia, 1931, as amended, relating to requiring the

Director of the Division of Natural Resources to study the feasibility of using a nonemployee workforce to perform improvements in state parks and forests.

Referred to the Committee on Natural Resources.

By Senators Maynard and Cline:

Senate Bill 590—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-2-24, relating to requiring the Commissioner of the Division of Motor Vehicles to create a special registration plate for full-size special purpose off-road vehicles, self-assembled or modified original equipment manufactured vehicles, that would give the vehicles the same limited access to roads as all-terrain vehicles.

Referred to the Committee on Transportation and Infrastructure.

By Senators Maynard and Cline:

Senate Bill 591—A Bill to amend and reenact §24-6-12 of the Code of West Virginia, 1931, as amended, relating to requiring emergency service organizations to create districts whereby towing services within a district may be dispatched or implement a policy whereby all available towing services within an area currently served by an organization are dispatched on a rotating basis; continuing the Public Service Commission's jurisdiction over the towing service providers themselves; and defining a term.

Referred to the Committee on Government Organization.

By Senators Palumbo, Jeffries, Stollings, Takubo, Trump, Plymale, Prezioso, Unger, Woelfel and Cline:

Senate Bill 592—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §1-2-2a, relating to creating an independent redistricting commission; designating duties of the commission; providing that members are nominated by State Election Commission; setting forth required traits and restrictions of members; providing for how commission members are appointed; setting forth a process for determining the chair of the commission; providing for the filling of vacancies of

commission; requiring members to conduct an organizational meeting and select a vice chairperson; providing for the removal of a member for cause; providing for the filling of vacancies that may occur on commission; setting forth certain requirements of the commission; providing that three members constitute a quorum; providing that members are ineligible for public office or registration as paid lobbyist for three years after completing their last term on commission; requiring that commission plan and propose congressional and legislative districts; providing specific criteria that commission must observe in proposing district mappings; requiring commission to advertise a proposed draft map of districts to the public; permitting legislators to make inquiry of commission members regarding their methodology and proposed redistrict mapping; requiring that commission publish its proposals for district boundaries; requiring the commission to recommend redistricting plans to the Legislature; authorizing a vote on the plans in an extraordinary session called by the Governor; requiring the full Legislature to vote on the first proposal plan ratification without amendment; setting forth a process for subsequent proposed plans, amendment restrictions and vote requirements; authorizing the West Virginia Supreme Court of Appeals to make the final determination between three plans proposed by the independent redistricting commission if the Legislature and Governor cannot agree; requiring that the commission certify to Secretary of State that its proposals for district boundaries is in accordance with constitutional and legal requirements; providing for reimbursement of expenses and per diem allowances for commission members; authorizing the commission to contract for staffing and consultants; prohibiting certain persons from influencing or attempting to influence district mapping proposals of the commission; and providing for the expiration of commission appointments.

Referred to the Committee on the Judiciary.

By Senator Hall:

Senate Bill 593—A Bill to amend and reenact §11-21-74 of the Code of West Virginia, 1931, as amended, relating generally to employer withholding of taxes; changing due date for employers to

file annual reconciliation and withholding statements with Tax Commissioner to January 31; requiring certain employers to file W-2 information electronically with the Tax Commissioner; and deleting obsolete language.

Referred to the Committee on Finance.

By Senator Hall:

Senate Bill 594—A Bill to amend and reenact §11-11-17a of the Code of West Virginia, 1931, as amended, relating to eliminating tax lien waiver requirement for estates of nonresidents.

Referred to the Committee on Finance.

By Senator Hall:

Senate Bill 595—A Bill to amend and reenact §11-4-2 of the Code of West Virginia, 1931, as amended, relating to authorizing county assessors to make separate entries in their landbooks when real property is partly used for exempt, and partly for nonexempt, purposes.

Referred to the Committee on Finance.

By Senator Azinger:

Senate Bill 596—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-31A-1, §30-31A-2, §30-31A-3 and §30-31A-4, all relating to creating the West Virginia Counseling Protection Act; prohibiting state agencies and political subdivisions from denying or restricting mental health providers from providing counseling, or any patient from receiving counseling, intended to aid patients in self-determined objectives; providing for judicial relief; providing for attorney fees and costs; providing a purpose; making findings; and defining terms.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

Senators Cline and Beach offered the following resolution:

Senate Concurrent Resolution 35—Urging the United States Congress to reassess the federal definition of industrial hemp, allowing the product to contain up to one percent delta-9 tetrahydrocannabinol on a dry weight basis.

Whereas, In 2002 West Virginia adopted the Industrial Hemp Development Act to promote growth of industrial hemp farms and industry in the state; and

Whereas, Industrial hemp farmers and processors encourage Congress to reassess the definition of industrial hemp as referenced in 7 U. S. C. §5940 and increase the farm production values to one percent tetrahydrocannabinol to allow industrial hemp farmers to increase yield potential per acre and profitability for all industrial hemp grown in the state; and

Whereas, A change in the definition not only impacts the crop values for West Virginia farmers producing industrial hemp for nutraceutical extract but also impacts all other aspects of industry development; and

Whereas, Increasing yield potential per acre equates to increased profit potential for West Virginia’s farm families and industrial hemp processors; and

Whereas, A variety of products can be made from industrial hemp through its use of fiber, seed, seed oil or floral extracts. Industrial hemp can be found in products such as paper, fabric, auto parts, animal bedding, body care products and essential oils; and

Whereas, The Industrial Hemp Farming Act of 2015 amended the Controlled Substances Act of 1970 to redefine “industrial hemp” and remove it from the current definition of “marijuana”, thereby allowing hemp to be grown, processed, transported and sold under state and federal laws; and

Whereas, West Virginia can prosper in the cultivation, processing, manufacturing and sale of hemp for food, textiles, building materials and dietary supplement uses; and

Whereas, The federal government defines industrial hemp as “the plant *Cannabis sativa* L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis”; and

Whereas, Industrial hemp has thirty percent more protein per pound than beef, essential amino acids and a source of omega 3s, making it a great replacement for fish oil, useful as a replacement for coconut oil and useful for many health benefits; and

Whereas, The West Virginia Department of Agriculture has been very supportive of the hemp industry; and

Whereas, West Virginia agriculture will play a large role in the state’s future, ranking 11th in the United States in apple production, 16th in the United States turkey production and 18th in the United States chicken meat production; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby urges the United States Congress to reassess the federal definition of industrial hemp, allowing the product to contain up to one percent delta-9 tetrahydrocannabinol on a dry weight basis; and, be it

Further Resolved, That the West Virginia Senate urges the United States Congress to consider revising the current definition of industrial hemp found in 7 U. S. C §5940, increasing the tetrahydrocannabinol threshold of dry weight flower concentration from three tenths of one percent to one percent; and, it be

Further Resolved, That the West Virginia Senate is hereby urged to promote the increased production of industrial hemp to promote agricultural growth within the state; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to each member of West Virginia’s delegation to the United States Congress.

Which, under the rules, lies over one day.

Senators Maynard, Cline and Beach offered the following resolution:

Senate Concurrent Resolution 36—Requesting that the Joint Committee on Government and Finance study potential alternatives to current methods of recycling collection for municipalities.

Whereas, Segregation and consolidation of recycling products for resale, such as paper, plastic, aluminum and metal, is a profitable enterprise engaged in by both public and private entities, including federal prisons; and

Whereas, Municipalities potentially stand to profit from such segregation and consolidation efforts by adopting alternative methods for collecting recyclables, such as designating specific weeks for the collection of particular recycling products; and

Whereas, Alternative recycling collection methods could generate profits for municipalities that could be used to reduce or eliminate trash collection fees, facilitate infrastructure projects and/or bolster municipal budgets; and

Whereas, The Joint Committee on Government and Finance shall assist in this study; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study potential alternatives to current methods of recycling collection for municipalities; and, be it

Further Resolved, That the Joint Committee on Government and Finance should study the feasibility and efficacy of adopting alternative recycling collection methods to facilitate the bulk sale of recycling products; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2018, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Which, under the rules, lies over one day.

Senator Cline offered the following resolution:

Senate Concurrent Resolution 37—Expressing support of the West Virginia Legislature urging the Department of Transportation and the Division of Highways to use existing electronic signage on highways to display appropriate highway safety messages.

Whereas, Electronic signs are used on several highways within the state to display information relating to road and traffic conditions; and

Whereas, Existing electronic highway signs present an opportunity to convey safety messages to state drivers; and

Whereas, Existing electronic highway signs can be used to remind drivers of state laws such as that requiring use of lighted headlights when driving between sunset and sunrise, or in fog, smoke, rain or other unfavorable driving conditions; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby expresses its support in urging the Department of Transportation and the Division of Highways to use existing electronic highway signs to display appropriate highway safety messages; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of the West Virginia Department of Transportation and the Commissioner of the West Virginia Division of Highways.

Which, under the rules, lies over one day.

At the request of Senator Ferns, and by unanimous consent, the Senate returned to the fourth order of business.

Senator Mann, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Concurrent Resolution 38 (originating in the Committee on Education)—Requesting the Joint Committee on Government and Finance study options for establishing a four-year social worker pilot program in which a minimum of one social worker would be provided to at least one prekindergarten through elementary school in each county.

Whereas, Factors outside of the education system can have significant impact on the performance of students in school; and

Whereas, Some of these factors include abuse and neglect, poor nutrition and health care, behavior problems, homelessness, lack of parent involvement and substance abuse; and

Whereas, A trained social worker would unburden teachers and support staff so they could focus on performing their educational responsibilities; and

Whereas, The social worker could work with the guidance counselor, with the child at the school and could conduct home visits as necessary to address parental issues, provide parenting education, address social and emotional issues, address physical and mental health issues and link the family to necessary community resources; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study options for establishing a four-year social worker pilot program in which a minimum of one social worker would be provided to at least one prekindergarten through elementary school in each county; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2018, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Kenny Mann,
Chair.

On motion of Senator Ferns, the resolution (S. C. R. 38) contained in the foregoing report from the Committee on Education was then referred to the Committee on Rules.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 32, 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 33, US Army Ranger SGT Richard E. Arden 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 34, Joe Manchin, III Office Building.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Government Organization.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 212, Relating generally to procedures for drivers' license suspensions and revocations.

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 212 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, Mullins, Palumbo, Plymale, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld and Carmichael (Mr. President)—27.

The nays were: Maynard, Miller, Ojeda, Prezioso, Romano, Unger and Woelfel—7.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 212) passed.

On motion of Senator Trump, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for Senate Bill 212—A Bill to amend and reenact §17C-5-2, §17C-5-2b, §17C-5-4, §17C-5-7 and §17C-5-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §17C-5A-1, §17C-5A-1a and §17C-5A-3 of said code; to amend said code by adding thereto two new sections, designated §17C-5A-1b and §17C-5A-1c; to amend said code by adding thereto a new section, designated §17C-5C-6; and to amend and

reenact §17C-19-3 of said code, all relating generally to the procedures for drivers' license suspensions and revocations for driving under the influence of alcohol, controlled substances or drugs; transferring authority for hearing matters related to suspensions or revocations of drivers' license for operating a motor vehicle while under the influence of alcohol, controlled substances or drugs from the Office of Administrative Hearings to courts; establishing mandatory revocation periods for individuals convicted of driving under the influence; authorizing alternate revocation period involving participation in Motor Vehicle Alcohol Test and Lock Program for certain first offenses; establishing mandatory revocation periods for individuals upon subsequent convictions for driving under the influence; directing Commissioner of Division of Motor Vehicles to revoke driver's license upon conviction for driving under the influence; requiring individuals whose driver's licenses have been revoked upon conviction for driving under the influence to complete comprehensive safety and treatment program before driver's license can be reinstated; prohibiting persons convicted of certain felonies from participating in Motor Vehicle Alcohol Test and Lock Program; permitting persons convicted of certain misdemeanors to participate in Motor Vehicle Alcohol Test and Lock Program; requiring driver consent to require participation in Motor Vehicle Alcohol Test and Lock Program; requiring any period of revocation imposed pursuant to a conviction begin once any period of incarceration has been served; making individuals who are found guilty of driving under the influence ineligible for deferral of further proceedings upon condition of participation in Motor Vehicle Alcohol Test and Lock Program; requiring deferral program to be completed within one year; prohibiting secondary test of blood without issuance of warrant signed by a magistrate or circuit judge; authorizing secondary test of blood with written consent; requiring that individual arrested for driving under the influence be advised verbally of certain consequences for refusal to submit to secondary chemical test; requiring that individual arrested for driving under the influence be given written statement informing the individual of legal consequences of taking or refusing to submit to secondary chemical test and informing the individual of right to receive secondary blood test; requiring

arresting officer to wait fifteen minutes before refusal considered final; requiring that, following an individual's refusal to submit to secondary chemical test, an arresting officer execute a signed statement that the officer administered all required warnings; directing officer to submit copy of written statement to Commissioner of Division of Motor Vehicles and court having jurisdiction over charges filed against the individual; eliminating all statutory provisions authorizing or requiring the Commissioner of the Division of Motor Vehicles to take administrative action upon an individual's driver's license on the basis of a driving under the influence arrest absent direction from court; directing Bureau for Public Health to prepare report for Joint Committee on Government and Finance related to minimum levels of drugs and controlled substances to be admitted as prima facie evidence of driving under the influence and minimum levels that laboratories can reliably identify and measure in blood; limiting administrative jurisdiction of Division of Motor Vehicles and Office of Administrative Hearings to offenses occurring on or before June 30, 2017; providing that administrative hearings relating to refusal to undergo a secondary chemical test does not apply to offenses occurring on or after July 1, 2017; eliminating requirement for an order entered by the Division of Motor Vehicles revoking a driver's license to advise individual of procedures for requesting administrative hearing when the offense is driving under the influence; limiting the right of individuals to challenge suspension or revocation of driver's licenses to the issue of mistaken identity; requiring the commissioner to take corrective action if a driver's license is incorrectly suspended or revoked based on mistaken identity; providing that plea of no contest constitutes a conviction; requiring pretrial suspension of driver's license if individual refuses to submit to secondary chemical test; permitting pretrial suspension of driver's license by court under certain circumstances; establishing right to request and receive hearing of suspension orders pending criminal proceedings in court where case is pending; setting time limits for defendant to request hearing and for hearing to be held; requiring the clerk of a court to transmit a copy of an order suspending or revoking a driver's license and any surrendered license to the Division of Motor Vehicles; providing terms and length of pretrial license suspension; giving

persons convicted of driving under the influence credit for pretrial suspension time against period of revocation imposed; authorizing court to modify pretrial suspension of driver's license; providing that any period of modified pretrial driver's license suspension is not credited against future period of revocation imposed; establishing the scope of review for judicial review of pretrial driver's license suspension for refusal to submit to secondary chemical test; directing clerk of court to forward orders on refusal hearings to Division of Motor Vehicles; providing that finding of driver refusal is final if no hearing requested; prescribing periods of revocation for Commissioner of Division of Motor Vehicles to impose upon receipt of court order on refusal; directing copy of revocation order to be sent to person by certified mail; specifying contents of order; providing that revocation for refusal run concurrently with other revocation imposed as a result of same incident that led to refusal; making persons convicted of driving under the influence eligible for participation in comprehensive safety and treatment program and related reductions in length of revocation for successful completion thereof; establishing procedures and timeline for the Office of Administrative Hearings to transfer jurisdiction of certain driver's license suspension and revocation matters to the courts; establishing timeline for Office of Administrative Hearings to transfer jurisdiction of certain driver's license suspension and revocation matters to Division of Motor Vehicles; directing arresting officer to request, and driver to surrender, driver's license upon arrest for driving under the influence; eliminating obsolete language; and making technical corrections.

Senator Ferns moved that the bill take effect July 1, 2017.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Mullins, Palumbo, Plymale, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld and Carmichael (Mr. President)—27.

The nays were: Maynard, Miller, Ojeda, Prezioso, Romano, Unger and Woelfel—7.

Absent: None.

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. 212) takes effect July 1, 2017.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Thereafter, at the request of Senator Blair, and by unanimous consent, the remarks by Senators Trump and Miller regarding the passage of Engrossed Committee Substitute for Senate Bill 212 were ordered printed in the Appendix to the Journal.

Eng. Com. Sub. for Senate Bill 299, Supplementing, amending, decreasing and increasing items of appropriations from State Road Fund to DOH.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 299) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings,

Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, 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. 299) takes effect from passage.

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 300, Supplemental appropriation from unappropriated balance in Treasury to Division of Personnel.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 300) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings,

Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, 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. 300) takes effect from passage.

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 301, Supplemental appropriation of federal funds from Treasury to State Board of Education, School Lunch Program.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 301) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings,

Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, 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. 301) takes effect from passage.

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 305, Supplemental appropriation of public moneys from Treasury to Fire Commission.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 305) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings,

Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, 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. 305) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Com. Sub. for Senate Bill 344, Relating to application of payments on consumer credit sale and loans.

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, Karnes, Mann, Maroney, Maynard, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld, Woelfel and Carmichael (Mr. President)—28.

The nays were: Facemire, Jeffries, Miller, Romano, Rucker and Unger—6.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 344) 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.

Senate Bill 25, Creating farm-to-food bank tax credit.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 28, Creating new system for certain contiguous counties to establish regional recreation authorities.

On second reading, coming up in regular order, was read a second time.

The following amendments to the bill, from the Committee on Natural Resources, were reported by the Clerk and considered simultaneously:

On page four, section one, line three, by striking out the word “three” and inserting in lieu thereof the word “two”;

On page five, section two, line twenty-two, by striking out the word “three” and inserting in lieu thereof the word “two”;

On page six, section two, line thirty-six, by striking out the word “three” and inserting in lieu thereof the word “two”;

And,

On page six, section three, line one, by striking out the word “three” and inserting in lieu thereof the word “two”.

Following discussion,

The question being on the adoption of the Natural Resources committee amendments to the bill (S. B. 28), the same was put.

The result of the voice vote being inconclusive, Senator Stollings demanded a division of the vote.

A standing vote being taken, there were twenty-one “yeas” and thirteen “nays”.

Whereupon, Senator Carmichael (Mr. President) declared the Natural Resources committee amendments to the bill adopted.

On motion of Senator Stollings, the following amendment to the bill (S. B. 28) was next reported by the Clerk:

On page six, section three, line five, after the word “landowners” by changing the period to a colon and inserting the following proviso: *Provided, That no more than two such regional recreation authorities may be created under the provisions of this article unless approved by concurrent resolution of the Legislature.*

Following discussion,

At the request of Senator Plymale, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the amendment offered by Senator Stollings pending.

Senate Bill 256, Relating to prohibiting aiding and abetting of sexual abuse by school personnel.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 326, Requiring Department of Defense family advocacy groups be notified about abuse or neglect of military member’s child.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 364, Incorporating changes to Streamlined Sales and Use Tax Agreement.

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 440, Relating to use of Regional Jail and Correctional Facility Authority funds.

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 455, Relating generally to commitment of persons to custody of Commissioner of Corrections.

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 531, Relating to renewal date for apiary certificates of registration.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 2167, Creating a Silver Alert program for senior citizens.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That §15-3B-2, §15-3B-3, §15-3B-4, §15-3B-5 and §15-3B-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 3B. SILVER ALERT PLAN.

§15-3B-2. Findings and declarations relative to “Silver Alert Plan”.

(a) The Legislature finds that:

(1) Public alerts can be one of the most effective tools in locating missing cognitively impaired persons or senior citizens;

(2) Law-enforcement officers and other professionals specializing in the field of missing persons agree that the most critical moments in the search for a missing ~~cognitively impaired~~ person are the first few hours immediately following the discovery that the individual is missing, asserting that if he or she is not found within twenty-four hours, it is unlikely that he or she will be found alive or without serious injury. The rapid dissemination of information, including a description of the missing cognitively impaired person or senior citizen, details of how he or she became missing, and of any vehicle involved, to the citizens of the affected community and region is, therefore, critical;

(3) Alerted to the situation, the citizenry become an extensive network of eyes and ears serving to assist law enforcement in quickly locating and safely recovering ~~the a~~ missing cognitively impaired person or senior citizen;

(4) The most effective method of immediately notifying the public of a missing cognitively impaired person or senior citizen is through the broadcast media; and

(5) All forms of developing technologies are required to assist law enforcement in rapidly responding to these alerts and are an additional tool for assuring the well being and safety of our cognitively impaired citizenry. Thus, the use of traffic video recording and monitoring devices for the purpose of surveillance of a suspect vehicle adds yet another set of eyes to assist law enforcement and aid in the safe recovery of the cognitively impaired person or senior citizen.

(b) The Legislature declares that given the successes other states and regions have experienced in using broadcast media alerts to quickly locate and safely recover missing ~~cognitively impaired~~ persons, and, with the recent development of highway video recording and monitoring systems, it is altogether fitting and proper, and within the public interest, to establish these programs for West Virginia.

§15-3B-3. Establishment of “Silver Alert” program.

(a) The Secretary of the Department of Military Affairs and Public Safety shall establish a “Silver Alert” ~~;~~—a program authorizing the broadcast media, upon notice from the State Police, to broadcast an alert to inform the public of a missing cognitively impaired person or a missing senior citizen, subject to the criteria established in section four of this article. The program shall be a voluntary, cooperative effort between state law-enforcement and the broadcast media.

(b) ~~For the purposes of~~ As used in this article, ~~the term:~~

(1) “Cognitively impaired” means a person having a deficiency in his or her short-term or long-term memory, orientation as to person, place, and time, deductive or abstract reasoning, or judgment as it relates to safety: *Provided*, That the cognitive impairment is not caused by the use of alcohol or drugs not legally prescribed by a physician; and

(2) “Senior citizen” means a person over sixty-five years of age.

(c) The secretary shall notify the broadcast media serving the State of West Virginia of the establishment of “Silver Alert” program and invite their voluntary participation.

(d) The secretary shall submit a plan to the Joint Committee on Government and Finance no later than December 1, 2009. The plan shall include “Silver Alert” activation protocols, evaluation of first responder training requirements and needs as related to cognitively impaired persons and senior citizens, coordination and utilization of established programs and analysis of any costs. The secretary shall also make recommendations for any additional legislation or actions necessary to further facilitate the implementation of the “Silver Alert” program.

§15-3B-4. Activation of Silver Alert.

The following criteria shall be met before the State Police activate the Silver Alert:

(1) ~~A~~ The person is believed to be cognitively impaired or is a senior citizen;

(2) The person is believed to be missing, regardless of circumstance;

(3) A person who has knowledge that the ~~cognitively impaired~~ person is missing has submitted a missing person's report to the State Police or other appropriate law-enforcement agency;

(4) The missing person may be in danger of death or serious bodily injury;

(5) The missing person is domiciled or believed to be located in the State of West Virginia;

(6) The missing person is, or is believed to be, at a location that cannot be determined by an individual familiar with the missing person, and the missing person is incapable of returning to the missing person's residence without assistance; and

(7) There is sufficient information available to indicate that a Silver Alert would assist in locating the missing person.

§15-3B-5. Notice to participating media; broadcast of alert.

(a) To participate, the media may agree, upon notice from the State Police via email or facsimile, to transmit information to the public about a missing cognitively impaired person or senior citizen that has occurred within their broadcast service region.

(b) The alerts shall include a description of the missing cognitively impaired person or senior citizen, such details of the circumstance surrounding him or her becoming missing, as may be known, and such other information as the State Police may deem pertinent and appropriate. The State Police shall in a timely manner update the broadcast media with new information when appropriate concerning the missing cognitively impaired person or senior citizen.

(c) The alerts also shall provide information concerning how those members of the public who have information relating to the missing cognitively impaired person or senior citizen may contact the State Police or other appropriate law-enforcement agency.

(d) Concurrent with the notice provided to the broadcast media, the State Police shall also notify the Department of Transportation, the Division of Highways and the West Virginia Turnpike Commission of the “Silver Alert” so that the department and the affected authorities may, if possible, through the use of their variable message signs, inform the motoring public that a “Silver Alert” is in progress and may provide information relating to the missing cognitively impaired person or senior citizen and how motorists may report any information they have to the State Police or other appropriate law-enforcement agency.

(e) The alerts shall terminate upon notice from the State Police.

(f) The secretary shall develop and undertake a campaign to inform law-enforcement agencies about the “Silver Alert” program established under this article.

§15-3B-6. Aid to missing cognitively impaired adult or senior citizen; immunity from civil or criminal liability.

No person or entity who in good faith follows and abides by the provisions of this article is liable for any civil or criminal penalty as the result of any act or omission in the furtherance thereof unless it is alleged and proven that the information disclosed was false and disclosed with the knowledge that the information was false.

The bill (Eng. Com. Sub. for H. B. 2167), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 2542, Relating to public higher education personnel.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 2590, Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. House Bill 2594, Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Senate Bill 187, Providing for confidentiality of patients' medical records.

Com. Sub. for Senate Bill 255, Relating to filling vacancies on county commissions and other county offices.

Com. Sub. for Senate Bill 302, Supplemental appropriation of federal funds from Treasury to Division of Human Services.

Com. Sub. for Senate Bill 303, Supplemental appropriation of public moneys from Treasury to DHHR.

Com. Sub. for Senate Bill 306, Supplemental appropriation of federal funds from Treasury to Workforce West Virginia.

Com. Sub. for Senate Bill 454, Providing more efficient collection and submission of state moneys received from court transactions or court services.

Senate Bill 466, Calculating state share of gross profits from limited video lottery revenues at 50 percent.

And,

Com. Sub. for Senate Bill 497, Relating to liability for health care providers who provide services at school athletic events.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Ferns, Beach, Woelfel and Miller.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Stollings, the name of Senator Stollings was removed as a sponsor of **Committee Substitute for Senate Bill 479** (*Relating to regulation of liquor sales*).

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Tuesday, March 14, 2017, at 11 a.m.

TUESDAY, MARCH 14, 2017

The Senate met at 11 a.m.

(Senator Carmichael, Mr. President, in the Chair.)

Prayer was offered by the Reverend Gary Nelson, Cross Lanes United Methodist Church, Cross Lanes, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael J. Maroney, a senator from the second district.

Pending the reading of the Journal of Monday, March 13, 2017,

At the request of Senator Karnes, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

Executive Communications

The Clerk then presented communications from His Excellency, the Governor, advising that on March 13, 2017, he had approved **Enr. Senate Bill 176**, **Enr. Senate Bill 188** and **Enr. Committee Substitute for House Bill 2740**.

The Senate next proceeded to the fourth order of business.

Senator Maynard, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 380, Creating 2-year pilot program to allow all-terrain or recreational vehicles in Cabwaylingo State Forest.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 380 (originating in the Committee on Natural Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-3-3a, relating to Cabwaylingo State Forest; creating a pilot project permitting all-terrain or recreational vehicles on designated roads and trails in Cabwaylingo State Forest; permitting the director to designate roads, trails and campgrounds; permitting the director to establish special season and permit; applying the ATV, UTV and Motorcycle Responsibility Act to the project; and requiring Legislative Auditor to review project and file report.

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,

Mark R. Maynard,
Chair.

The bill (Com. Sub. for S. B. 380), under the original double committee reference, was then referred to the Committee on Government Organization.

Senator Gaunch, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill 434, Relating to WV Insurance Guaranty Association 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,

C. Edward Gaunch,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Hall, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 443, Establishing Adult Drug Court Participation Fund.

And,

Senate Bill 444, Establishing Court Advanced Technology Subscription Fund.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Mike Hall,
Chair.

Senator Gaunch, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill 522, Relating to audit procedures for pharmacy benefits managers.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 522 (originating in the Committee on Banking and Insurance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-51-1, §33-51-2, §33-51-3, §33-51-4, §33-51-5, §33-51-6, §33-51-7 and §33-51-8, all relating to pharmacy audits; defining terms; setting forth procedures and requirements for pharmacy audits; stating applicable review process for final audit report; setting forth limitations concerning applicability of provisions of the article; requiring registration for certain pharmacy benefits managers and auditing entities; imposing registration fee; imposing application requirements; and providing rule-making authority to the Insurance Commissioner.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

C. Edward Gaunch
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

Eng. Com. Sub. for House Bill 2678, Changing the amounts of prejudgment and post-judgment interest to reflect today's economic conditions.

And reports the same back with the recommendation that it do pass.

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 Senator Blair:

Senate Bill 597—A Bill to amend and reenact §5A-3-11 and §5A-3-19 of the Code of West Virginia, 1931, as amended, all relating to the procurement of technical infrastructure.

Referred to the Committee on Government Organization.

By Senators Hall and Cine:

Senate Bill 598—A Bill to amend and reenact §11-1-1 of the Code of West Virginia, 1931, as amended, relating to expanding the authority of the Tax Commissioner to perform background investigations of employees and contractors; and changing obsolete language.

Referred to the Committee on Government Organization.

By Senators Miller, Beach, Jeffries, Karnes, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger and Cline:

Senate Bill 599—A Bill to amend and reenact §49-4-720 and §49-4-722 of the Code of West Virginia, 1931, as amended, all relating to requiring the Division of Juvenile Services to transfer to a correctional facility or regional jail any juvenile in its custody that has been transferred to adult jurisdiction of the circuit court and who reaches his or her eighteenth birthday; requiring transfer of juvenile in adult jurisdiction upon reaching eighteen years of age if he or she has either been convicted or is in a pretrial status; directing the Division of Juvenile Services to notify the circuit court of the age of a juvenile reaching eighteen years of age; authorizing the circuit court to conduct a hearing as to alternative placement; mandating that the position of victim be taken under consideration by the court in considering disposition or alternative placement; prohibiting juveniles that commit an adult offense while under the custody of the Division of Juvenile Services from returning back to the placement in a juvenile facility if the juvenile has attained the age of eighteen years; and requiring the court to conduct a hearing as to placement of a juvenile that has turned eighteen years of age and is remanded back to the custody of the Division of Juvenile Services after completion of an adult sentence.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Gaunch, Palumbo, Stollings and Takubo:

Senate Bill 600—A Bill to amend and reenact §16-29B-28 of the Code of West Virginia, 1931, as amended, relating to expanding the applicability of the provisions of said section to accredited academic hospitals.

Referred to the Committee on Health and Human Resources.

By Senator Gaunch:

Senate Bill 601—A Bill to amend and reenact §46A-4-107 of the Code of West Virginia, 1931, as amended, relating to adjusting limits on consumer loans in West Virginia for which certain finance charges can be imposed.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

By Senator Blair:

Senate Bill 602—A Bill to amend and reenact §47-8-2 and §47-8-3 of the Code of West Virginia, 1931, as amended, all relating to transferring responsibility for registering and indexing of fictitious names used by sole proprietors.

Referred to the Committee on Government Organization.

By Senator Gauch:

Senate Bill 603—A Bill to amend and reenact §11-6C-1, §11-6C-2, §11-6C-3, §11-6C-4 and §11-6C-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-6C-6, all relating to authorizing a method for the collection and remittance of property taxes related to dealers' heavy equipment inventory.

Referred to the Committee on Finance.

By Senators Sypolt, Azinger, Cline and Mullins:

Senate Bill 604—A Bill to amend and reenact §29-22A-10 of the Code of West Virginia, 1931, as amended, relating to terminating the Licensed Racetrack Modernization Fund after existing obligations are paid.

Referred to the Committee on Finance.

Senators Boley, Beach, Plymale and Stollings offered the following resolution:

Senate Resolution 35—Congratulating the Wirt High School wrestling team for winning the 2017 Class A wrestling state championship.

Whereas, The Wirt Tigers wrestling team had an outstanding 2016-2017 season, which ended with the team winning its first state wrestling championship since 1968; and

Whereas, Led by head coach Danny Life, and assistant coaches Matt Dye and Todd Moore, and junior coaches Kaedon Sees and Peyton Dye, the Wirt Tigers wrestling team consists of team members: Hunter Poole, Cole Chevront, Wyatt Powell, Caleb Knopp, Colton Whipkey, Steven McClung, Ian Smith, Hunter Moore, Noah Garrett, Aaron Life, Joe Powell, Brendan Large, Mike Burns, Glenn McFee, Dylan Jenkins and Christian Cain; and

Whereas, The 2016-2017 Wirt Tigers wrestling team will go down in state history as one of the best wrestling teams ever assembled in the state of West Virginia; and

Whereas, The Wirt Tigers wrestling team is a shining example to all West Virginians of what can be accomplished with dedication, commitment and teamwork; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates the Wirt High School wrestling team for winning the 2017 Class A wrestling state championship; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Wirt High School wrestling team.

At the request of Senator Boley, 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 Boley regarding the adoption of Senate Resolution 35 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 Gaunch, Jeffries, Cline, Beach, Plymale, Stollings, Palumbo and Unger offered the following resolution:

Senate Resolution 36—Designating March 14, 2017, as West Virginia State University Day.

Whereas, West Virginia State University was founded as the West Virginia Colored Institute by the West Virginia Legislature 126 years ago on March 17, 1891; and

Whereas, In 1927, under the leadership of President John W. Davis, through the expansion of academic programs and the construction of new buildings, the institution was accredited by the North Central Association and holds the longest continuous accreditation of any public college or university in West Virginia; and

Whereas, In 1929, the institution became known as West Virginia State College and over the following decades, West Virginia State College was recognized as one of the leading public institutions of higher education for African-Americans; and

Whereas, In 1954, the United States Supreme Court gave its historic decision outlawing school segregation and West Virginia State College rapidly transitioned to an integrated institution. The university now serves a predominantly white, nontraditional aged, commuter population; and

Whereas, In 2004, the West Virginia Legislature approved the transition to university status; and

Whereas, West Virginia State University now offers 77 academic program options leading to 23 baccalaureates and five master's degrees; and

Whereas, West Virginia State University is actively working with other state institutions of higher education to create additional pathways for degree-seeking students; and

Whereas, As one of only two land-grant institutions in the state, West Virginia State University's Extension Service serves 38 counties. These services aid approximately 20,000 people throughout the year; and

Whereas, As a regional research institution, West Virginia State University contributes significantly to state economic development efforts in the areas of biotechnology, plant, microbial and animal research; and

Whereas, With every dollar the state invests in West Virginia State University, the university generates nearly \$16 spent in the West Virginia economy, resulting in an estimated economic output of \$254 million per year; and

Whereas, Outstanding West Virginia State University alumni, such as NASA mathematician Katherine Johnson and NBA legend Earl Lloyd, continue to lead the nation, state and countless local communities spurring essential cultural and economic change for the betterment of all; and

Whereas, Since its founding 126 years ago, West Virginia State University has always proven to be a community of students, faculty and staff devoted to helping people find their passion and gain the education needed to launch successful careers; therefore, be it

Resolved by the Senate:

That the Senate hereby designates March 14, 2017, as West Virginia State University Day; and, be it

Further Resolved, That the Senate hereby recognizes West Virginia State University for its tremendous contributions to the State of West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Dr. Anthony L. Jenkins, President of West Virginia State University.

At the request of Senator Gaunch, 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 Gaunch, Unger and Ojeda regarding the adoption of Senate Resolution 36 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 35, Urging Congress reassess federal definition of industrial hemp.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Agriculture and Rural Development.

Senate Concurrent Resolution 36, Requesting study of potential alternatives to current recycling methods for municipalities.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Government Organization.

Senate Concurrent Resolution 37, Urging DOT use existing signage on highways to display appropriate highway safety messages.

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. Senate Bill 25, Creating farm-to-food bank tax credit.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 25) 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 256, Relating to prohibiting aiding and abetting of sexual abuse by school personnel.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 256) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Senate Bill 256—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-22, relating to prohibiting aiding and abetting of sexual abuse by school personnel; prohibiting school personnel, contractors, agents or employees of any state, regional or local education agency from assisting school employees, contractors or agents in obtaining a new job with knowledge, or has probable cause to believe, that the person engaged in sexual misconduct with a minor or student; clarifying that routine transmission of administrative and personnel files is permissible; providing exceptions to prohibition on aiding those individuals from obtaining new jobs; and clarifying the relationship between prohibition and other statutes, regulations or policies.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill 326, Requiring Department of Defense family advocacy groups be notified about abuse or neglect of military member's child.

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 326 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, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 326) 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 364, Incorporating changes to Streamlined Sales and Use Tax Agreement.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 364) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 440, Relating to use of Regional Jail and Correctional Facility Authority funds.

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 440 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, Mullins, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: Ojeda—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 440) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 455, Relating generally to commitment of persons to custody of Commissioner of Corrections.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 455) 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 2167, Creating a Silver Alert program for senior citizens.

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 2167 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, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2167) passed.

The following amendment to the title of the bill, from the Committee on Government Organization, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2167—A Bill to amend and reenact §15-3B-2, §15-3B-3, §15-3B-4, §15-3B-5 and §15-3B-6 of the Code of West Virginia, 1931, as amended, all relating to the Silver Alert Plan; providing for the Silver Alert program to be available for missing senior citizens; defining “senior citizen”; requiring the Silver Alert plan address missing senior citizens; and applying Silver Alert program procedures to missing senior citizens.

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 2542, Relating to public higher education personnel.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for House Bill 2542 pass?”

Senator Beach requested a ruling from the Chair as to whether he should be excused from voting under Senate Rule 43.

The Chair replied that any impact on Senator Beach would be as a member of a class of persons and that he would be required to vote.

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld, Woelfel and Carmichael (Mr. President)—27.

The nays were: Beach, Facemire, Jeffries, Ojeda, Romano, Rucker and Unger—7.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2542) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. House Bill 2590, Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2590) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2590) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. House Bill 2594, Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sybolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2594) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sybolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2594) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

The Senate proceeded to the ninth order of business.

Senate Bill 28, Creating new system for certain contiguous counties to establish regional recreation authorities.

Having been read a second time and amended by the Committee on Natural Resources on yesterday, Monday, March 13, 2017, and now coming up in regular order with the amendment offered by Senator Stollings pending, was reported by the Clerk.

The question now being on the adoption of the amendment offered by Senator Stollings to the bill (*shown in the Senate Journal of yesterday, Monday, March 13, 2017, page 814*).

At the request of Senator Stollings, and by unanimous consent, the amendment offered by Senator Stollings to the bill was withdrawn.

On motions of Senators Stollings and Karnes, the following amendment to the bill (S. B. 28) was reported by the Clerk:

On page six, section three, line five, after the word “landowners” by changing the period to a colon and inserting the following proviso: Provided, That before July 1, 2022, no more than two such regional recreation authorities may be created under the provisions of this article unless approved by concurrent resolution of the Legislature.

Following discussion,

The question being on the adoption of the amendment offered by Senators Stollings and Karnes to the bill, the same was put.

The result of the voice vote being inconclusive, Senator Plymale demanded a division of the vote.

A standing vote being taken, there were seventeen “yeas” and sixteen “nays”.

Whereupon, the President declared the amendment offered by Senators Stollings and Karnes to the bill adopted.

On motion of Senator Stollings, the following amendment to the bill (S. B. 28) was next reported by the Clerk and adopted:

On page eleven, section six, lines sixty and sixty-one, by striking out the words “or with the county sheriffs”.

The bill (S. B. 28), as amended on yesterday, Monday, March 13, 2017, and today, Tuesday, March 14, 2017, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 187, Providing for confidentiality of patients' medical records.

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 255, Relating to filling vacancies on county commissions and other county offices.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 302, Supplemental appropriation of federal funds from Treasury to Division of Human Services.

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 303, Supplemental appropriation of public moneys from Treasury to DHHR.

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 306, Supplemental appropriation of federal funds from Treasury to Workforce West Virginia.

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 454, Providing more efficient collection and submission of state moneys received from court transactions or court services.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 466, Calculating state share of gross profits from limited video lottery revenues at 50 percent.

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 497, Relating to liability for health care providers who provide services at school athletic events.

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 531, Relating to renewal date for apiary certificates of registration.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Sypolt, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Com. Sub. for Senate Bill 186, Adjusting date when children become eligible for certain school programs and school attendance requirements.

Com. Sub. for Senate Bill 192, Relating generally to licensed surveyors.

Com. Sub. for Senate Bill 413, Relating to bids on government construction contracts.

Com. Sub. for Senate Bill 471, Relating to state ownership of wildlife.

Com. Sub. for Senate Bill 474, Exempting names of licensed hunters from public disclosure.

Senate Bill 495, Relating to regulation of events by State Athletic Commission.

Senate Bill 524, Relating to WV academic standards.

Senate Bill 536, Authorizing tracking of wounded or injured bear or deer.

And,

Com. Sub. for Senate Bill 575, Limiting nuisance actions against shooting ranges for noise.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Hall.

The Senate proceeded to the thirteenth order of business.

Following a point of inquiry to the President, with resultant response thereto,

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Wednesday, March 15, 2017, at 11 a.m.

WEDNESDAY, MARCH 15, 2017

The Senate met at 11 a.m.

(Senator Carmichael, Mr. President, in the Chair.)

Prayer was offered by the Reverend Mike Long, Spring Fork Missionary Baptist Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Dave Sypolt, a senator from the fourteenth district.

Pending the reading of the Journal of Tuesday, March 14, 2017,

At the request of Senator Romano, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2007—A Bill to amend and reenact §17-1-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §17-16A-6a, all relating to eliminating the courtesy patrol program and the Courtesy Patrol Fund administered by the Division of Highways; limiting the use of expenditures from the Courtesy Patrol Fund; and prohibiting the Parkways Authority from operating a courtesy patrol program.

Referred to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 2119—A Bill to repeal §33-16G-1, §33-16G-2, §33-16G-3, §33-16G-4, §33-16G-5, §33-16G-6, §33-16G-7, §33-16G-8, and §33-16G-9 of the Code of West Virginia, 1931, as amended; all relating to repealing the West Virginia Health Benefit Exchange Act.

Referred to the Committee on Health and Human Resources.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 2518—A Bill to amend and reenact §30-5-7 of the Code of West Virginia, 1931, as amended; relating to authorizing the Board of Pharmacy to create a legislative rule to permit a pharmacist or pharmacy intern to administer certain immunizations.

Referred to the Committee on Health and Human 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 5—Requesting the Division of Highways to name Bridge Number :46-9-0.03 (46A094) (39.33990, -80.01680), locally known as New Bridge Street Bridge, carrying County Route 9 over Three Fork Creek and CSX Railroad in Grafton, Taylor County, the “U. S. Navy Rear Admiral Frederick Burdett Warder 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 6—Requesting the Division of Highways to name a portion of County Route 3/5, known as Wills Creek Road, in Kanawha County, beginning at latitude 38.472118, longitude -81.399248 and ending at latitude 38.501480, longitude -81.413276, the “U.S. Army SPC 4 Thurman “Duwayne” Young Memorial Road”.

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 13—Requesting Division of Highways to name bridge number 44-36-4.34 (44A078) (38.59133, -81.17825), locally known as the Newton Bridge, carrying WV 36 over Middle Fork of Big Sandy Creek in Newton in Roane County, West Virginia, the “U.S. Army SSG Brian Curtis Rogers 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 36—Requesting the Division of Highways name bridge number 06-35-3.83 (06A086) (38.36457, - 82.37397), locally known as the “Green Valley Bridge,” which, along County Route 35 traverses “Fourpole Creek” in Cabell County, the “U.S. Army PFC John Ira Pinkerman 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

Com. Sub. for House Concurrent Resolution 37—Requesting the Division of Highways to name bridge number 40-60-0.03 (40A142) (38.41962, -82.05132), locally known as Culloden Railroad Overpass, carrying US 60 over CSX Railroad in Putnam County, the “U.S. Army SPC 4 William L. Amos 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 60—Requesting Division of Highways name bridge number SS-25-33-3.93 (39.47318, - 80.05074), carrying County Route 33 over Piney Creek in Marion County, the “William “Bill” R. VanGilder Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the fourth order of business.

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 15, Eliminating sunset on DOH public-private partnerships.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 15 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17-27-9 of the Code of West Virginia, 1931, as amended, relating to extending sunset on Division of Highways public-private partnership agreements; placing a limit on comprehensive agreements; and requiring annual reporting.

And,

Senate Bill 477, Increasing State Road Fund by raising DMV fees and motor fuel excise taxes.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 477 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §11-14C-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-15-18b of said code; to amend and reenact §17A-2-13 of said code; to amend and reenact §17A-3-4 of said code; to amend and reenact §17A-4-1 and §17A-4-10 of said code; to amend and reenact §17A-4A-10 of said code; to amend and reenact §17A-7-2 of said code; to amend and reenact §17A-10-3, §17A-10-10 and §17A-10-11 of said code; to amend said code by adding thereto a new section, designated §17A-10-3c; to amend and reenact §17B-2-1, §17B-2-3a, §17B-2-5, §17B-2-6, §17B-2-8 and §17B-2-11 of said code; to amend and reenact §17C-5A-2a of said code; and to amend and reenact §17D-2-2 of said code, all relating generally to increasing the funding for the State Road Fund by increasing Division of Motor Vehicles administrative fees and motor fuel excise taxes; changing the flat rate component of the motor fuel excise tax from 20.5 cents to 25 cents per invoiced gallon of motor fuel and on each gallon equivalent for alternative fuel; increasing the minimum average wholesale price of motor fuels for purposes of the five percent variable fuel tax as of specified date; deleting superfluous language relating to floorstocks; increasing Division of Motor Vehicles administrative fees, including increasing fees for various documents, records, registrations, certificates, titles, liens, releases, transfers, cards, stickers, decals, licenses and plates; requiring payment of certain fee for each attempt at the written and road skills test; increasing said administrative Division of Motor Vehicles fees every five years on September 1 based on the U. S. Department of Labor, Bureau of Labor Statistics most current Consumer Price Index; imposing annual registration fee for certain alternative fuel vehicles; and specifying effective dates.

With the recommendation that the two committee substitutes do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Gregory L. Boso,
Chair.

The bills (Com. Sub. for S. B. 15 and 477), under the original double committee references, were 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 16, Repealing section related to wind power projects.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 16 (originating in the Committee on Finance)—A Bill to repeal §11-6A-5a of the Code of West Virginia, 1931, as amended, relating to classifying wind power projects as pollution control facilities; and providing a reduced valuation assessment for property tax purposes.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mike Hall,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 308 (originating in the Committee on Natural Resources), Clarifying administrative and law-enforcement activities of DNR police officers are important to conservation and management of state's fish and wildlife.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 308 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §20-7-1 of the Code of West Virginia, 1931, as amended, relating to natural resources police officers; finding that the administrative and law-enforcement activities of the natural resources police officers are important to the state's conservation of fish and wildlife; and clarifying that the subsistence allowance is pensionable.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Blair, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 500, Relating to Medicaid fraud and abuse.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 500 (originating in the Committee on Government Organization)—A Bill to amend and reenact §9-7-1, §9-7-3, §9-7-6 and §9-7-6a of the Code of West Virginia, 1931, as amended, all relating to Medicaid fraud and abuse; the Medicaid Fraud Control Unit; transferring the Medicaid Fraud Control Unit, all powers and duties of the unit and employees of the unit from the Department of Health and Human Resources to the Attorney General effective October 1, 2017; requiring, on or before December 31, 2020, that the Legislative Auditor study and report to the Joint Committee on Government and Finance on the performance of the Medicaid Fraud Control Unit within the Office of the Attorney General compared to the performance of the unit while established within the Department of Health and Human

Resources; requiring the Department of Health and Human Resources cooperate with and provide information to the Attorney General on Medicaid fraud and abuse investigations, prosecutions or civil actions; providing that a civil action related to Medicaid fraud and abuse may be prosecuted and maintained on behalf of the Department of Health and Human Resources by the Attorney General or by an attorney in contract with or employed by the Attorney General; providing that a civil action related to Medicaid fraud and abuse may be prosecuted and maintained by a prosecuting attorney and the prosecuting attorney's assistants or by any attorney contracted with or employed by the Department of Health and Human Resources if the Attorney General declines to prosecute and maintain such action; and exempting the Attorney General and employees or agents from civil liability for certain good faith actions.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Craig Blair,
Chair.

At the request of Senator Trump, as chair of the Committee on the Judiciary, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Government Organization.

Senator 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 554, Relating to false swearing in legislative proceeding.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 559, Relating to limited video lottery.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 559 (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 associated with that location; providing that a purchaser or transferee shall satisfy the requirements for a limited video lottery retailer's license; and providing that the State Lottery Commission be given prior written notice of the sale or transfer.

And,

Senate Bill 581, Relating generally to administration of trusts.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 581 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §38-1-13 of the Code of West Virginia, 1931, as amended; to amend and reenact §44D-1-103 of said code; to amend said code by adding thereto a new section, designated §44D-1-113; to amend and reenact §44D-4-405 and §44D-4-414 of said code; to amend and reenact §44D-5-503b and §44D-5-505 of said code; to amend and reenact §44D-6-604 of said code; and to amend and reenact §44D-8-813 and

§44D-8-817 of said code, all relating generally to trusts and their administration; eliminating requirement to give notice to trustee of substitution under certain circumstances; modifying definitions; establishing insurable interest of a trustee; clarifying scope of provisions regarding trust established for charitable purposes; increasing amount of noncharitable trust property to modify or terminate trust without court approval; requiring self-settled spendthrift trust have one independent qualified trustee; adding reference to exceptions for self-settled spendthrift trusts to provision allowing creditor or assignee to reach amount distributed for grantor's benefit from irrevocable trust; removing reference to exceptions for self-settled spendthrift trusts to provisions allowing creditor or assignee to reach amount distributed for grantor's benefit from revocable trusts; changing references from beneficiary to interested person in limitation on actions to contest validity of revocable trust; modifying duties of trustee to inform and report to beneficiaries; granting trustee authority and requiring trustee to wind up administration of trust upon its termination; and making technical changes.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution 5, US Army PFC John Ira Pinkerman Memorial Bridge.

Senate Concurrent Resolution 8, Donnie Adkins Memorial Bridge.

Senate Concurrent Resolution 11, USMC Lance Corporal Edwin Russell ‘Snook’ Danehart Memorial Bridge.

Senate Concurrent Resolution 14, US Army PVT Oren J. “Junior” Johnson Memorial Bridge.

Senate Concurrent Resolution 17, John Hancock Hall Memorial Bridge.

Senate Concurrent Resolution 18, US Marine CPL Walter Vincent Filipek Memorial Bridge.

Senate Concurrent Resolution 21, US Army CPL Daniel Frederick Mehringer Memorial Bridge.

Senate Concurrent Resolution 22, Walter E. Swiger, Jr., Memorial Bridge.

And,

Senate Concurrent Resolution 28, US Army SPC4 Randall W. Arbogast Memorial Road.

And reports the same back with the recommendation that they each be adopted.

Respectfully submitted,

Gregory L. Boso,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the resolutions (S. C. R. 5, 8, 11, 14, 17, 18, 21, 22 and 28) contained in the preceding report from the Committee on Transportation and Infrastructure were taken up for immediate consideration and considered simultaneously.

The question being on the adoption of the resolutions, the same was put and prevailed.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution 15, Herbert “Herb” Linkous Bridge.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution 15 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways to name bridge number 55-85-5.98 (55A098), locally known as Kopperston Mine Bridge, carrying WV Route 85 over Tug Fork in Wyoming County, the “U.S. Army CPL Herbert ‘Herb’ Linkous Memorial Bridge”.

Whereas, Herbert ‘Herb’ Linkous lived in Kopperston, West Virginia, from 1957 until his death in 2015 with his wife Betty and their five children; and

Whereas, Herb worked for more than 30 years in the coal mines, retiring from Peabody Coal at Kopperston; and

Whereas, Herb served as an officer and representative of United Mine Workers Kopperston Local 7604 for nearly 20 years, working to make certain that miners were treated fairly and had safe working conditions; and

Whereas, Herb was a U. S. Army Veteran, serving in World War II in the Asiatic-Pacific Theater from September 5, 1946, until April 15, 1947, and was awarded the World War II Victory Medal; and

Whereas, Herb also served in the U. S. Army from January 30, 1948, until January 29, 1952, in Korea and was honorably discharged after obtaining the rank of Corporal. During his service in Korea, Herb and his company endured heavy artillery combat and were engaged in hand-to-hand combat. For his service, he was awarded the Bronze Star Medal, the Korean Service Medal with

three Bronze Service Stars, the Good Conduct Medal, the Distinguished Unit Emblem and the Overseas Bar; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 55-85-5.98 (55A098), locally known as Kopperston Mine Bridge, carrying WV Route 85 over Tug Fork in Wyoming County, the “U.S. Army CPL Herbert ‘Herb’ Linkous Memorial Bridge”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U.S. Army CPL Herbert ‘Herb’ Linkous Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

And,

Senate Concurrent Resolution 19, Blue Demon Bridge.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution 19 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name bridge number 24-52/19-0.01 (24A293), (37.41606, -81.43625), originally known as the Northfork Bridge, located in Northfork, McDowell County, carrying County Route 52/19 over Elkhorn Creek, the “Blue Demons Bridge”.

Whereas, The Northfork High School’s sobriquet, going back to 1966, was the Blue Demons; and

Whereas, Sports fans from across this state still talk about the Blue Demons’ boys’ basketball teams that won Class AA state championships in 1971 and 1984, as well as eight consecutive state championships from 1974 through 1981; and

Whereas, When this state inaugurated the first girls' basketball tournament in 1976, the Demonettes won then as well in 1977 and 1979; and

Whereas, The Blue Demons' 1973 football team had a perfect season record of 12 and 0; and

Whereas, Over the 19 years in which Northfork High School was in existence, the boys' basketball team compiled an amazing record of 112 wins to only 12 losses on their home floor; and

Whereas, Although Northfork High School has been closed for more than 30 years, the memories are just as vivid today as when they were being made decades ago for all who attended this legendary school, forever holding a place in the hearts of former students and teachers; and

Whereas, This school will always be remembered by all who saw the Blue Demons play or heard of their exploits, as the source of the nickname for the town that is still known today as the basketball capital of the United States; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 24-52/19-0.01 (24A293), (37.41606, -81.43625), originally known as the Northfork Bridge, located in Northfork, McDowell County, carrying County Route 52/19 over Elkhorn Creek, the "Blue Demons Bridge"; and, be it

Further Resolved, That the Commissioner of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Blue Demons Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

With the recommendation that the two committee substitutes be adopted.

Respectfully submitted,

Gregory L. Boso,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the resolutions (Com. Sub. for S. C. R. 15 and 19) contained in the preceding report from the Committee on Transportation and Infrastructure were taken up for immediate consideration and considered simultaneously.

The question being on the adoption of the resolutions, the same was put and prevailed.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

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 2028, Relating to the venue for suits and other actions against the state.

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 Maynard and Boso:

Senate Bill 605—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-6-13; and to amend and reenact §18-2-1 of said code, all relating to requiring that all members of the State Board of Education be elected to their positions; and establishing an election procedure.

Referred to the Committee on the Judiciary.

By Senators Maynard and Plymale:

Senate Bill 606—A Bill to amend and reenact §21-5C-1 of the Code of West Virginia, 1931, as amended, relating to adding an exception for seasonal amusement park workers from the definition of “employee”.

Referred to the Committee on the Judiciary.

By Senators Takubo, Woelfel, Jeffries, Cline and Stollings:

Senate Bill 607—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-7-18e, relating to allowing the use of larger horsepower boats on limited horsepower lakes under certain circumstances; violations and civil penalties.

Referred to the Committee on the Judiciary.

By Senators Trump, Woelfel, Weld, Gaunch and Plymale:

Senate Bill 608—A Bill to amend and reenact §2-2-10 of the Code of West Virginia, 1931, as amended, relating to clarifying that regulatory, noncriminal legislative enactments prohibiting a type or types of businesses, or business structures are inapplicable to lawful businesses and business structures operating in this state prior to the effective date of the prohibiting enactment; and updating provisions.

Referred to the Committee on the Judiciary.

By Senators Ferns, Azinger, Rucker and Cline:

Senate Bill 609—A Bill to amend and reenact §18-9A-2, §18-9A-4, §18-9A-5, §18-9A-6a, §18-9A-7, §18-9A-9, §18-9A-10 and §18-9A-12 of the Code of West Virginia, 1931, as amended, all

relating to public school support; including treasurer/chief school business official and child nutrition director as professional educator for funding purposes only; deleting required periodic legislative review of adjustments in net enrollment; determining allowance for fundable professional educators at set ratio, rather than the number employed subject to a limit; providing for determination of allowance for fundable positions in excess of number employed; deleting expired provisions; basing minimum professional instructional personnel required on percent of employed fundable professional educators; providing for prorating professional instructional personnel among participating counties in joint school or program or service; removing penalty for not meeting applicable professional instructional personnel ratio for 2017-2018 school year; deleting expired provisions; deleting required periodic legislative review of density category ratios; determining allowance for fundable service personnel at set ratio, rather than number employed subject to a limit; providing for determination of allowance for fundable positions in excess of number employed; providing for proration of number and allowance of personnel employed in part by state and county funds; adding professional student support personnel allowance to calculation of teachers retirement fund allowance; basing Teachers Retirement Fund allowance on average retirement contribution rate of each county and defining "average rate"; allowing limited portion of funds for bus purchases to be used for facility and equipment repair maintenance and improvement or replacement or other current expense priorities if requested and approved by state superintendent following verification; changing calculation of allowance for current expense from percent allowances for professional and service personnel to county's state average costs per square footage per student for operations and maintenance; removing authorization for use of instructional improvement funds for implementation and maintenance of regional computer information system; removing requirement for fully utilizing applicable provisions of allowances for professional and service personnel before using instructional improvement funds for employment; removing restriction limiting use of new instructional improvement funds for employment except for technology system specialists until certain determination made by state superintendent; authorizing use of instructional technology improvement funds for employment of technology system specialists

and requiring amount used to be included and justified in strategic technology plan; specifying when certain debt service payments are to be made into School Building Capital Improvement Fund; authorizing use of percentages of allocations for improving instructional programs; improving instructional technology for facility and equipment repair and maintenance or replacement and other current expense priorities and for emergency purposes; requiring amounts used to be included and justified in respective strategic plans; and reducing state aid funding to the school districts for the 2018 fiscal year only.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senators Prezioso, Beach, Unger and Stollings:

Senate Bill 610—A Bill to amend and reenact §21-11-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §21-11-10b and §21-11-10c, all relating to requiring any newly constructed, state-assisted, detached single family house, a townhouse or multilevel dwelling unit, whether detached or attached to other units or structures, or a ground floor unit in a building of three or fewer dwelling units to meet minimum standards of universal design for persons with disabilities.

Referred to the Committee on Government Organization.

By Senator Sypolt:

Senate Bill 611—A Bill to amend and reenact §7-7-6e of the Code of West Virginia, 1931, as amended, relating to expanding the county assessment and collection of a head tax on certain farm animals to breeding cows, if the owner participates.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on Government Organization.

By Senators Boley, Rucker, Cline and Maroney:

Senate Bill 612—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3tt, relating to granting county commissions with the plenary

power and authority to establish by ordinance a vacant building registration program; and setting forth procedures for administration and enforcement.

Referred to the Committee on Government Organization.

By Senators Sypolt, Smith and Maroney:

Senate Bill 613—A Bill to amend and reenact §29-3-3 of the Code of West Virginia, 1931, as amended, relating to the composition of the State Fire Commission; increasing the members that represent volunteer fire departments by one; and decreasing the members that represent full-time paid fire departments by one.

Referred to the Committee on Government Organization.

By Senators Blair, Boso and Sypolt:

Senate Bill 614—A Bill to amend and reenact §12-6C-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §31-15-8 of said code, all relating to the expansion of broadband service to unserved areas of West Virginia by providing loan insurance for commercial loans used for the expansion of broadband service to unserved or underserved areas; establishing limits and conditions on the insuring of loans; establishing interest rates; establishing amortization periods; providing for security interests; setting forth the responsibilities of the West Virginia Economic Development Authority, the West Virginia Board of Treasury Investments and the Broadband Enhancement Council; providing that the members of the West Virginia Board of Treasury Investments do not have a fiduciary responsibility with regard to the loans; providing for notice for loan insurance; providing for hearings and appeal; and making technical changes.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

By Senators Prezioso, Palumbo, Beach, Miller, Ojeda, Plymale, Romano, Stollings, Unger and Woelfel:

Senate Bill 615—A Bill to amend and reenact §4-2A-3 of the Code of West Virginia, 1931, as amended, relating to limiting the number of days members of the Legislature may receive

compensation during an extended and extraordinary session if the budget bill has not been enacted.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Stollings, Plymale, Takubo and Maroney:

Senate Bill 616—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7B-9e, relating to limiting recoverable damages when a patient has been transferred from a health care facility to another health care facility; and providing an exception.

Referred to the Committee on the Judiciary.

By Senators Maynard and Maroney:

Senate Bill 617—A Bill to amend and reenact §17-2A-11 of the Code of West Virginia, 1931, as amended, relating to requiring that the State Road Commissioner make available online the state's master road and highway map.

Referred to the Committee on Government Organization.

By Senators Maynard and Cline:

Senate Bill 618—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-10-24, relating to continuing education credits of veterinarians; and allowing credits for providing free spaying and neutering and other related veterinary services under certain circumstances.

Referred to the Committee on Government Organization.

By Senator Maynard:

Senate Bill 619—A Bill to amend and reenact §17-16B-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-18-7 of said code, all relating to the acquisition of idled railways properties by the West Virginia Railroad Maintenance Authority to be used by local recreational authorities.

Referred to the Committee on Government Organization.

Senators Gaunch, Beach and Stollings offered the following resolution:

Senate Concurrent Resolution 39—Requesting the Division of Highways to name McCorkle Road 14/3, beginning at a point where it intersects with Route 119 and ending at a point where it intersects with Route 214, (38.244866, -81.874752 to 38.224079, -81.835998) in Lincoln County, as the “U. S. Army PFC Kelva H. Justice Memorial Road”.

Whereas, Private Justice was born on March 25, 1935, in Ivaton, to Clayton and Lyda Zora (Pauley) Justice; and

Whereas, Private Justice attended Duval High School, Griffithsville; and

Whereas, Private Justice entered the United States Army on August 18, 1943, and received his basic training at Camp Adair, Oregon; and

Whereas, Private Justice sailed from the United States in March, 1944, and was stationed in England, France and Germany during World War II; and

Whereas, The last word received from Private Justice was his letter dated March 26, 1945, written while in Germany; and

Whereas, Private Justices’ mother, Lyda Z. Justice, was notified by Major General J. A. Ulio, Adjunct General of the Army, that her son was killed in action on April 14, 1945, in Germany; and

Whereas, A later War Department message dated May 1, 1945 stated Private Justice was killed in an ambush on April 14, 1945; and

Whereas, Private Justice was awarded the Silver Star and two Purple Hearts; and

Whereas, Private Justice was originally buried in the United States Military Cemetery in Holland; and

Whereas, Private Justices' body was disinterred and his funeral was held on January 1, 1949, at the McCorkle Free Will Baptist Church in McCorkle. The funeral was officiated by the Reverend Meddie Graley, with a military service conducted by Boone County Veterans of Foreign Wars and he was buried in the Midkiff Cemetery in Sumerco in Lincoln County; and

Whereas, It is fitting that an enduring memorial be established to commemorate Private First Class Kelva H. Justice, a native son who served his state and his country with great honor and gave the ultimate sacrifice, by naming McCorkle Road 14/3, beginning at a point where it intersects with Route 119 and ending at a point where it intersects with Route 214, (38.244866, -81.874752 to 38.224079, -81.835998) in Lincoln County, the "U. S. Army PFC Kelva H. Justice Memorial Road"; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name McCorkle Road 14/3, beginning at a point where it intersects with Route 119 and ending at a point where it intersects with Route 214, (38.244866, -81.874752 to 38.224079, -81.835998) in Lincoln County, as the "U. S. Army PFC Kelva H. Justice Memorial Road"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the road as the "U. S. Army PFC Kelva H. Justice Memorial Road"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senators Maynard, Unger and Stollings offered the following resolution:

Senate Concurrent Resolution 40—Requesting the Joint Committee on Government and Finance study funds available for

improvements at Beech Fork State Park and Cacapon Resort State Park, and to study status of improvements made at the parks in recent years, current improvement needs and the best use for funds currently available for improvements.

Whereas, From July 1, 2002, through fiscal year beginning July 1, 2012, the state code provided for \$5 million to be deposited into the State Park Improvement Fund for park improvements; and

Whereas, Beginning July 1, 2013, and each fiscal year thereafter, the State Excess Lottery Revenue Fund has been required, pursuant to West Virginia Code section eighteen-e, article twenty-two, chapter twenty-nine, to deposit an amount equal to the certified debt service requirement, not to exceed \$3 million in any one fiscal year, into the Cacapon and Beech Fork State Park Lottery Revenue Debt Service Fund, and in addition deposit \$5 million into the State Park Improvement Fund; and

Whereas, The deposits to the Cacapon and Beech Fork State Park Lottery Revenue Debt Service Fund were to permit issuance of bonds for improvements to the two state parks; and

Whereas, Prudent principles of management require examination of improvement projects certified to receive funds available and the selection of projects which best serve the citizens of the state and best provide economic benefits for the funds available; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study funds available for improvements at Beech Fork State Park and Cacapon Resort State Park, and to study status of improvements made at the parks in recent years, current improvement needs and the best use for funds currently available for improvements; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2018, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Which, under the rules, lies over one day.

Senators Stollings, Ojeda, Beach and Plymale offered the following resolution:

Senate Concurrent Resolution 41—Requesting the Division of Highways name bridge number 03-9-3.08 (03A052), (37.94999, -81.85885), locally known as Hewitt Bridge 3642, carrying County Route 9 over the Hewitt Creek in Boone County, the “U. S. Army PV2 Mandvial S. ‘Bunker’ Bias Memorial Bridge”.

Whereas, Private Bias was born July 25, 1893, in Hewett, Boone County. He was the son of Mann Bias and Parthena Bias and a descendant of Obediah Bias, one of the first settlers of Hewett; and

Whereas, Private Bias married Leora Baldwin and they had ten children: Audley, Ruby, Ruth, Eugene, Darlene, Joey, Christena, James Otis, Yvonna Lee and Sherry; and

Whereas, Private Bias loved West Virginia and lived all his life in Boone County where he raised his family while working in the coal mines, timbering and always raising a large garden; and

Whereas, Private Bias was a kind and generous man with family and many friends gathering at their home on Sundays, with sometimes as many as fifty people gathering. After dinner, they would gather outside under shade trees to visit and discuss cars, hunting and politics; and

Whereas, Private Bias served his country during World War I; and

Whereas, Private Bias passed away on October 13, 1973; and

Whereas, Private Bias served his country and his state with honor and distinction; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 03-9-3.08 (03A052), (37.94999, -81.85885), locally known as Hewitt Bridge 3642, carrying County Route 9 over the Hewitt Creek in Boone County, the “U. S. Army PV2 Mandvial S. ‘Bunker’ Bias Memorial Bridge”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army PV2 Mandvial S. ‘Bunker’ Bias Memorial Bridge”; and, be it

Further Revolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senators Mann, Beach, Plymale, Romano, Cline, Unger, Sypolt, Rucker, Stollings and Prezioso offered the following resolution:

Senate Resolution 37—Designating Wednesday, March 15, 2017, as Higher Education Day at the Legislature.

Whereas, The foundation of any society’s success is the degree to which its citizens are educated; and

Whereas, The State of West Virginia is committed to supporting higher education; and

Whereas, West Virginia’s colleges and universities open the doors of opportunity for West Virginia’s students; and

Whereas, West Virginia’s education system helps students achieve their education and career goals, and meet the workforce needs of the State of West Virginia; and

Whereas, Higher education institutions contribute to the economic vitality of the state while enriching the culture of the communities and regions they serve; and

Whereas, West Virginia's colleges and universities advance the development of technology, partner in business and industry, conduct groundbreaking research and improve lives through advanced health care; and

Whereas, Through the services of outstanding faculty, staff, administration and leadership, West Virginia's colleges and universities carry out student-centered missions for the betterment of the entire state; therefore, be it

Resolved by the Senate:

That the Senate hereby designates Wednesday, March 15, 2017, as Higher Education Day at the Legislature; and, be it

Further Resolved, That the Senate recognizes the commitment to excellence the leaders of our colleges and universities have demonstrated; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Chancellor of the West Virginia Higher Education Policy Commission, the Chancellor of the West Virginia Council for Community and Technical College Education, the Executive Director of the West Virginia Independent Colleges and Universities, Inc., and to each of the presidents of West Virginia's public and independent colleges and universities.

At the request of Senator Mann, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with and adopted.

On motion of Senator Ferns, the Senate recessed for one minute.

Upon expiration of the recess, the Senate reconvened and, at the request of Senator Ferns, and by unanimous consent, returned to the fourth order of business.

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 620 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17C-7-1 and §17C-7-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-8-8 of said code, all relating to traffic regulations; increasing fines; permitting visible instead of audible signal when passing to the left of an overtaken vehicle; and clarifying that an appropriate signal is required when moving right or left upon a roadway.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Gregory L. Boso,
Chair.

The Senate proceeded to the eighth order of business.

Eng. Senate Bill 28, Creating new system for certain contiguous counties to establish regional recreation authorities.

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 28 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, Mullins,

Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: Ojeda and Stollings—2.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 28) passed.

At the request of Senator Maynard, as chair of the Committee on Natural Resources, and by unanimous consent, the unreported Natural Resources committee amendment to the title of the bill was withdrawn.

On motion of Senator Maynard, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Senate Bill 28—A Bill to amend and reenact §20-7-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §20-14A-1, §20-14A-2, §20-14A-3, §20-14A-4, §20-14A-5, §20-14A-6, §20-14A-7, §20-14A-8, §20-14A-9, §20-14A-10 and §20-14A-11; and to amend and reenact §20-15-1, §20-15-2, §20-15-3, §20-15-4 and §20-15-5 of said code, all relating to establishing regional recreation authorities and areas; establishing trails for off-highway recreational vehicle use; providing for reimbursement by authority for natural resources police officers; authorizing creation of regional recreation authority as joint development entity formed by two or more contiguous counties; prohibiting the creation of more than two regional recreation authorities within a certain time period without specific approval by the Legislature; setting forth findings and definitions; establishing powers and composition of governing board; providing for financial review and oversight of public funds; prohibiting certain conduct in regional recreation area; establishing requirements for bidding and purchasing; prohibiting conflicts of interest; limiting liability; clarifying duties and responsibilities of

participants to landowners and lessors in the regional recreation areas; and establishing criminal penalties and civil remedies.

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 187, Providing for confidentiality of patients' medical records.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 187) 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 302, Supplemental appropriation of federal funds from Treasury to Division of Human Services.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith,

Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 302) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, 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. 302) takes effect from passage.

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 303, Supplemental appropriation of public moneys from Treasury to DHHR.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith,

Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 303) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, 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. 303) takes effect from passage.

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 306, Supplemental appropriation of federal funds from Treasury to Workforce West Virginia.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith,

Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 306) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, 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. 306) takes effect from passage.

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 454, Providing more efficient collection and submission of state moneys received from court transactions or court services.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith,

Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 454) 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 466, Calculating state share of gross profits from limited video lottery revenues at 50 percent.

On third reading, coming up in regular order, was reported by the Clerk.

On motion of Senator Ferns, the bill was committed to the Committee on Rules.

Eng. Com. Sub. for Senate Bill 497, Relating to liability for health care providers who provide services at school athletic events.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 497) 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 Com. Sub. for Senate Bill 186, Adjusting date when children become eligible for certain school programs and school attendance requirements.

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 192, Relating generally to licensed surveyors.

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 255, Relating to filling vacancies on county commissions and other county offices.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 413, Relating to bids on government construction contracts.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Swope, the following amendment to the bill was reported by the Clerk:

On page two, section one, line thirty-three, after the word "bidder." by inserting the following: Any bid proposal for an alternate shall expire one hundred fifty days after the date of the opening of bids for review.

Following discussion,

The question being on the adoption of Senator Swope's amendment to the bill, the same was put and prevailed.

The bill (Com. Sub. for S. B. 413), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 471, Relating to state ownership of wildlife.

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 474, Exempting names of licensed hunters from public disclosure.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 495, Relating to regulation of events by State Athletic Commission.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 524, Relating to WV academic standards.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Following a point of inquiry by Senator Plymale, with resultant response by Senator Ferns,

Senator Plymale then moved that the Senate reconsider its action by which it immediately hereinbefore adopted the request that Senate Bill 524 be laid over one day, retaining its place on the calendar.

The question being on the adoption of Senator Plymale's aforestated motion, the same was put.

The result of the voice vote being inconclusive, Senator Plymale demanded a division of the vote.

A standing vote being taken, there were twelve "yeas" and twenty "nays".

Whereupon, Senator Carmichael (Mr. President) declared Senator Plymale's aforestated motion had not prevailed.

Com. Sub. for Senate Bill 531, Relating to renewal date for apiary certificates of registration.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Sypolt, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page one, section four, line five, by striking out "March 31" and inserting in lieu thereof "June 30";

And,

On page one, section four, line seven, by striking out "March 31" and inserting in lieu thereof "June 30".

The bill (Com. Sub. for S. B. 531), as amended, was then ordered to engrossment and third reading.

Senate Bill 536, Authorizing tracking of wounded or injured bear or deer.

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 575, Limiting nuisance actions against shooting ranges for noise.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Senate Bill 443, Establishing Adult Drug Court Participation Fund.

Senate Bill 444, Establishing Court Advanced Technology Subscription Fund.

Com. Sub. for Senate Bill 522, Relating to pharmacy audits.

And,

Eng. Com. Sub. for House Bill 2678, Changing the amounts of prejudgment and post-judgment interest to reflect today's economic conditions.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Ojeda.

Thereafter, at the request of Senator Stollings, and by unanimous consent, the remarks by Senator Ojeda were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

Following a point of inquiry to the President, with resultant response thereto,

At the request of Senator Maroney, the name of Senator Maroney was removed as a sponsor of **Senate Bill 335** (*Repealing consumers sales and service tax, use tax and personal income tax*).

At the request of Senator Cline, the name of Senator Cline was removed as a sponsor of **Senate Bill 537** (*Relating to exemptions from mandated immunizations*).

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Thursday, March 16, 2017, at 11 a.m.

THURSDAY, MARCH 16, 2017

The Senate met at 11 a.m.

(Senator Carmichael, Mr. President, in the Chair.)

Prayer was offered by Carl Kinder, Lay Pastor from Bible Center Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Charles H. Clements, a senator from the second district.

Pending the reading of the Journal of Wednesday, March 15, 2017,

At the request of Senator Miller, 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 communications from a state agency as required by the provisions of law:

Court of Claims

Annual Report (§14-2-25)

Crime Victims Compensation Fund (§14-2A-21)

The Senate proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to the House of Delegates amendments to, and the passage as amended, with its Senate amended title, to take effect July 1, 2017, of

Eng. Senate Bill 231, Relating to State Board of Education and Medicaid-eligible children.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended, with its Senate amended title, of

Eng. Com. Sub. for House Bill 2167, Creating a Silver Alert program for senior citizens.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amended title, passage as amended, of

Eng. Com. Sub. for House Bill 2301, Relating to direct primary care.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amended title, passage as amended, of

Eng. House Bill 2431, Allowing influenza immunizations to be offered to patients and residents of specified facilities.

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 2618—A Bill to amend and reenact §18-2-7a of the Code of West Virginia, 1931, as amended, all relating to body mass index.

Referred to the Committee on Health and Human Resources.

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 15th day of March, 2017, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for H. B. 2347), Allowing schools licensed to provide barber, cosmetology and related training to hold theory classes and clinical classes at different locations.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Roger Hanshaw,
Chair, House Committee.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 290 (originating in the Committee on Economic Development), Authorizing operators of distillery or mini-distillery offer for purchase and consumption of liquor on Sundays.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 290 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §60-4-3a of the Code of West Virginia, 1931, as amended, relating to authorizing operators of a distillery or mini-distillery to offer products produced at the distillery or mini-distillery for retail sale to customers for consumption off the premises on Sundays beginning at one o'clock p.m.; and providing that a distillery or mini-distillery located on a farm shall be required to meet only such state and local building and fire regulations as apply to structures on parcels of land used primarily for agricultural purposes.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Gaunch, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 374, Relating to computing retirement benefits for certain members of Legislature.

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.

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 608, Clarifying lawful business structures are unaffected by enactment of prohibitory legislation.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The Senate proceeded to the fifth order of business.

Senator Karnes, from the Select Committee on Tax Reform, submitted the following report, which was received:

Your Select Committee on Tax Reform has had under consideration

Senate Bill 335, Repealing consumers sales and service tax, use tax and personal income tax.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 335 (originating in the Select Committee on Tax Reform)—A Bill to amend and reenact §8-1-5a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §8-13C-15; to amend said code by adding thereto two new sections, designated §11-13A-26 and §11-13A-27; to amend said code by adding thereto a new article, designated §11-13DD-1, §11-13DD-2, §11-13DD-3 and §11-13DD-4; to amend said code by adding thereto a new article, designated §11-13EE-1, §11-13EE-2, §11-13EE-3 and §11-13EE-4; to amend said code by adding thereto a new section, designated §11-15-34; to amend said code by adding thereto a new section, designated §11-15A-30; to amend said code by adding thereto a new article, designated §11-15C-1, §11-15C-2, §11-15C-3, §11-15C-4, §11-15C-5, §11-15C-6, §11-15C-7, §11-15C-8, §11-15C-9, §11-15C-10, §11-15C-11, §11-15C-12, §11-15C-13, §11-15C-14, §11-15C-15, §11-15C-16, §11-15C-17, §11-15C-18,

§11-15C-19, §11-15C-20, §11-15C-21, §11-15C-22, §11-15C-23, §11-15C-24, §11-15C-25, §11-15C-26 and §11-15C-27; to amend and reenact §11-16-13 of said code; to amend and reenact §11-17-4b of said code; to amend and reenact §11-19-1 and §11-19-2 of said code; to amend said code by adding thereto a new section, designated §11-21-4g; to amend and reenact §11-21-8a of said code; to amend and reenact §11-21-12 of said code; to amend and reenact §11-24-4 of said code; to amend and reenact §11-24-23a of said code; and to amend and reenact §60-3A-17 of said code, all relating generally to creating the 2017 Tax Reform Act; preserving the municipal sales and use taxes; contingently reducing the rate of the severance tax on certain natural resource production; prospectively balancing of the rate of the severance tax on the production of coal; providing a refundable credit based on the earned income of low-income workers; providing a refundable credit based on the fixed income of low-income senior citizens; prospectively repealing the consumers sales and service tax and the use tax; prospectively increasing the rates of tax on sales of non-intoxicating beer; prospectively repealing the excise tax on e-cigarette liquids; prospectively increasing the rate of tax on sales of soft drinks; reducing, making uniform, contingently phasing down the rate of, and ultimately repealing, the personal income tax; prospectively increasing the personal income tax credit for qualified rehabilitated building investments; prospectively exempting from the personal income tax all social security retirement, survivors' and disability income, and all retirement income for military service; contingently phasing down the rate of, and ultimately repealing, the corporation net income tax; prospectively increasing the corporation net income tax credit for qualified rehabilitated building investments; prospectively increasing the state's profits on wholesale liquor sales and enacting the revised sales, service and use tax law; making findings; defining terms; imposing the tax; authorizing exemptions; providing compliance procedures; dedicating portions of the revenue; and establishing effective dates with respect thereto.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Robert Karnes,
Chair.

The bill (Com. Sub. for S. B. 335), 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 and joint resolution were introduced, read by their titles and referred to the appropriate committees:

By Senator Boso:

Senate Bill 621—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29A-3B-13, relating to providing that at any point after a county board of education provides written notice to the state board that it is considering or in the process of closing or consolidating a school or schools, any revision or supplementation to certain rules is not applicable to the school closing or consolidation project described in the county board's notification to the state board.

Referred to the Committee on Education.

By Senator Hall:

Senate Bill 622—A Bill to amend and reenact §11-10-12 of the Code of West Virginia, 1931, as amended, relating generally to tax procedures and administration; providing for additional circumstances when the Tax Commissioner may withdraw tax liens; and providing for additional circumstances when the Tax Commissioner may issue a certificate of release of lien.

Referred to the Committee on Finance.

By Senator Hall:

Senate Bill 623—A Bill to amend and reenact §19-23-7 of the Code of West Virginia, 1931, as amended, relating to changing the license period for horse and dog racing from a calendar year to a

fiscal year basis effective July 1, 2017; to terminate any horse or dog racing licenses issued by the Racing Commission for calendar year 2016 effective June 30, 2017; and removing requirement that a license applicant apply for not less than two hundred racing dates.

Referred to the Committee on Finance.

By Senator Hall:

Senate Bill 624—A Bill to amend and reenact §19-23-12b of the Code of West Virginia, 1931, as amended; to amend and reenact §29-22A-3 of said code; and to amend and reenact §29-22C-10 of said code, all relating to decreasing the minimum number of live racing days that a horse racing licensee must conduct in order to contract with any legal wagering entity in this state or in any other governmental jurisdiction to receive telecasts and accept wagers conducted by the legal wagering entity; allowing a license applicant to apply for fewer than the minimum number of live racing dates in certain circumstances and to establish the process to be used for determining such an application; allowing a racing licensee to request that it be permitted to reduce the number of live racing days that it conducts after its license has been granted if there are insufficient purse funds or other just cause; establishing that a person authorized to act upon behalf of the group representing the majority of owners and trainers at the requesting track or a person authorized to act upon behalf of the majority of mutuel clerks at the requesting track has standing to file an objection with the Racing Commission to a request from a racing licensee to reduce the number of live racing days after its license has been granted; authorizing the Racing Commission to promulgate rules to govern hearings that it holds to determine the required number of live racing days; reducing the number of live racing days which a racing licensee shall not be approved by the racing commission unless it meets certain criteria; and requiring a racing licensee to submit a current financial statement pertaining to its racing operations and its purse fund account if it makes a request to conduct fewer live racing days.

Referred to the Committee on Finance.

By Senator Hall:

Senate Bill 625—A Bill to amend and reenact §47-20-23 of the Code of West Virginia, 1931, as amended; and to amend and reenact §47-21-21 of said code, all relating generally to charitable bingo games and charitable raffles; and setting forth procedures for appealing administrative sanctions against charitable bingo or charitable raffle licensee by timely petitioning the Office of Tax Appeals.

Referred to the Committee on Finance.

By Senator Maynard:

Senate Bill 626—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5A-7, relating to teachers posting online a required calendar of scheduled activities in their classes that can be viewed by the parents of their students.

Referred to the Committee on Education.

By Senators Karnes and Facemire:

Senate Bill 627—A Bill to amend and reenact §17C-6-2 of the Code of West Virginia, 1931, as amended, relating to the establishment of an eighty-mile per hour speed limit on interstate highways and four-lane limited access highways in this state; and providing an exception for those highways passing through city limits.

Referred to the Committee on Transportation and Infrastructure.

By Senators Rucker, Boso, Sypolt, Trump and Cline:

Senate Bill 628—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-5-29; to amend and reenact §50-3-2 of said code; and to amend and reenact §62-5-10 of said code, all relating to providing funding for the Statewide Interoperable Radio Network through additional court costs to be imposed in criminal cases.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senator Boso:

Senate Bill 629—A Bill to amend and reenact §15-5A-5 of the Code of West Virginia, 1931, as amended, relating to collection of Tier II fees for chemical inventories.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Mann, Hall and Sypolt:

Senate Bill 630—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-5F-1, §18-5F-2, §18-5F-3, §18-5F-4 and §18-5F-5, all relating to establishing the Accessibility and Equity in Public Education Enhancement Act; setting forth legislative findings and purpose; defining terms; allowing a county board or a multicounty consortium to create a virtual instruction program for one or more schools serving any composition of grades kindergarten through twelve by adopting a policy creating the program and contracting with virtual school providers; requiring students to be counted in the net enrollment of the school district for the purposes of calculating state aid, be subject to the same state assessment requirements as other students in the school district and receive a diploma upon completing the virtual instruction program requirements; exempting to a limited extent, certain students, parents and school districts from certain laws and state board policies that pertain to requiring the student to be in a school building receiving instruction for any set period of time; providing that a participating student be considered to be attending a certain school; allowing the student to participate in any cocurricular and extracurricular activities of the school under the same requirements imposed on traditional students attending the school; exempting a county board from certain provisions of law or state board rule to the extent any conflict with the delivery of the program; exempting a county board from certain online course restrictions; requiring coursework offered through a program be aligned to certain academic standards; and requiring the assessment results of a student be included in the assessment results of the school in which the student is considered to be enrolled and the school district for purposes of accountability.

Referred to the Committee on Education.

By Senator Karnes:

Senate Joint Resolution 8—Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof by adding thereto a new section, designated section thirteen, relating to fair and simple tax reform; repealing sections of article X; repealing the personal property tax; limitations on the personal income tax; authorizing new classes of real property taxes; creating a state infrastructure and equalization fund; providing for block grants to local schools and governments for education and infrastructure; establishing exemptions to the real property tax; limiting the excise tax, sales and use tax, corporate net income tax and other taxes; redirecting bond revenue; limiting reinstatement of taxes; grandfathering tax benefits earned prior to the ratification of this amendment; establishing a supremacy clause; providing for general law implementation; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Referred to the Select Committee on Tax Reform; and then to the Committee on the Judiciary.

Senators Boso, Stollings and Beach offered the following resolution:

Senate Concurrent Resolution 42—Requesting the Division of Highways to name bridge number 12-48-1.74, EB-WB (12A120,12A121), (39.21219, -79.26886), locally known as US 48 over Stony River Bridge, carrying US 48 over the Stony River in Grant County, the “Five Champ Brothers Bridge”.

Whereas, The five sons of Quinten and Bessie Champ, were born in Medley, Grant County and each served in the armed forces of the United States. Carl E. Champ, P.O. Box 62, Old Fields, West Virginia, 26845, Date of Service: 1964 to 10/16/1968, Discharge Rank E4. Awards: Combat Infantry Badge, Parachute Badge, Bronze Star Vietnam: 1 Tour. Gary Dean Champ, Purgisville, West Virginia, Date of Service: 2/18/65 to 1/23/67, 5 years Active

Reserves, Discharge Date 2/10/71 from Reserves, Discharge Rank: E5. Roger D. Champ, P.O. Box 395, Moorefield, West Virginia, 26836, Date of Service: 3/12/64 to 2/25/66 and 8/23/68 to 1971, Vietnam, served two tours, 1969 to 1971. Awards: Silver Star for Gallantry in Action and Bronze Star Wounded in Vietnam. John Champ, Purgisville, West Virginia, Dates of Service: 9/21/67 to 7/05/68 Medical Discharge, Discharge Rank: E5O; and Charles E. Champ, Old Fields, West Virginia, Date of Service: 7/1961 to 10/1964, Stations: Fort Knox, Kentucky; Fort Riley, Kansas; and Germany, Rank: E4; and

Whereas, Naming this bridge is an appropriate recognition of the five Champ brothers and their service to their country and state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 12-48-1.74, EB-WB (12A120, 12A121), (39.21219, -79.26886), locally known as US 48 over Stony River Bridge, carrying US 48 over the Stony River in Grant County, the “Five Champ Brothers Bridge”; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the “Five Champ Brothers Bridge”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senators Palumbo, Stollings, Beach, Facemire and Plymale offered the following resolution:

Senate Resolution 38—Recognizing Karen Donathan for her exemplary service to West Virginia in computer science education and congratulating her for winning the Award for Teaching Excellence in Computer Science.

Whereas, Founded in 2004, the Computer Science Teachers Association has grown into a dynamic and vibrant organization of professionals interested in supporting computer science education in K-12. Today, their membership consists of more than 25,000 members from more than 145 countries; and

Whereas, The Computer Science Teachers Association's mission is to empower, engage, and advocate for K-12 computer science teachers worldwide; and

Whereas, Karen Donathan is a member of the Computer Science Teachers Association and is a computer science teacher at George Washington High School in Charleston, West Virginia; and

Whereas, Computer science teachers shoulder a tremendous responsibility as stewards of our children's computer science education that will influence and shape our digital future; and

Whereas, For her innovative and enthusiastic approach to teaching computer science at George Washington High School, Karen Donathan was one of only 10 teachers from around the world to be named a winner of the Award for Teaching Excellence in Computer Science; therefore be it

Resolved by the Senate:

That the Senate hereby recognizes Karen Donathan for her exemplary service to West Virginia in computer science education and congratulates her for winning the Award for Teaching Excellence in Computer Science; and, be it

Further Resolved, That the Senate extends its sincere appreciation and gratitude to Karen Donathan for her dedicated public service to the children of West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Karen Donathan.

At the request of Senator Palumbo, 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 Palumbo regarding the adoption of Senate Resolution 38 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 Palumbo, Stollings, Beach, Facemire, Plymale, Unger, Cline and Prezioso offered the following resolution:

Senate Resolution 39—Designating March 16, 2017, as Innovation and Entrepreneurship Day at the Capitol.

Whereas, Research and innovation continue to be bedrocks of the nation's economic strength and vitality, and facilitating innovation-based economic development and the growth of entrepreneurial companies are critical to our state's future and prosperity; and

Whereas, Entrepreneurs and small businesses create the vast majority of the new jobs in the United States; and

Whereas, Research & development activities being done in both federally funded, university and private laboratories in our state are important for new discoveries, scientific and engineering solutions and potential commercialization opportunities; and

Whereas, Innovations in manufacturing, such as 3D printing, are opening new opportunities for West Virginia's small manufacturing firms to develop new products and processes to improve their bottom lines; and

Whereas, Improving access to early stage, seed and risk capital remains a critical need that is being addressed by various programs, such as the West Virginia Capital Access Program, the INNOVA Commercialization Fund, the West Virginia Jobs Investment Trust and other vital lending programs; and

Whereas, More than 130 organizations, agencies and companies are working together to help advance the state's innovation and entrepreneurship potential and capacity; and

Whereas, West Virginia has developed an integrated ecosystem of public and private organizations, agencies and financial firms working collaboratively to spur entrepreneurship, innovation enterprises and job creation; and

Whereas, Many of these innovation drivers are here at the Capitol today as part of the Innovation & Entrepreneurship Day hosted by TechConnect West Virginia and TransTech Energy Business Development Program; therefore, be it

Resolved by the Senate:

That the Senate hereby designates March 16, 2017, as Innovation and Entrepreneurship Day at the Capitol; and, be it

Further Resolved, That the Senate acknowledges the long-term economic opportunities that an innovation-based economy and entrepreneurial culture can provide our state's citizens; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the representatives of TechConnect West Virginia and TransTech Energy Business Development Program.

At the request of Senator Palumbo, 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 Palumbo regarding the adoption of Senate Resolution 39 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, at the request of Senator Plymale, unanimous consent being granted, returned to the second order of business and the introduction of guests.

Thereafter, at the request of Senator Ojeda, and by unanimous consent, the remarks by Senators Plymale and Woelfel as to the introduction of the Spring Valley High School football team were ordered printed in the Appendix to the Journal.

The Senate again proceeded to the sixth order of business.

Petitions

Senator Ojeda presented a petition from Margaret Vance and three hundred sixty West Virginia residents, requesting the continuation of the JROTC program in Logan County schools.

Referred to the Committee on Education.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 39, US Army PFC Kelva H. Justice 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 40, Requesting study on available funds for improvements at Beech Fork State Park and Cacapon Resort State Park.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Finance.

Senate Concurrent Resolution 41, US Army PV2 Mandvial S. "Bunker" Bias Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Com. Sub. for Senate Bill 186, Adjusting date when children become eligible for certain school programs and school attendance requirements.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

Senator Unger moved that Engrossed Committee Substitute for Committee Substitute for Senate Bill 186 be referred to the Committee on Rules.

Following discussion,

The question being on the adoption of Senator Unger's aforestated motion, the same was put and did not prevail.

Pending further discussion,

The question now being "Shall Engrossed Committee Substitute for Committee Substitute for Senate Bill 186 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, Weld and Carmichael (Mr. President)—31.

The nays were: Unger and Woelfel—2.

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 Com. Sub. for S. B. 186) 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 192, Relating generally to licensed surveyors.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 192 pass?”

Senator Sypolt requested a ruling from the Chair as to whether he should be excused from voting under Senate Rule 43.

The Chair replied that any impact on Senator Sypolt would be as a member of a class of persons and that he would be required to vote.

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Miller, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—28.

The nays were: Beach, Facemire, Jeffries, Ojeda and Romano—5.

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. 192) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Miller, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—28.

The nays were: Beach, Facemire, Jeffries, Ojeda and Romano—5.

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 S. B. 192) takes effect from passage.

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 413, Relating to bids on government construction contracts.

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, 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. 413) passed.

On motion of Senator Blair, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub for Senate Bill 413—A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended, relating to the solicitation for bids for government construction contracts; submitting bids on government construction contracts; defining the term “alternates”; limiting the number of alternates that may be included on any solicitation of bids for government

construction contracts; providing that a bid proposal for an alternate shall expire one hundred fifty days after the date of the opening of bids for review; establishing procedures for acceptance of alternate bids and determination of the lowest qualified responsible bidder; and providing procedures for the required submission of a list of subcontractors who will perform more than \$25,000 of work on certain projects.

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 471, Relating to state ownership of wildlife.

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 471 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. 471) 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 474, Exempting names of licensed hunters from public disclosure.

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, 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. 474) 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 495, Relating to regulation of events by State Athletic Commission.

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 495 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. S. B. 495) 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 531, Relating to renewal date for apiary certificates of registration.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: Romano—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. Com. Sub. for S. B. 531) 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 536, Authorizing tracking of wounded or injured bear or deer.

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, 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. S. B. 536) 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 575, Limiting nuisance actions against shooting ranges for noise.

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 575 pass?”

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Prezioso, Rucker, Smith, Swope, Sypolt, Trump, Unger, Weld and Carmichael (Mr. President)—22.

The nays were: Beach, Facemire, Jeffries, Miller, Ojeda, Palumbo, Plymale, Romano, Stollings, Takubo and Woelfel—11.

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. 575) 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 255, Relating to filling vacancies on county commissions and other county offices.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Palumbo, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On page two, section three, line seven, by striking out the words “the vacancy occurred” and inserting in lieu thereof the words “of his or her election or, if not elected, at the time of his or her appointment”;

On page four, section five, line four, by striking out the words “the vacancy occurred” and inserting in lieu thereof the words “of his or her election or, if not elected, at the time of his or her appointment”;

On page four, section five, line eleven, by striking out the words “the vacancy occurred” and inserting in lieu thereof the words “of his or her election or, if not elected, at the time of his or her appointment”;

On page five, section seven, line sixteen, by striking out the words “the vacancy occurred” and inserting in lieu thereof the words “of his or her election or, if not elected, at the time of his or her appointment”;

And,

On page five, section seven, line twenty-eight, by striking out the words “the vacancy occurred” and inserting in lieu thereof the words “of his or her election or, if not elected, at the time of his or her appointment”.

Following discussion,

The question being on the adoption of Senator Palumbo’s amendments to the bill, the same was put.

The result of the voice vote being inconclusive, Senator Palumbo demanded a division of the vote.

A standing vote being taken, there were fourteen “yeas” and nineteen “nays”.

Whereupon, Senator Carmichael (Mr. President) declared Senator Palumbo’s amendments to the bill rejected.

The bill (Com. Sub. for S. B. 255) was then ordered to engrossment and third reading.

Senate Bill 443, Establishing Adult Drug Court Participation Fund.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Senate Bill 444, Establishing Court Advanced Technology Subscription 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 522, Relating to pharmacy audits.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 524, Relating to WV academic standards.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 2678, Changing the amounts of prejudgment and post-judgment interest to reflect today's economic conditions.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Senate Bill 16, Repealing section related to wind power projects.

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.

Com. Sub. for Senate Bill 500, Relating to Medicaid fraud and abuse.

Senate Bill 554, Relating to false swearing in legislative proceeding.

Com. Sub. for Senate Bill 559, Relating to limited video lottery.

Com. Sub. for Senate Bill 581, Relating generally to administration of trusts.

Senate Bill 620, Relating to traffic regulations.

And,

Eng. Com. Sub. for House Bill 2028, Relating to the venue for suits and other actions against the state.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Woelfel, Mann and Plymale.

Thereafter, at the request of Senator Blair, and by unanimous consent, the remarks by Senators Mann and Plymale were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

Following a point of inquiry to the President, with resultant response thereto,

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Friday, March 17, 2017, at 11 a.m.

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, 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 ~~aet~~ 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 ~~aet~~ 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 aforestated 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.

SATURDAY, MARCH 18, 2017

The Senate met at 9 a.m.

(Senator Carmichael, Mr. President, in the Chair.)

Prayer was offered by the Honorable Gregory L. Boso, a senator from the eleventh district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Mark R. Maynard, a senator from the sixth district.

Pending the reading of the Journal of Friday, March 17, 2017,

At the request of Senator Ojeda, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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. Com. Sub. for House Bill 2546—A Bill to amend and reenact §21-5-1 and §21-5-4 of the Code of West Virginia, 1931, as amended, relating to allowing replacement costs of employer provided property to be deducted from an employee's final paycheck if the property is not returned; defining terms; setting forth conditions upon which an employer may withhold, deduct or divert replacement costs for employer provided property that has been timely returned; and authorizing withholding, deduction or diversion with consent of employee.

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 2555—A Bill to amend and reenact §11-13W-1 of the Code of West Virginia, 1931, as amended, relating to tax credits for apprenticeship training in construction trades; removing requirement that eligibility is limited to programs jointly administered by labor and management trustees; conforming provisions to current law.

Referred to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2586—A Bill to amend and reenact §5-10-27b of the Code of West Virginia, 1931, as amended; to amend and reenact §7-14D-9b of said code; to amend and reenact §8-22A-11 of said code; to amend and reenact §15-2-45 of said code; to amend and reenact §15-2A-6b of said code; to amend and reenact §16-5V-13 of said code; to amend and reenact §18-7A-28b of said code; to amend and reenact §18-7B-12a of said code; and to amend and reenact §51-9-12b of said code, all relating to required minimum distribution of retirement benefits of plans administered by the Consolidated Public Retirement Board;

providing for treatment of benefits in the event of a members death; and bringing code into conformity with federal law.

Referred to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2676—A Bill to amend and reenact §15-2D-3 of the Code of West Virginia, 1931, as amended, relating to transfer of the Director of Security and security officers who are employed by the Division of Culture and History to the Division of Protective Services.

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 2694—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-4-55, relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas, welcome centers and roads; providing for sponsorship agreements; providing for agreement requirements; providing for disposition of funds received from agreements; providing for the promulgation of emergency or legislative rules; and providing for a report of the status of the program.

Referred to the Committee on Transportation and Infrastructure; 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 2739—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated, §9-5-25, relating to supplemental Medicaid

reimbursements for ground emergency medical transportation services providers.

Referred to the Committee on Health and Human Resources.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 2766—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-15-9a, relating to establishing a new special revenue fund, designated the Adult Drug Court Participation Fund, for the purpose of collecting and remitting moneys to the State Treasury for participation in an adult drug court program administered by the Supreme Court of Appeals.

At the request of Senator Ferns, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

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 2811—A Bill to amend and reenact §22-30-3 of the Code of West Virginia, 1931, as amended, relating to the definition of above ground storage tanks to clarify and amend categories of exempt devices.

Referred to the Committee on Energy, Industry and Mining.

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 2839—A Bill to amend and reenact §4-10-3, §4-10-6, §4-10-7, §4-10-8, §4-10-10 and §4-10-14 of the Code of West Virginia, 1931, as amended, all relating generally to updating the procedures for legislative review of

departments and licensing boards; amending definitions; defining the timing and scope of department presentations; eliminating analysis of websites as a review component; updating regular schedules for agency and regulatory board reviews; and authorizing reviews and reorganizations outside of the regular review schedules.

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 2852—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §5A-2-35 and §5A-2-36, all relating to the preparation of a comprehensive annual financial report; requiring training; requiring notice; requiring reporting; prescribing penalties for non-compliance; providing for an administrative appeal; and establishing deadlines for creation of the comprehensive annual financial report.

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 2868—A Bill to amend and reenact §36-8-2 of the Code of West Virginia, 1931, as amended, relating generally to the Uniform Unclaimed Property Act; clarifying that policies or annuities payable upon proof of death in which the insured has not been listed in the Death Master file are presumed abandoned if they remain unclaimed three years after the insurer has learned of the death of the insured; clarifying that policies and annuities payable upon proof of death in which the insured has been listed on the Death Master file are presumed abandoned if they remain unclaimed two years after the date of the death of the insured as indicated on the death master list; and providing that at the time the proceeds owed by the insurer are

presumed to be abandoned, those proceeds are then subject to other provisions of the Unclaimed Property Act and administration by the State Treasurer.

Referred to the Committee on the Judiciary.

Executive Communications

The Clerk then presented a communication from His Excellency, the Governor, advising that on March 17, 2017, he had approved **Enr. Committee Substitute for House Bill 2347**.

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 17th day of March, 2017, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for H. B. 2167), Creating a Silver Alert program for senior citizens.

(Com. Sub. for H. B. 2301), Relating to direct primary care.

(H. B. 2431), Allowing influenza immunizations to be offered to patients and residents of specified facilities.

(Com. Sub. for H. B. 2542), Relating to public higher education personnel.

(H. B. 2590), Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act.

And,

(H. B. 2594), Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Roger Hanshaw,
Chair, House Committee.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 69, Creating Sexual Assault Survivors' Bill of Rights.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 69 (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 certain people be informed or notified of certain rights; incorporating other rights contained in code; and defining terms.

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. 69), under the original double committee reference, was then referred to the Committee on Finance.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 243, Relating to domestic relations.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 243 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §48-6-301 of the Code of West Virginia, 1931, as amended; and to amend and reenact §48-9-205 and §48-9-206 of said code, all relating to domestic relations; removing language related to child support from code section governing the awarding of spousal support and separate maintenance; directing court to consider certain factors to decide amount and duration of spousal support and separate maintenance; providing alimony guideline worksheet for calculating monthly payments; permitting court to disregard or adjust guideline-based award for good cause shown; requiring court to state reason for deviation on record and in writing; setting forth purpose of requiring court to give reason for deviation; removing the 24-month timeframe for a description of the allocation of caretaking and other parenting responsibilities performed from the matters contained in permanent parenting plan; directing court to allocate custodial responsibility so that custodial time spent with each parent achieves certain objectives; directing courts to consider which parent will encourage and accept a positive relationship between child and other parent and which parent is more likely to keep other parent involved in child's life and activities; and eliminating language prohibiting court from considering divisions of functions arising from temporary arrangements after separation in determining proportion of caretaking functions each person previously performed for child.

And,

Senate Bill 288, Relating to naming law and doubling penalties for various child abuse offenses.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 288 (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 §61-8D-1a; and to amend and reenact §61-8D-2a of said code, all relating to naming the law and increasing the penalty for death of child by a parent, guardian, custodian or other person by child abuse to an indeterminate term of fifteen years to life.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
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

Com. Sub. for Senate Bill 339 (originating in the Committee on Health and Human Resources), Creating Legislative Coalition on Chronic Pain Management.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 339 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-52-1, §16-52-2, §16-52-3, §16-52-4, §16-52-5 and §16-52-6, all relating to creating a Legislative

Coalition on Chronic Pain Management; setting forth findings and purpose; providing for administrative functions of the coalition to be performed by legislative staff; setting forth membership of the coalition; providing for appointments to be made by the President of the Senate and the Speaker of the House of Delegates; setting forth powers and duties of the coalition; setting forth required reporting; setting forth reporting data elements; providing for compensation of members; and providing a sunset date.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Craig Blair,
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

Com. Sub. for Senate Bill 360 (originating in the Committee on Health and Human Resources), Creating Legislative Coalition on Diabetes Management.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 360 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5Z-1, §16-5Z-2, §16-5Z-3, §16-5Z-4, §16-5Z-5 and §16-5Z-6, all relating to creating the Legislative Coalition on Diabetes Management; setting forth findings and purpose; providing for administrative functions of the coalition to be performed by legislative staff; setting forth membership of the coalition; providing for appointments to be made by the President of the Senate and the Speaker of the House of Delegates; setting forth powers and duties of the coalition; setting forth required

reporting; setting forth reporting data elements; requiring state entities to cooperate with the coalition in its duties; providing for compensation of members; and providing a sunset date.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Craig Blair,
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 398, Creating Emergency Volunteer Health Practitioners Act.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 398 (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 §29-30-1, §29-30-2, §29-30-3, §29-30-4, §29-30-5, §29-30-6, §29-30-7, §29-30-8, §29-30-9, §29-30-10 and §29-30-11, all relating to creating the Emergency Volunteer Health Practitioners Act; defining terms; providing for applicability of the article; regulating the practice of volunteer health practitioners during an emergency; creating a registration system; granting reciprocity to licenses issued to volunteer health practitioners in other states during an emergency; allowing for credentialing and privileges of a volunteer health practitioner; providing for sanctions; relating article to other laws of the state; providing for limitation of liability; allowing volunteer health practitioners to collect workers' compensation; and providing for rulemaking by the Secretary of the Department of Health and Human Resources.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills and joint resolution were introduced, read by their titles and referred to the appropriate committees:

By Senator Woelfel:

Senate Bill 649—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-19-1, §55-19-2, §55-19-3, §55-19-4, §55-19-5, §55-19-6 and §55-19-7, all relating to requiring presuit mediation for civil actions filed in circuit courts; allowing tolling of statutes of limitations pending presuit mediation; setting forth the substance of any demand for mediation and the substance of the response; providing for the selection of mediators; requiring the West Virginia State Bar to appoint mediators under certain circumstances; outlining the mediation procedure; and including penalties for failing to demand presuit mediation.

Referred to the Committee on the Judiciary.

By Senators Sypolt and Cline:

Senate Bill 650—A Bill to amend and reenact §3-2-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17B-2-1 of said code, all relating to requiring photo identification on voter registration identification cards; and providing that voter registration information may also be required on drivers' licenses or state issued identification cards if so determined by the Secretary of State in cooperation with the Commissioner of Motor Vehicles.

Referred to the Committee on the Judiciary.

By Senators Prezioso and Plymale:

Senate Bill 651—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-1B-14, relating generally to creating direct affiliation between state universities and research, development and technology parks within the state; transferring ownership of the West Virginia Regional Technology Park to Marshall University; establishing requirement for private investment and funding; and directing the Higher Education Policy Commission to research and report to the Legislature.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Boso and Cline:

Senate Bill 652—A Bill to amend and reenact §27-5-1 of the Code of West Virginia, 1931, as amended, relating to requiring that a mental hygiene commissioner be on call at all times.

Referred to the Committee on Health and Human Resources.

By Senator Trump:

Senate Bill 653—A Bill to amend and reenact §4-2A-2 of the Code of West Virginia, 1931, as amended, relating to the compensation of members of the Legislature; reducing the compensation of members of the Legislature to \$19,000 beginning in calendar year 2018; and setting forth schedule of pay.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senator Maynard:

Senate Bill 654—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-14-1, §15-14-2, §15-14-3, §15-14-4, §15-14-5, §15-14-6, §15-14-7 and §15-14-8, all relating to enacting the Refugee Absorptive Capacity Act; short title; definitions; state office within the Department of Health and Human Services which deals with refugees; moratorium applications and cessations; fiscal impact assessment; reports required; administration and severability.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Mann:

Senate Bill 655—A Bill to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, relating to adding digital literacy skills to the list of areas for which the state board is to adopt high-quality education standards; and requiring the state board to provide online assessment preparation for any online assessment.

Referred to the Committee on Education.

By Senator Mann:

Senate Bill 656—A Bill to amend and reenact §18-2-5h of the Code of West Virginia, 1931, as amended, relating to allowing ACT or the College Board to only receive payment or other consideration for certain information if they secure the affirmative written consent of the parent or student, given in response to clear and conspicuous notice, solely for providing the student access to employment, educational scholarships or financial aid, and post-secondary educational opportunities.

Referred to the Committee on Education.

By Senators Hall, Trump and Gaunch:

Senate Bill 657—A Bill to repeal §8-16-19 of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-13A-8 and §16-13A-9 of said code; and to amend and reenact §24-1-1b of said code; and to amend and reenact §24-2-1, §24-2-3, §24-2-4b and §24-2-11 of said code, all relating to operation and regulation of certain water and sewer utilities owned or operated by political subdivisions of the state; deleting reference to appeals to the Public Service Commission from actions of municipal boards that are not subject to the jurisdiction of the Public Service Commission; detailing the authority of county commissions to modify proposed rates for certain water and sewer utilities; providing for complaints to be filed with the circuit courts pertaining to rates and charges enacted as proposed or as modified or rejected by the county commission and requiring the circuit court to act within one hundred twenty days of receipt of the

complaint; eliminating the Public Service Commission's authority regarding stormwater utilities; providing time limits for the filing of requests for investigation pertaining to political subdivisions of this state providing separate or combined water and/or sewer services and having at least four thousand five hundred customers and annual combined gross revenues of \$3 million or more; specifying time limits for resolution of investigation requests; clarifying the authority of the Public Service Commission to resolve complaints of customers of water and sewer utilities operated by a political subdivision of the state having at least four thousand five hundred customers and annual combined gross revenues of \$3 million or more; clarifying the jurisdiction of the Public Service Commission relating to rates for municipal water and/or sewer utilities having less than four thousand five hundred customers or annual combined gross revenues of less than \$3 million; and revising the notice and procedure provisions for construction projects for political subdivisions of this state providing separate or combined water and/or sewer services and having at least four thousand five hundred customers and annual combined gross revenues of \$3 million or more.

Referred to the Committee on Government Organization.

By Senators Maynard and Cline:

Senate Bill 658—A Bill to amend and reenact §17A-3-12b of the Code of West Virginia, 1931, as amended, relating to establishing a procedure whereby mobile and manufactured homes may be retitled provided certain conditions are met.

Referred to the Committee on Government Organization.

By Senator Blair:

Senate Bill 659—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-52-1, relating to enacting the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact; and entering into the compact with all jurisdictions also enacting the compact.

Referred to the Committee on Interstate Cooperation; and then to the Committee on Government Organization.

By Senator Weld:

Senate Bill 660—A Bill to amend and reenact §60A-9-5 of the Code of West Virginia, 1931, as amended, relating to access to controlled substance monitoring information.

Referred to the Committee on Health and Human Resources.

By Senator Maynard:

Senate Bill 661—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-8-1, §5B-8-2, §5B-8-3, §5B-8-4, §5B-8-5 and §5B-8-6, all relating to creating a grant fund to encourage production of film and entertainment in West Virginia; defining terms; requiring production company to apply for grant funds; requiring substantiation of production costs; establishing reporting requirements; and requiring production company to file a notice of intent to apply for grant funds.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

By Senators Maynard and Cline:

Senate Bill 662—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-17A-8, relating to providing for special obligation notes to finance construction of completion of Interstate 73 and Interstate 74 through West Virginia; and providing for the repayment of the bonds by unmanned toll booth collections.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senators Maynard and Cline:

Senate Bill 663—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3tt, relating to allowing county commissions to set standards for certain road construction projects within their counties.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Government Organization.

By Senators Sypolt and Cline:

Senate Bill 664—A Bill to amend and reenact §7-18-14 of the Code of West Virginia, 1931, as amended, relating to removing the limitation on the amount collected by the county via the hotel occupancy tax that may be used for medical care and emergency services.

Referred to the Committee on Finance.

By Senators Plymale, Beach, Clements, Rucker, Smith, Stollings, Cline and Prezioso:

Senate Bill 665—A Bill to amend and reenact §30-20A-1, §30-20A-2, §30-20A-3, §30-20A-4, §30-20A-5, §30-20A-6 and §30-20A-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto nine new sections, designated §30-20A-8, §30-20A-9, §30-20A-10, §30-20A-11, §30-20A-12, §30-20A-13, §30-20A-14, §30-20A-15 and §30-20A-16, all relating to licensing the practice of athletic training; and providing criminal penalties.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

By Senator Palumbo:

Senate Bill 666—A Bill to amend and reenact §61-7-14 of the Code of West Virginia, 1931, as amended, relating to correcting incorrect code reference resulting from recent amendment to said code requiring certain court personnel to complete certain handgun safety and training requirements before carrying a concealed handgun.

Referred to the Committee on the Judiciary.

By Senators Gaunch, Prezioso and Plymale:

Senate Bill 667—A Bill to amend and reenact §11-10-5s of the Code of West Virginia, 1931, as amended, relating to the authority of the Attorney General to disclose certain information provided by the Tax Commissioner unless it is subject to a protective order or agreement restricting the use of the disclosed information to the proceeding, arbitration or litigation.

Referred to the Committee on the Judiciary.

By Senator Miller (By Request):

Senate Bill 668—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-5-30, relating to defining the crime of filing a fraudulent claim against a doctor; and setting criminal penalties.

Referred to the Committee on the Judiciary.

By Senators Palumbo and Prezioso:

Senate Bill 669—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-3d; and to amend and reenact §24-6-6b of said code, all relating to replacing the wireless enhanced 911 fee with a consumers sales tax on telecommunications service and ancillary services; imposing consumers sales and service tax and use tax on sales of telecommunications service and ancillary services; requiring a portion of the funds generated by the tax be transferred to the Public Service Commission; requiring funds from the tax received by the Public Service Commission to be distributed in a certain manner; repealing the wireless enhanced 911 fee; and setting July 1, 2017, as the effective date for these changes.

Referred to the Committee on Finance.

By Senators Ojeda and Plymale:

Senate Joint Resolution 9—Proposing an amendment to the Constitution of the State of West Virginia, amending article VI thereof by adding thereto a new section, designated section fifty-seven, relating to authorizing the use of medical marijuana; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

Referred to the Committee on the Judiciary.

Senator Boso offered the following resolution:

Senate Concurrent Resolution 43—Requesting the Division of Highways to name bridge number 38-66-11.62 (38A133),

locally known as Cass Bridge, carrying WV 66 over the Greenbrier River in Pocahontas County, the “Eugene Lee ‘Gene’ Burner Memorial Bridge”.

Whereas, Eugene Lee “Gene” Burner was born on May 1, 1919, and raised in Durbin, West Virginia, the son of Dr. Allen Eugene Burner and Mabel Wilson Burner; and

Whereas, Gene attended the Durbin Grade School and Green Bank High School before attending West Virginia University and earning a Bachelor of Science and Master of Science in Physics; and

Whereas, Gene worked as a research physicist and instrument engineer at the U. S. Bureau of Mines in Morgantown, West Virginia, for many years until his retirement in 1975. During his time at the Bureau of Mines, Gene helped develop a process for the gasification of coal that has greatly contributed to improving West Virginia’s coal and energy industries; and

Whereas, After raising three children in Morgantown, Gene and his beloved wife, Bonnie Pugh Burner, moved back to Pocahontas County in 1975. While in Pocahontas County, Gene worked to restore the old white farmhouse on Burner Hill near Cass, which was originally constructed in the early 1900s by Gene’s uncle; and

Whereas, Gene also was an active member of his community. Always a talented pianist and tenor soloist, Gene played the piano and organ at three churches in the area, in Cass, Durbin and Arbovale, sometimes all on the same day. Gene also lent his musical talents to weddings and funerals, often playing with his mother and his second wife, Louise Shears Burner; and

Whereas, Gene further demonstrated his commitment to his community by serving on the boards of Methodist churches in the area and the Arbovale Cemetery. His focus on expanding and maintaining the buildings and grounds of local churches and cemeteries continues to enhance the lives of people within the communities of Pocahontas County. Of particular note, Gene

supported and actively worked with other citizens and groups to ensure that grave markers for some of Pocahontas County's pioneers and most notable citizens were accurately marked and well preserved; and

Whereas, Gene's interests and talent also extended to history and genealogy. Before and after Gene's return to Pocahontas County, he performed extensive research on his family history and his ancestors' connection to the town of Cass and other lumber towns in Pocahontas County. Gene was an active contributor to the Pocahontas County Historical Society, providing pictures that he discovered during his research and taking photographs of historical buildings in the region, including former one-room schoolhouses and churches; and

Whereas, Gene also loved making and capturing memories anywhere he went. He was a fixture at civic events, cake walks, school activities, sporting events and class and family reunions, always bringing a camera, a light meter and tripod in tow. Gene loved to socialize with family and friends, but also never failed to memorialize events with candid shots and group photos. His extensive file of negatives is truly a treasure, providing a pictorial narrative of the life, culture and history of the people of Pocahontas County, West Virginia; and

Whereas, On August 6, 2008, Gene passed away, thirty-three years after his return to Pocahontas County. Despite his passing, Gene has left an indelible mark on Pocahontas County and the State of West Virginia, not just through his good works and deeds, but through his love for his community and the way in which he touched the lives of everyone that knew him. For these reasons and more, it is fitting to erect a sign memorializing Gene and his life well-lived; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 38-66-11.62 (38A133), locally known as Cass Bridge, carrying WV 66 over the Greenbrier River in Pocahontas

County, the “Eugene Lee ‘Gene’ Burner Memorial Bridge”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “Eugene Lee ‘Gene’ Burner Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the Senate is directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senator Maynard offered the following resolution:

Senate Concurrent Resolution 44—Requesting the Division of Highways to name bridge number 30-65/83-0.05 (30A283), (37.7938, -82.343), locally known as Tug Valley High School Bridge, carrying County Route 65/83 over Pigeon Creek in Mingo County, the “Tug Valley Students Memorial Bridge”.

Whereas, The West Virginia Division of Highways built this bridge in 2016; and

Whereas, The bridge furthers the economic development of Mingo County; and

Whereas, The bridge has enabled the Mingo County Board of Education to develop and improve the Tug Valley High School and its athletic facilities; and

Whereas, These upgrades improve the education and quality of life for all Tug Valley students; and

Whereas, Numerous students of Tug Valley High School perished at an early age while attending the school; and

Whereas, Those students deserve a lasting memorial celebrating their lives; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 30-65/83-0.05 (30A283), (37.7938, -82.343), locally known as Tug Valley High School Bridge, carrying County Route 65/83 over Pigeon Creek in Mingo County, the “Tug Valley Students Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “Tug Valley Students Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 16, Repealing section related to wind power projects.

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 16 pass?”

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Plymale, Prezioso, Rucker, Smith, Swope, Sypolt, Trump, Unger, Weld and Carmichael (Mr. President)—25.

The nays were: Beach, Hall, Miller, Palumbo, Romano and Woelfel—6.

Absent: Mullins, Stollings and Takubo—3.

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. 16) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Thereafter, at the request of Senator Beach, and by unanimous consent, the remarks by Senator Palumbo regarding the passage of Engrossed Committee Substitute for Senate Bill 16 were ordered printed in the Appendix to the Journal.

Eng. 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 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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Swope, Sypolt, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Mullins, Stollings and Takubo—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 308) 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 443, Establishing Adult Drug Court Participation Fund.

On third reading, coming up in regular order, was reported by the Clerk.

On motion of Senator Ferns, the bill was recommitted to the Committee on Finance.

Eng. Com. Sub. for Senate Bill 500, Relating to Medicaid fraud and abuse.

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, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Ojeda, Plymale, Prezioso, Rucker, Smith, Swope, Sypolt, Trump, Unger, Weld and Carmichael (Mr. President)—24.

The nays were: Beach, Facemire, Jeffries, Miller, Palumbo, Romano and Woelfel—7.

Absent: Mullins, Stollings and Takubo—3.

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. 500) 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 524, Relating to WV academic standards.

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 524 pass?”

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann,

Maroney, Maynard, Ojeda, Rucker, Smith, Swope, Sypolt, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—23.

The nays were: Beach, Facemire, Jeffries, Miller, Palumbo, Plymale, Prezioso and Romano—8.

Absent: Mullins, Stollings and Takubo—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 524) passed.

On motion of Senator Karnes, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Senate Bill 524—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2E-11, relating to West Virginia academic standards; defining “academic standards”; setting forth finding; prohibiting implementation of Common Core academic standards; requiring the West Virginia Board of Education to allow West Virginia educators the opportunity to participate in the development of academic standards prior to adoption; requiring cyclical review of any academic standards that are adopted by the board; requiring any proposed changes to academic standards for public schools comply with certain section of code requiring notice, written comments and public hearings in certain instances; and requiring withdrawal from the memorandum of agreement which required that Common Core represent eighty-five percent of the state’s standards in English language arts and mathematics.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Ojeda, Rucker, Smith, Swope, Sypolt, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—23.

The nays were: Beach, Facemire, Jeffries, Miller, Palumbo, Plymale, Prezioso and Romano—8.

Absent: Mullins, Stollings and Takubo—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 524) 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 554, Relating to false swearing in legislative proceeding.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Swope, Sypolt, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—30.

The nays were: Miller—1.

Absent: Mullins, Stollings and Takubo—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 554) 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 559, Relating to limited video lottery.

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, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Ojeda, Palumbo, Plymale,

Romano, Rucker, Smith, Swope, Sypolt, Trump, Weld, Woelfel and Carmichael (Mr. President)—27.

The nays were: Boley, Hall, Prezioso and Unger—4.

Absent: Mullins, Stollings and Takubo—3.

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. 559) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Ojeda, Palumbo, Plymale, Romano, Rucker, Smith, Swope, Sypolt, Trump, Weld, Woelfel and Carmichael (Mr. President)—27.

The nays were: Boley, Hall, Prezioso and Unger—4.

Absent: Mullins, Stollings and Takubo—3.

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. 559) takes effect from passage.

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 581, Relating generally to administration of trusts.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Swope, Sypolt, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Mullins, Stollings and Takubo—3.

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. 581) 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 620, Relating to traffic regulations.

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 620 pass?”

On the passage of the bill, the yeas were: Blair, Boso, Clements, Cline, Ferns, Gaunch, Jeffries, Karnes, Mann, Maynard, Rucker, Smith, Swope, Trump, Weld, Woelfel and Carmichael (Mr. President)—17.

The nays were: Azinger, Beach, Boley, Facemire, Hall, Maroney, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Sypolt and Unger—14.

Absent: Mullins, Stollings and Takubo—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 620) 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 2028, Relating to the venue for suits and other actions against the state.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Swope, Sypolt, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Mullins, Stollings and Takubo—3.

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. 2028) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2028—A Bill to amend and reenact §14-2-2 of the Code of West Virginia, 1931, as amended, relating to the venue for suits and other actions against the state; allowing a plaintiff to file a suit against the state, a state officer, or state agency in the circuit court of a county in which a claim arose or, alternatively, in the circuit court of Kanawha County in suits where insurance coverage administered by the State Board of Risk and Insurance Management exists.

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 Com. Sub. for Senate Bill 290, Authorizing operators of distillery or mini-distillery offer for purchase and consumption of liquor on Sundays.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 608, Clarifying lawful business structures are unaffected by enactment of prohibitory legislation.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Com. Sub. for Senate Bill 27, Relating to microprocessor permit.

Com. Sub. for Senate Bill 36, Permitting school nurses to possess and administer opioid antagonists.

Com. Sub. for Senate Bill 216, Permitting exclusion, modification or limitation of warranties in sale of used motor vehicles.

Com. Sub. for Com. Sub. for Senate Bill 219, Relating to conspiracy to commit crimes under Uniform Controlled Substances Act.

Com. Sub. for Com. Sub. for Senate Bill 341, Establishing WV business growth in low-income communities tax credit.

Senate Bill 468, Removing restrictions on where traditional lottery games may be played.

Com. Sub. for Senate Bill 480, Authorizing local government adopt energy efficiency partnership programs.

Senate Bill 547, Modifying fees paid to Secretary of State.

Com. Sub. for Senate Bill 548, Providing for specific escheat of US savings bonds.

Senate Bill 564, Relating to Statewide Independent Living Council.

Eng. House Bill 2300, Regulating step therapy protocols.

And,

Eng. Com. Sub. for House Bill 2447, Renaming the Court of Claims the state Claims Commission.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Rucker.

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Rucker were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Ferns, unanimous consent being granted, leaves of absence for the day were granted Senators Stollings and Takubo.

Pending announcement of meetings of standing and select committees of the Senate,

On motion of Senator Ferns, the Senate adjourned until Monday, March 20, 2017, at 11 a.m.

MONDAY, MARCH 20, 2017

The Senate met at 11 a.m.

(Senator Carmichael, Mr. President, in the Chair.)

Prayer was offered by Pastor Tommy Knotts, Brenton Baptist Church, Wyoming, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Ryan W. Weld, a senator from the first district.

Pending the reading of the Journal of Saturday, March 18, 2017,

At the request of Senator Swope, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the fourth order of business.

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 18, Requiring new comprehensive statewide student assessment.

And,

Com. Sub. for Senate Bill 479, Relating to regulation of liquor sales.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Mike Hall,
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 298, Relating to ability of constitutional officer to voluntarily waive his or her salary for any calendar year.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 298 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §6-7-2 of the Code of West Virginia, 1931, as amended, relating to compensation of constitutional officers generally; providing that a constitutional officer may waive all or part of his or her compensation; requiring that constitutional officer provide notice to the State Auditor fourteen days prior to the waiver's effective date; and providing that waiver of salary of compensation constitutes waiver of a constitutional officer's right to participate in the Public Employees Retirement System and the Public Employees Insurance Agency health benefits and retirement health benefits.

And,

Senate Bill 628, Relating to providing funding for Statewide Interoperable Radio Network.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 628 (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 §15-5-29; to amend and reenact §50-3-2 of said code; and to amend and reenact §62-5-10 of said code, all relating to creating a special revenue account in the State Treasury known as the Statewide Interoperable Radio Network Account; setting forth funding sources; providing for appropriation of moneys in the account; providing purposes for which the moneys may be used; providing for quarterly accounting; and providing funding for the Statewide Interoperable Radio Network through additional court costs to be imposed in criminal cases.

With the recommendation that the two committee substitutes do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The bills (Com. Sub. for S. B. 298 and 628), under the original double committee references, were 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 362, Authorizing redirection of certain amounts to General Revenue Fund.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 362 (originating in the Committee on Finance)—A Bill to amend and reenact §23-2C-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-22A-10d and §29-22A-10e of said code, all relating to authorizing the redirection of certain amounts to the General Revenue Fund; authorizing the redirection of amounts collected from certain surcharges and assessments on workers' compensation insurance policies for periods prior to July 1, 2018; changing the amount of premium surcharge to be paid by the self-insured employer community into the Workers' Compensation Debt Reduction Fund; and authorizing the redirection of amounts collected from certain deposits of revenues from net terminal income for periods prior to July 1, 2018.

With the recommendation that the 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

Com. Sub. for Senate Bill 382 (originating in the Committee on Transportation and Infrastructure), Allowing automobile auctions obtain abandoned vehicles' titles.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 382 (originating in the Committee on Government Organization)—A Bill to amend and reenact §17-24A-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17A-4-10 of said code, all relating to certificates of title and registration for motor vehicles; allowing licensed automobile auctions to obtain title to abandoned or junked motor vehicles; making technical corrections; allowing insurance companies to obtain salvage certificates, cosmetic total loss salvage certificates or nonrepairable motor vehicle certificates to motor vehicles for which a total loss claim was paid; allowing licensed automobile auction to obtain salvage certificates or nonrepairable motor vehicle certificates to certain vehicles; specifying application requirements that require the Division of Motor Vehicles to issue certificates; and requiring applicant to indemnify and hold harmless the division from liability due to error or misrepresentation of applicant.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 414, Creating Division of Multimodal Transportation.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 414 (originating in the Committee on Transportation and Infrastructure)—A Bill to repeal §17-16B-1, §17-16B-2, §17-16B-3, §17-16B-4, §17-16B-5, §17-16B-6, §17-16B-7, §17-16B-7a, §17-16B-7b, §17-16B-8, §17-16B-9, §17-16B-10, §17-16B-11, §17-16B-12, §17-16B-13, §17-16B-14, §17-16B-15, §17-16B-16, §17-16B-17, §17-16B-18, §17-16B-19, §17-16B-20, §17-16B-21 and §17-16B-22 of the Code of West Virginia, 1931, as amended; to repeal §29-2A-1, §29-2A-2, §29-2A-3, §29-2A-3a, §29-2A-4, §29-2A-5, §29-2A-6, §29-2A-7, §29-2A-8, §29-2A-9, §29-2A-10, §29-2A-11, §29-2A-11a, §29-2A-11b, §29-2A-11c, §29-2A-11d, §29-2A-11e, §29-2A-11f, §29-2A-12, §29-2A-13, §29-2A-14, §29-2A-17, §29-2A-18, §29-2A-19, §29-2A-20, §29-2A-21, §29-2A-22, §29-2A-23, §29-2A-24, §29-2A-25, §29-2A-26, §29-2A-27 and §29-2A-28 of said code; to repeal §29-18-1, §29-18-2, §29-18-3, §29-18-4, §29-18-4a, §29-18-5, §29-18-6, §29-18-7, §29-18-8, §29-18-9, §29-18-10, §29-18-11, §29-18-12, §29-18-13, §29-18-14, §29-18-15, §29-18-16, §29-18-17, §29-18-18, §29-18-19, §29-18-20, §29-18-21, §29-18-22, §29-18-23, §29-18-24 and §29-18-25 of said code; to amend and reenact §5F-2-1 of said code; and to amend said code by adding thereto a new article, designated §17-16F-1, §17-16F-2, §17-16F-3, §17-16F-4, §17-16F-5, §17-16F-6, §17-16F-7, §17-16F-8, §17-16F-9, §17-16F-10, §17-16F-11, §17-16F-12, §17-16F-13, §17-16F-14, §17-16F-15, §17-16F-16, §17-16F-17, §17-16F-18, §17-16F-19, §17-16F-20, §17-16F-21, §17-16F-22, §17-16F-23, §17-16F-24, §17-16F-25, §17-16F-26, §17-16F-27, §17-16F-28, §17-16F-29, §17-16F-30, §17-16F-31, §17-16F-32, §17-16F-33, §17-16F-34, §17-16F-35 and §17-16F-36, all relating to creating the Division of Multimodal Transportation; combining the powers and duties and eliminating certain references to the Public Port Authority, the West Virginia State Rail Authority and the state Aeronautics Commission; providing for legislative findings and creation of the division; transferring employees, equipment, assets,

liabilities, contracts, agreements, functions and duties to the division; providing for all property currently held by the Public Port Authority, the West Virginia State Rail Authority and the state Aeronautics Commission to be transferred to the division; authorizing the Secretary of the Department of Transportation to appoint the director; providing for qualifications for the director; establishing general powers and duties of the director; defining terms; establishing the powers and duties of the division generally; requiring division to promote, supervise and support safe, adequate and efficient transportation, preserve rail, water and airway facilities and promote economic development and tourism; authorizing division to work cooperatively with similar entities within and without the state; providing for siting, development and operation of facilities; authorizing employment of trained and qualified staff and consultants and compensating therefor; providing the right to enter into contracts and agreements; authorizing acquisition of various types and interests in property to be held in the name of the state; authorizing use of eminent domain; authorizing acquisition and disposal of property by various means; authorizing interagency cooperation; authorizing division to act on behalf of the state in planning, financing, development, construction and operation of port, railroad and aeronautic projects or facilities; reporting annually to Legislature on status of projects, operations, finances and related information; authorizing study and assessment of state transportation needs; authorizing use of various financing options including issuing revenue bonds and receipt of grants and loans; authorizing division to make grants and loans to governmental agencies and persons for multimodal transportation projects; permitting collection of reasonable fees and charges connected to making and servicing loans, notes, bonds and other obligations; granting rule-making authority to the division; continuing all rules, policies and orders of the combined entities until revised and reissued by the division; requiring strategic plan and reports to the Governor and the Legislature; requiring collection and analysis of shipping through state ports; providing for confidentiality of collected information and providing criminal penalty for violation; providing that division employees may not have direct or indirect financial interest in contracts, sale of property of the division and providing criminal penalty for

violation; providing that activities of division are for public purpose; authorizing the division to use certain property or facilities of a public utility, common carrier, public road or railroad for certain public projects; requiring the division to relocate any such property or facilities; providing for rules regarding relocation or removal of railroad or public utility located on division property; requiring the division to pay for said relocation or removal; encouraging participation of private enterprise in construction and operation of facilities; authorizing lease back to division; authorizing development of foreign trade zones, free trade zones, ports of entry and customs zones; providing for specific duties related to port projects; authorizing the division to act on behalf of the state in developing, operating, improving and maintaining ports; authorizing the division to coordinate and cooperate with other port entities; creating the West Virginia Multimodal Operations Fund and transference of funds and liabilities of the West Virginia Public Port Authority Operations Fund; eliminating local port authority districts; providing for specific duties related to rail projects; authorizing the exercise of powers necessary to qualify for federal subsidies; authorizing various means to carry out rail projects that are consistent with state plan with other entities; providing authority for the division to establish, fund, construct, reconstruct, acquire, repair, replace, operate, maintain and make available to other entities railroad projects; providing that research and development of railroads may be conducted; providing that contracts may be entered into to acquire various rolling stock, equipment or trackage and providing the requirements therefor; providing for the authority to enter into agreements that are beneficial to railroad projects notwithstanding other code provisions, including the authority to reject bids; authorizing division to purchase various types of insurance; authorizing the collection of fees for use of rail projects; providing for the administration and coordination of a state plan, including the distribution of federal subsidies; providing for investigation, research, promotion and development with public participation; authorizing the provision of fiscal assurances and adoption of accounting procedures necessary to continue subsidies; authorizing compliance with applicable federal regulations; authorizing all actions necessary to maximize federal assistance for rail subsidies;

providing powers necessary to coordinate with the Maryland Transit Administration for continued operation in the state, including negotiation and contracting authority; providing that any commuter rail operation agreement will meet certain service standards; providing that any track access fees to be paid pursuant to the agreement shall be paid from the West Virginia Commuter Rail Access Fund; authorizing sale or transfer of interest in rail property with federal approval when required; authorizing assistance to entities seeking federal railroad service certification, including the provision of any necessary assurances or guarantees; authorizing division to retain attorney or others to title ownership of rail properties within the state; requiring rail properties offered for sale within the state to be offered first to the state; providing that division may acquire railroad rights in other states and may cooperate with other states in so purchasing any rail properties; providing for the division to give consideration to county or municipality interest in acquiring abandoned property interest and providing for the division to acquire any such abandoned property for subsequent conveyance to a county or municipality; authorizing the division to apply for and utilize federal funds or loans in carrying out its purposes of this article; authorizing the purchase of any railroad rolling stock, equipment and machinery necessary for the operation and maintenance of state rail properties and authorizing contracts with the Division of Highways for maintenance or purchase of vehicles; authorizing maintenance, rebuilding or relocation of state rail properties and authorizing expenditures for the modernization, rebuilding and relocation of any rail properties owned by the state or private carrier; providing for contracting with domestic or foreign entities to provide, maintain or improve rail transportation service on state rail properties; providing for transfer of rail properties to other entities within the state when permitted by the Governor; authorizing the division to resolve conflicts when multiple entities want to utilize the same rail property; providing for proceeds from the sale of state rail property to be deposited in Railroad Maintenance Fund; terminating Railroad Maintenance Authority Fund and creating a Railroad Maintenance Fund for proceeds and expenditures related to division's purpose; authorizing expenditure from any fund for study of proposed rail projects and use of funds from Railroad

Maintenance Fund for study and engineering costs; authorizing the issuance of railroad maintenance revenue bonds and notes for costs of rail projects, including issuance of renewal notes and bond refund, with aggregate amount of all issues of bonds and notes outstanding at one time not exceeding amount capable of being serviced by revenues received; providing that issues of bonds or notes are negotiable instruments and are obligations of the division and are payable out of the revenues which are pledged for such payment; providing for maturity date, terms of execution, sale, redemption and delivery; authorizing the establishment of various conditions necessary to secure sufficient funds to protect bonds or notes; providing that person executing bonds or notes is not personally liable therefor; providing for trust agreement to secure bonds issued by division and creating conditions therefor, not including mortgage of any rail project; allocating expenses of bond issuance or trust agreement to rail projects; providing for civil action for bondholders seeking to enforce rights granted; providing that bonds are payable from division revenues and are not a debt of state or political subdivision; restricting division from incurring debt on behalf of state or political subdivision; authorizing use of proceeds from bonds to carry out division's powers and prohibiting commingling with other funds; providing for the investment of excess funds by West Virginia State Board of Investments; authorizing division to collect rents or revenues for use of rail projects; providing for cooperation with other governmental agencies to effect acquisition of rail project or bond issuance; authorizing division to maintain rail projects in good repair; providing that railroad maintenance bonds are lawful investments for various entities; continuing West Virginia Commuter Rail Access Fund which is administered by division director; requiring division to establish a state rail plan that complies with federal requirements for funding; providing for specific duties related to aeronautics projects; authorizing division to advance development of aeronautics in cooperation with municipalities; authorizing rules necessary for public safety related to airports and aeronautics; providing for the expenditure of funds for various needs of Civil Air Patrol; authorizing division to fund grants for public airport authorities; authorizing division to receive federal funding to support airports or air navigation facilities; providing for

procedures and conditions for use of federal funds; requiring a federal license to operate an aircraft; allowing for the use of state and municipal facilities and services; disposing of fees collected under this code section; and a severability clause.

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,

Gregory L. Boso,
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 Transportation and Infrastructure.

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 461 (originating in the Committee on Government Organization), Exempting WV State Police from state purchasing requirements.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 461 (originating in the Committee on Finance)—A Bill to amend and reenact §5A-3-1 and §5A-3-3 of the Code of West Virginia, 1931, as amended, all relating to exempting the West Virginia State Police from state purchasing requirements; requiring the Legislative Auditor to audit purchasing made by the West Virginia State Police and report the findings to the Joint Committee on Government and Finance; and requiring the West Virginia State Police report to the Joint

Committee on Government and Finance on the effects of exempting said agency from state purchasing requirements.

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

Senate Bill 467, Removing restrictions on maximum wager per limited video lottery game and bill denominations accepted by video lottery terminals.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 467 (originating in the Committee on Finance)—A Bill to amend and reenact §29-22B-903 and §29-22B-1408 of the Code of West Virginia, 1931, as amended, all relating generally to limited video lottery; increasing the maximum wager permitted per limited video lottery game; removing restrictions on bill denominations accepted by limited video lottery terminals; and fixing the state's share of gross terminal income at fifty percent.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mike Hall,
Chair.

Senator Maynard, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 472, Permitting bear hunting with guides.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 472 (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-2-22a, §20-2-23, §20-2-24 and §20-2-26 of the Code of West Virginia, 1931, as amended, all relating to outfitters and guides; setting forth license fees; creating special bear outfitter guide license for certain areas; clarifying when license may be issued; and making technical corrections.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,
Chair.

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 482, Relating generally to WV Parkways Authority.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 482 (originating in the Committee on Transportation and Infrastructure)—A Bill to repeal §17-16A-18a, §17-16A-23 and §17-16A-30 of the Code of West Virginia, 1931, as amended; to amend and reenact §17-16A-1, §17-16A-5, §17-16A-6, §17-16A-10, § 17-16A-11, §17-16A-13, §17-16A-13a, §17-16A-18, §17-16A-21, §17-16A-22 and §17-16A-29 of said code; to amend

said code by adding thereto a new section, designated §17-16A-11a; to amend and reenact §17-16D-3 of said code; to amend said code by adding thereto a new section, designated §17A-2-25; to amend and reenact §17A-3-7 of said code; and to amend said code by adding thereto a new section, designated §17A-10-17, all relating generally to the West Virginia Parkways Authority; defining terms; adding the power of the authority to study, investigate and evaluate, and, if feasible, develop and implement, a single fee program; adding the power of the authority to impose in connection with any single fee program a flat fee in connection with any or all certificates of passenger motor vehicle registration and renewal thereof by the Division of Motor Vehicles; adding the power of the authority to enter into reciprocal toll enforcement agreements; creating and designating a special revenue account within the State Road Fund known as the State Road Construction Account; authorizing the deposit of proceeds of parkway revenue bonds to the State Road Construction Account; creating and designating a special revenue account within the State Treasury known as the West Virginia Parkways Authority Single Fee Program Fund; clarifying notice and public meeting requirements and procedures; clarifying the power of the Parkways Authority to fix rates or tolls for Corridor L toll collection facility; expanding the authority of the Parkways Authority to issue revenue bonds or refunding revenue bonds for parkways projects and for the West Virginia Turnpike; eliminating approval by county commissions and establishment by Governor of local committees prior to approval of any parkway project; authorizing electronic toll collection and enforcement of tolls on roads, highways and bridges; adding the power of the Division of Motor Vehicles to act as collection agent for the authority under any single fee program; expanding the grounds for refusing to register a motor vehicle; and creating a misdemeanor offense.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Gregory L. Boso,
Chair.

The bill (Com. Sub. for S. B. 482), under the original double committee reference, was then referred to the Committee on Finance.

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 499, Creating Debt Resolution Services Division in Auditor's office.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 499 (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 §14-1A-1, §14-1A-2 and §14-1A-3, all relating to creating the Debt Resolution Services Division within the Auditor's office; providing for powers and duties of the division; defining terms; providing for administration of division; authorizing the offset of a payment due to a vendor, contractor or taxpayer from the state to satisfy an outstanding obligation owed by them to the state; authorizing the administration of the United States Treasury Offset Program; providing for responsibilities of the State Tax Commissioner and spending units of the state; providing for the adoption of procedures, forms, and agreements; and directing the deposit of moneys offset.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 521, Relating generally to Public Defender Services.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 521 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §29-21-2, §29-21-6, §29-21-8, §29-21-9 and §29-21-13a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §29-21-9a, all relating generally to Public Defender Services; transferring initial authority to review, approve, reduce or reject panel attorney vouchers from circuit courts to Public Defender Services; providing for resubmission of vouchers previously reduced or rejected; establishing protocol for handling of rejected or reduced vouchers; maintaining final authority over payment vouchers with the appointing courts; authorizing the Executive Director of Public Defender Services, with approval of the Indigent Defense Commission, to establish conflict public defender corporations and establishing criteria therefor; authorizing the Executive Director of Public Defender Services, with approval of the Indigent Defense Commission, to contract for legal services or specialized legal services in any circuit; authorizing Governor by executive order to borrow funds from the Revenue Shortfall Reserve Fund to pay appointed counsel and establishing repayment requirements; revising order of preference for the appointment of attorneys; and requiring panel attorneys to maintain time-keeping records on a daily basis.

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. 521), under the original double committee reference, was then referred to the Committee on Finance.

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 523, Converting to biweekly pay cycle for state employees.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 523 (originating in the Committee on Government Organization)—A Bill to amend and reenact §4-2A-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §11B-2-12 of said code; to amend and reenact §12-3-12a and §12-3-13b of said code; to amend and reenact §15-2-5 of said code; to amend and reenact §18-3-1 of said code; to amend and reenact §20-1-5 of said code; to amend and reenact §20-7-1 of said code; to amend and reenact §22C-1-4 of said code; to amend and reenact §24-1-3 of said code; to amend and reenact §24A-6-6 of said code; to amend and reenact §24B-5-2 of said code; to amend and reenact §25-1-19 of said code; to amend and reenact §31-19-4 of said code; to amend and reenact §33-2-2 of said code; to amend and reenact §50-1-8 and §50-1-9 of said code; to amend and reenact §51-7-3 and §51-7-5 of said code; to amend and reenact §51-8-2 of said code; and to amend and reenact §62-12-5 of said code, all relating to converting to a biweekly pay cycle from a monthly or semimonthly cycle for state employees; modifying pay cycle of members of the Legislature; submitting expenditure schedules to the Secretary of the Department of Revenue; modifying pay cycle of employees of the Higher Education Policy Commission, Council for Community and Technical College Education and institutions which they govern; modifying pay cycle of the West Virginia State Police; modifying pay cycle of the State Superintendent of Schools; modifying pay

cycle of the Division of Natural Resources; modifying pay cycle of the Water Development Authority; modifying pay cycle of the Public Service Commission; modifying pay cycle of the Division of Corrections; modifying pay cycle of West Virginia Community Infrastructure Authority; modifying pay cycle of the Insurance Commissioner; modifying pay cycle of magistrate courts; modifying pay cycle of official court reporters; modifying pay cycle of state law librarian and assistants; and modifying pay cycle of probation officers and clerical assistants.

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 533, Relating to taxes on wine and intoxicating liquors.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 533 (originating in the Committee on Finance)—A Bill to amend and reenact §8-13-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §60-3-9d of said code; and to amend and reenact §60-4-3b of said code, all relating to the collection of taxes on wine and intoxicating liquors; providing that no wine or liquor excise tax shall be collected on purchases of wine or intoxicating liquors in the original sealed package for the purpose of resale if the final purchase of such wine or intoxicating liquor is subject to the excise tax; and defining terms.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mike Hall,
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 572, Relating to nonpartisan election of county surveyors.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 572 (originating in the Committee on the Judiciary)—A Bill to amend §3-1-17 of the Code of West Virginia, 1931, as amended, to amend and reenact §3-4A-11a of said code; to amend and reenact §3-5-13 and §3-5-13a of said code; to amend and reenact §3-10-1 and §3-10-8 of said code; and to amend said code by adding thereto a new section, designated §3-10-8a, all relating to providing for the nonpartisan election of county surveyors; providing that county surveyors are to be elected on a nonpartisan basis beginning with the general election of 2020; clarifying ballot placement for nonpartisan election for county surveyor; clarifying ballot heading for nonpartisan election for county surveyor; and specifying manner of appointment of a successor when an elected county surveyor vacates office.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
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 585, Relating to locomotive crew size.

And reports the same back with the recommendation that it 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 595, Allowing county assessors make separate entries in land books when real property is partly used for exempt and partly nonexempt purposes.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Mike Hall,
Chair.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles and referred to the appropriate committees:

By Senators Takubo and Stollings:

Senate Bill 670—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-

5Z-1, §16-5Z-2, §16-5Z-3, §16-5Z-4 and §16-5Z-5, all relating to establishing the West Virginia Advisory Council on Rare Diseases; setting forth its composition; establishing terms of members; defining terms; establishing the powers and duties of the council; setting forth duties of the Secretary of the Department of Health and Human Resources; and setting a sunset date.

Referred to the Committee on Health and Human Resources; and then to the Committee on Government Organization.

By Senator Mann:

Senate Bill 671—A Bill to amend and reenact §18B-4-8 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Anatomical Board; defining “board” to include the board of directors of West Virginia Anatomical Board; providing that the board members consist of the deans of the Marshall University School of Medicine, the West Virginia School of Osteopathic Medicine, the West Virginia University School of Medicine and the West Virginia University School of Dentistry; clarifying that the board is being reestablished and continued under the authority of the commission and is subject to the commission’s rule-making authority; clarifying that the title “commission” is referring to the Higher Education Policy Commission; removing requirement that all dead human bodies that are buried at the public’s expense to be delivered to the board; removing the penalties and bond requirements incurred with failing to deliver said bodies to the board; clarifying that the board is able to receive and refuse dead human bodies for educational uses and purposes of higher education institutions at the board’s discretion; clarifying that members of the board are not to receive any compensation for services rendered in their capacity; and clarifying that the board shall operate consistent with the Anatomical Gift Act.

Referred to the Committee on Government Organization.

By Senators Stollings and Prezioso:

Senate Bill 672—A Bill to amend and reenact §16-45-3 of the Code of West Virginia, 1931, as amended, relating to prohibiting the use of a tanning device by a person under the age of eighteen.

Referred to the Committee on Health and Human Resources.

By Senators Karnes, Boso and Sypolt:

Senate Bill 673—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §3-11A-1, §3-11A-2, §3-11A-3 and §3-11A-4, all relating to providing a procedure for West Virginia to select delegates to an Article V Convention for proposing amendments to the Constitution of the United States; defining terms; setting forth delegate duties and responsibilities; and providing a felony criminal penalty for violation of a delegate's oath.

Referred to the Committee on the Judiciary.

By Senator Boso:

Senate Bill 674—A Bill to amend and reenact §18-9A-2, §18-9A-4, §18-9A-5, §18-9A-6a, §18-9A-7, §18-9A-9 and §18-9A-10 of the Code of West Virginia, 1931, as amended, all relating to public school support; including treasurer/chief school business official and child nutrition director as professional educator for funding purposes only; deleting required periodic legislative review of adjustments in net enrollment; determining allowance for fundable professional educators at set ratio, rather than the number employed subject to a limit; providing for determination of allowance for fundable positions in excess of number employed; deleting expired provisions; basing minimum professional instructional personnel required on percent of employed fundable professional educators; providing for prorating professional instructional personnel among participating counties in joint school or program or service; removing penalty for not meeting applicable professional instructional personnel ratio for 2017-2018 school year; deleting expired provisions; deleting required periodic legislative review of density category ratios; determining allowance for fundable service personnel at set ratio, rather than number employed subject to a limit; providing for determination of allowance for fundable positions in excess of number employed; providing for proration of number and allowance of personnel employed in part by state and county funds; adding professional student support personnel allowance to calculation of teachers retirement fund allowance; basing teachers retirement fund allowance on average retirement contribution rate of each county

and defining “average rate”; allowing limited portion of funds for bus purchases to be used for facility and equipment repair maintenance and improvement or replacement or other current expense priorities if requested and approved by state superintendent following verification; changing calculation of allowance for current expense from percent allowances for professional and service personnel to county’s state average costs per square footage per student for operations and maintenance; removing authorization for use of instructional improvement funds for implementation and maintenance of regional computer information system; removing requirement for fully utilizing applicable provisions of allowances for professional and service personnel before using instructional improvement funds for employment; removing restriction limiting use of new instructional improvement funds for employment except for technology system specialists until certain determination made by state superintendent; authorizing use of instructional technology improvement funds for employment of technology system specialists and requiring amount used to be included and justified in strategic technology plan; specifying when certain debt service payments are to be made into school building capital improvement fund; authorizing use of percentages of allocations for improving instructional programs; improving instructional technology for facility and equipment repair and maintenance or replacement and other current expense priorities and for emergency purposes; and requiring amounts used to be included and justified in respective strategic plans.

Referred to the Committee on Education.

By Senators Takubo, Stollings, Carmichael (Mr. President), Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Swope, Sypolt, Trump, Unger, Weld and Woelfel:

Senate Bill 675—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-7A-12, relating to providing rulemaking authority to the Board of Licensed Practical Nurses regarding agreements with

organizations to form recovery networks; and creating an alcohol or chemical dependency treatment program.

Referred to the Committee on the Judiciary.

By Senators Karnes and Boso:

Senate Bill 676—A Bill to amend and reenact §29-3E-10 of the Code of West Virginia, 1931, as amended, relating to fireworks safety; and prohibiting counties from regulating the sale and use of consumer fireworks within their boundaries.

Referred to the Committee on Government Organization.

By Senators Takubo and Stollings:

Senate Bill 677—A Bill to amend and reenact §11-17-3 and §11-17-4b of the Code of West Virginia, 1931, as amended; all relating to increasing the tax rate on cigarettes and e-cigarettes liquid; and specifying the effective date for the increase.

Referred to the Committee on Finance.

By Senator Miller:

Senate Bill 678—A Bill to repeal §11-17-4b of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-15-3d, relating to tax on sales of e-cigarette liquid.

Referred to the Committee on Finance.

By Senators Smith, Blair, Facemire, Prezioso and Sypolt:

Senate Bill 679—A Bill to amend and reenact §22-30-3 of the Code of West Virginia, 1931, as amended, relating to the definition of “above ground storage tanks”; and excluding certain tanks holding oil, brine or other fluids used in hydrocarbon and mineral extraction.

Referred to the Committee on Energy, Industry and Mining.

By Senators Sypolt and Boso:

Senate Bill 680—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §22C-9-6a and §22C-9-7a, all relating to permitting surface owners

to seek damages resulting from oil and gas operations through the Oil and Gas Conservation Commission; permitting leaseholders to unitize drilling interests regardless of the type of well to be drilled; and requiring rulemaking.

Referred to the Committee on the Judiciary.

By Senators Sypolt and Boso:

Senate Bill 681—A Bill to amend and reenact §11-13A-3a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22-6-42, all relating to requiring the Secretary of the Department of Environmental Protection to work with the State Tax Commissioner, the Public Service Commission and county assessors to develop a system for verifying production information submitted by an oil or gas producer in connection with the producer's severance tax returns and other production reports; and requiring the cooperation of persons submitting the reports.

Referred to the Committee on Government Organization.

By Senators Blair and Boso:

Senate Bill 682—A Bill to amend and reenact §11-10-11c of the Code of West Virginia, 1931, as amended, relating to the state administration of local sales and use taxes.

Referred to the Committee on Government Organization.

By Senators Jeffries, Miller, Beach, Facemire, Ojeda, Plymale and Romano:

Senate Bill 683—A Bill to amend and reenact §11-12-75 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-15-3 and §11-15-8 of said code; to amend said code by adding thereto two new sections, designated §11-15-3d and §11-15-3e; to amend and reenact §11-15A-2 of said code; to amend and reenact §11-21-4e, §11-21-12 and §11-21-16 of said code; to amend said code by adding thereto a new section, designated §11-21-22d; and to amend and reenact §11-24-4 of said code, all relating to taxation to enact a fiscally responsible state budget; increasing the tax on corporations holding more than ten thousand

acres of land and making it an annual assessment; increasing the rate of the consumers sales and service tax; increasing the rate of the use tax; providing effective dates for those rate changes; changing the words “six percent” to the current consumers sales and service tax rate or use tax rate where those terms are used under certain sections of chapter eleven of the code; imposing the consumers sales tax on telecommunications service and ancillary services; imposing the consumers sales and service tax on the sale of certain digital goods; imposing the consumers sales and service tax on personal services; adjusting the personal income tax rates to lower rates on taxable income between \$10,000 and \$150,000 for joint filers and between \$5,000 and \$75,000 for individuals filing separate returns; creating new personal income tax rates for higher earners; exempting Social Security benefits from the personal income tax if the taxpayer’s total taxable income is below \$50,000; amending the West Virginia exemption for residents such that it is reduced for residents with more than \$100,000 in West Virginia taxable income; exempting all monetary benefits derived from military retirement from personal income tax obligations; creating West Virginia Earned Income Tax Credit; authorizing a refundable tax credit based upon the federal Earned Income Tax Credit; determining eligibility for the credit; determining amount of the credit; authorizing rule-making authority; replacing the flat corporate net income tax rate with a tiered rate that is consistent with the personal income tax rates, thereby reducing the tax rate for businesses with lower annual income and increasing the tax rate for higher earning businesses; and setting forth effective dates.

Referred to the Committee on Finance.

Senators Carmichael (Mr. President), Boso, Stollings and Plymale offered the following resolution:

Senate Resolution 42—Designating March 20, 2017, as International Pageant Day in West Virginia.

Whereas, Charleston, West Virginia, will play host to the Miss, Miss Teen and Mrs. International Pageants for three consecutive years beginning in 2017; and

Whereas, Mary C. Richardson, the executive director, is a West Virginia native who is excited to bring this event to her home state; and

Whereas, The West Virginia Division of Culture and History, the Charleston Convention and Visitors Bureau and the Clay Center are partners in the events; and

Whereas, The economic impact of this partnership will be \$1.7 million for the city of Charleston; and

Whereas, The pageant participants, their families and friends will have the opportunity to experience some of West Virginia's finest tourism opportunities; therefore, be it

Resolved by the Senate:

That the Senate hereby designates March 20, 2017, as International Pageant Day in West Virginia; and, be it

Further Resolved, That the Senate is proud of the State of West Virginia for hosting this event for the next three years and extends a special welcome to the participants and their families; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Division of Culture and History, the Charleston Convention and Visitors Bureau and the Clay Center.

At the request of Senator Ferns, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with and adopted.

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 Gaunch, Ferns, Karnes, Romano, Cline, Sypolt, Swope, Boso, Stollings, Plymale and Prezioso offered the following resolution:

Senate Resolution 43—Recognizing West Virginia native Homer Hickam, United States Army veteran, famed author and dedicated public servant.

Whereas, Homer H. Hickam, Jr., was born on February 19, 1943, the son of Homer and Elsie Hickam, and was raised in Coalwood, West Virginia; and

Whereas, Homer Hickam graduated from Big Creek High School in 1960 and from the Virginia Polytechnic Institute in 1964 with a Bachelor of Science degree in Industrial Engineering; and

Whereas, Homer Hickam served our country as a First Lieutenant in the Fourth Infantry Division in Vietnam in 1967-1968, where he was awarded the Army Commendation and Bronze Star medals. Mr. Hickam served six years on active duty, leaving the service with the rank of Captain; and

Whereas, After returning from his service in Vietnam, Homer Hickam began his writing career in 1969. His first book, *Torpedo Junction* (1989), was a military history best seller published in 1989 by the Naval Institute Press; and

Whereas, Homer Hickam is a *New York Times* #1 best-selling author of several books that bring honor to the great State of West Virginia and its citizens, including, *The Coalwood Way*, *Sky of Stone*, *We Are Not Afraid*, *Red Helmet*, his latest international best seller, *Carrying Albert Home* and his classic, *Rocket Boys*, which is one of the most read books in the United States school system and was the basis for the major motion picture *October Sky*; and

Whereas, In addition to his career as an author, Homer Hickam was employed as an engineer for the U. S. Army Missile Command from 1971 to 1981 assigned to Huntsville, Alabama, and Germany. He began employment with the National Aeronautics and Space Administration at Marshall Space Flight Center in 1981 as an aerospace engineer. During his NASA career, Mr. Hickam worked in spacecraft design and crew training. His specialties at NASA included training astronauts on science payloads and extravehicular activities. He also trained astronaut crews for many

Spacelab and Space Shuttle missions, including the Hubble Space Telescope deployment mission, the first two Hubble repair missions, Spacelab-J (the first Japanese astronauts), and the Solar Max repair mission. Prior to his retirement in 1998, Mr. Hickam was the Payload Training Manager for the International Space Station Program; and

Whereas, Homer Hickam is the recipient of the Appalachian Heritage Writer's Award for his memoirs and fiction, holds an honorary Doctorate of Literature from Marshall University and is a proud Knight of the Golden Horseshoe, which demonstrates his knowledge of West Virginia history; and

Whereas, From growing up in McDowell County, West Virginia, to the present day, Homer Hickam has had many amazing life experiences, including carrying the Olympic torch, teaching David Letterman to scuba dive, flying with General Chuck Yeager and training NASA astronauts for SpaceLab and SkyLab missions; and

Whereas, Homer Hickam returns to West Virginia each year where he participates in the annual Rocket Boys Festival held in Beckley and has supported this, and various other charitable endeavors, through the years for West Virginia; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes West Virginia native Homer Hickam, United States Army veteran, famed author and dedicated public servant; and, be it

Further Resolved, That the Senate hereby extends its sincere gratitude and appreciation to Homer Hickam for representing and promoting the great State of West Virginia at his numerous personal and media appearances all over the world; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Homer Hickam.

At the request of Senator Gaunch, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with and adopted.

On motion of Senator Ferns, the Senate recessed for one minute.

Upon expiration of the recess, the Senate reconvened and, at the request of Senator Ferns, and by unanimous consent, returned 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 684 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §15-2-10 and §15-2-24 of the Code of West Virginia, 1931, as amended, all relating generally to the West Virginia State Police; and correcting agency referrals and code citations relating to the West Virginia State Police.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 43, Eugene Lee “Gene” Burner 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 44, Tug Valley Students Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Com. Sub. for Senate Bill 290, Authorizing operators of distillery or mini-distillery offer for purchase and consumption of liquor on Sundays.

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: Beach, Blair, Boley, Boso, Clements, Cline, Ferns, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Rucker, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—28.

The nays were: Azinger, Gaunch, Ojeda and Smith—4.

Absent: Facemire 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 Com. Sub. for S. B. 290) 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 608, Clarifying lawful business structures are unaffected by enactment of prohibitory legislation.

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, Mullins, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—31.

The nays were: Ojeda—1.

Absent: Facemire 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. 608) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—31.

The nays were: Ojeda—1.

Absent: Facemire 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. S. B. 608) takes effect from passage.

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 Com. Sub. for Senate Bill 27, Relating to microprocessor permit.

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 36, Permitting school nurses to possess and administer opioid antagonists.

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 216, Permitting exclusion, modification or limitation of warranties in sale of used motor vehicles.

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:

On page four, section one hundred seven-b, after line thirty-seven, by inserting a new subsection, designated subsection (e), to read as follows:

(e) Motor vehicles offered for sale as-is may not constitute more than twenty-five percent of a dealer's inventory offered for sale to the general public.

Following discussion,

Senator Maynard requested a ruling from the Chair as to whether he should be excused from voting under Senate Rule 43, as he is in the pre-owned car business.

The Chair replied that any impact on Senator Maynard would be as a member of a class of persons and that he would be required to vote.

The question now 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. 216) was then ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill 219, Relating to conspiracy to commit crimes under Uniform Controlled Substances Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill 341, Establishing WV business growth in low-income communities tax credit.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 468, Removing restrictions on where traditional lottery games may be played.

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 480, Authorizing local government adopt energy efficiency partnership programs.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 547, Modifying fees paid to Secretary of State.

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 548, Providing for specific escheat of US savings bonds.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 564, Relating to Statewide Independent Living Council.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Eng. House Bill 2300, Regulating step therapy protocols.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

Eng. Com. Sub. for House Bill 2447, Renaming the Court of Claims the state Claims Commission.

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 and adopted:

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 2. CLAIMS AGAINST THE STATE.

§14-2-3. Definitions.

For the purpose of this article:

~~“Court” means the state Court of Claims established by section four of this article.~~

“Commission” means the West Virginia Legislative Claims Commission established by section four of this article.

“Claim” means a claim authorized to be heard by the ~~court~~ commission in accordance with this article.

“Approved claim” means a claim found by the ~~court~~ commission to be one that should be paid under the provisions of this article.

“Award” means the amount recommended by the ~~court~~ commission to be paid in satisfaction of an approved claim.

“Clerk” means the clerk of the ~~Court of Claims~~ West Virginia Legislative Claims Commission.

“State agency” means a state department, board, commission, institution, or other administrative agency of state government: *Provided*, That a “state agency” shall not be considered to include county ~~courts~~ commissions, county boards of education, municipalities, or any other political or local subdivision of the state regardless of any state aid that might be provided.

§14-2-4. Creation of Court of Claims Court of Claims to be continued and renamed the West Virginia Legislative Claims Commission; appointment and terms of judges commissioners; vacancies.

The "Court of Claims" is hereby ~~created~~ renamed the West Virginia Legislative Claims Commission. It shall consist of three ~~judges~~ commissioners, to be appointed by the President of the Senate and the Speaker of the House of Delegates, ~~by and with the advice and consent of the Senate,~~ one of whom shall be appointed presiding judge commissioner. The judges of the Court of Claims sitting on the effective date of the amendments to this article enacted during the 2017 Regular Session of the Legislature will continue their existing terms as commissioners. Each appointment to the ~~court~~ commission shall be made from a list of three qualified nominees furnished by the Board of Governors of the West Virginia State Bar. The President of the Senate and the Speaker of the House of Delegates may jointly terminate the appointment of any commissioner appointed under this section at any time.

The terms of the ~~judges of this court~~ commissioners shall be six years. ~~except that the first members of the court commission shall be appointed as follows: One judge for two years, one judge for four years and one judge for six years. As these appointments expire, all appointments shall be for six year terms~~ Not more than two of the judges commissioners shall be of the same political party. An appointment to fill a vacancy shall be for the unexpired term.

§14-2-4a. Interim judges commissioners.

(a) If at any time two or more of the ~~judges~~ commissioners appointed under section four of this article are temporarily unable, due to illness or other incapacity, to perform their responsibilities the President of the Senate and the Speaker of the House of Delegates may appoint one or two interim judges commissioners to serve under the conditions specified in this section.

(b) Appointments made under this section are temporary. An interim ~~judge~~ commissioner serves under this section until the

~~judge commissioner~~ for whom the interim ~~judge commissioner~~ is temporarily replacing can resume his or her duties. In no event may the interim ~~judge commissioner~~ serve for more than three months unless reappointed.

(c) Appointments made under this section shall be made from a list furnished to the President of the Senate and the Speaker of the House of Delegates by the Board of Governors of the West Virginia State Bar. The Board of Governors of the West Virginia State Bar shall annually, on or before January 15, submit a list of twenty qualified nominees. ~~In two thousand four, the list shall be submitted before April 1~~

(d) An interim ~~judge commissioner~~:

(1) Is entitled to the same compensation and expense reimbursement a ~~judge commissioner~~ is entitled to under the provisions of section eight of this article;

(2) Shall take the oath of office as required in section nine of this article;

(3) Has all the authority given to a ~~judge commissioner~~ under this article; and

(4) Is required to possess the qualifications required of a ~~judge commissioner~~ in section ten of this article.

(e) The President of the Senate and the Speaker of the House of Delegates may jointly terminate the appointment of any interim ~~judge commissioner~~ appointed under this section at any time.

§14-2-5. ~~Court~~ Court Commission clerk and other personnel.

~~The court~~ The President of the Senate and the Speaker of the House of Delegates may appoint a clerk, chief deputy clerk and deputy clerks. The salaries of the clerk, the chief deputy clerk and the deputy clerks shall be fixed by the Joint Committee on Government and Finance, and shall be paid out of the regular appropriation for the ~~court commission~~. The clerk shall have custody of and maintain all records and proceedings of the ~~court~~

commission, shall attend meetings and hearings of the ~~court~~ commission, shall administer oaths and affirmations and shall issue all official summonses, subpoenas, orders, statements and awards. The chief deputy clerk or another deputy clerk shall act in the place and stead of the clerk in the clerk's absence.

The ~~Joint Committee on Government and Finance~~ President of the Senate and the Speaker of the House of Delegates may employ other persons whose services are necessary to the orderly transaction of the business of the ~~court~~ commission and fix their compensation.

§14-2-7. Meeting place of the ~~court~~ commission.

The regular meeting place of the ~~court~~ commission shall be at the State Capitol, and the Joint Committee on Government and Finance shall provide adequate quarters therefor. ~~When deemed advisable,~~ In order to facilitate the full hearing of claims arising elsewhere in the state, the ~~court~~ commission may convene at any county seat or other location in the state, including a correctional institution: *Provided*, That the ~~court~~ commission will make reasonable efforts to meet in appropriate public or private buildings in keeping with the dignity and decorum of the State.

§14-2-8. Compensation of ~~judges~~ commissioners; expenses.

Each ~~judge of the court~~ commissioner shall receive \$210 for each day actually served and expenses incurred in the performance of his or her duties paid at the same per diem rate as members of the Legislature: *Provided*, That the ~~chief judge presiding~~ commissioner shall receive an additional \$50 for each day actually served. In addition to the expense per diem, each commissioner may, when using his or her own vehicle, be reimbursed for mileage. ~~at the mileage rate equal to the amount paid by the travel management office of the Department of Administration~~ The number of days served by each judge commissioner shall not exceed one hundred twenty in any fiscal year, except by authority of the ~~Joint Committee on Government and Finance~~ President of

the Senate and the Speaker of the House of Delegates: Provided, That in computing the number of days served, days utilized solely for the exercise of duties assigned to ~~judges and~~ commissioners by this article and the provisions of article two-a of this chapter shall be disregarded. For the purpose of this section, time served shall include time spent in the hearing of claims, in the consideration of the record, in the preparation of opinions and in necessary travel.

§14-2-9. Oath of office.

Each ~~judge~~ commissioner shall before entering upon the duties of his or her office, take and subscribe to the oath prescribed by section 5, article IV of the Constitution of the State. The oath shall be filed with the clerk.

§14-2-10. Qualifications of ~~judges~~ commissioners.

Each ~~judge~~ commissioner appointed to the ~~Court of Claims~~ West Virginia Legislative Claims Commission shall be an attorney at law, licensed to practice in this state, and shall have been so licensed to practice law for a period of not less than ten years prior to his or her appointment as ~~judge~~ commissioner. A ~~judge~~ commissioner shall not be an officer or an employee of any branch of state government, except in his or her capacity as a member of the ~~court~~ commission and shall receive no other compensation from the state or any of its political subdivisions. A ~~judge~~ commissioner shall not hear or participate in the consideration of any claim in which he or she is interested personally, either directly or indirectly.

§14-2-11. Attorney General to represent state.

Unless expressly exempted in the code, the Attorney General shall represent the interests of the State in all claims coming before the ~~court~~ commission.

§14-2-12. General powers of the ~~court~~ commission.

The ~~court~~ commission shall, in accordance with this article, consider claims which, but for the Constitutional immunity of the state from suit, or for some statutory restrictions, inhibitions or

limitations, could be maintained in the regular courts of the state. No liability shall be imposed upon the state or any state agency by a determination of the ~~Court of Claims~~ commission approving a claim and recommending an award, unless the claim is: (1) Made under an existing appropriation, in accordance with section nineteen of this article; or (2) a claim under a special appropriation, as provided in section twenty of this article. The ~~court~~ commission shall consider claims in accordance with the provisions of this article.

Except as is otherwise provided in this article, a claim shall be instituted by the filing of notice with the clerk. In accordance with rules promulgated by the ~~court~~ commission, each claim shall be considered by the ~~court~~ commission as a whole, or by a ~~judge~~ commissioner sitting individually, and if, after consideration, the ~~court~~ commission finds that a claim is just and proper, it shall so determine and shall file with the clerk a brief statement of its reasons. A claim so filed shall be an approved claim. The ~~court~~ commission shall also determine the amount that should be paid to the claimant, and shall itemize this amount as an award, with the reasons therefor, in its statement filed with the clerk. In determining the amount of a claim, interest shall not be allowed unless the claim is based upon a contract which specifically provides for the payment of interest.

§14-2-13. Jurisdiction of the ~~court~~ commission.

The jurisdiction of the ~~court~~ commission, except for the claims excluded by section fourteen, shall extend to the following matters:

(1) Claims and demands, liquidated and unliquidated, ex contractu and ex delicto, against the state or any of its agencies, which the state as a sovereign commonwealth should in equity and good conscience discharge and pay; and

(2) Claims and demands, liquidated and unliquidated, ex contractu and ex delicto, which may be asserted in the nature of set-off or counterclaim on the part of the state or any state agency.

§14-2-14. Claims excluded.

The jurisdiction of the ~~court~~ commission shall not extend to any claim:

1. For loss, damage, or destruction of property or for injury or death incurred by a member of the militia or National Guard when in the service of the state.

2. For a disability or death benefit under chapter twenty-three of this code.

3. For unemployment compensation under chapter twenty-one-a of this code.

4. For relief or public assistance under chapter nine of this code.

5. With respect to which a proceeding may be maintained against the state, by or on behalf of the claimant in the courts of the state.

§14-2-15. Rules of practice and procedure.

The ~~court~~ commission shall adopt and may from time to time amend rules of procedure, in accordance with the provisions of this article, governing proceedings before the ~~court~~ commission. Rules shall be designed to assure a simple, expeditious and inexpensive consideration of claims. Rules shall permit a claimant to appear in his or her own behalf or be represented by counsel.

Discovery may be used in a case pending before the ~~court~~ commission in the same manner that discovery is conducted pursuant to the Rules of Civil Procedure for trial courts of record, Rules 26 through 36. The ~~court~~ commission may compel discovery and impose sanctions for a failure to make discovery, in the same manner as a court is authorized to do under the provisions of Rule 37 of the Rules of Civil Procedure for trial courts of record: *Provided*, That the ~~Court of Claims~~ commission shall not find a person in contempt for failure to comply with an order compelling discovery.

The ~~court~~ commission, upon its own motion or upon motion of a party, may strike a pleading, motion or other paper which: (1) Is not well-grounded in fact; (2) is not warranted by existing law, or is not based on a good faith argument for the extension, modification, or reversal of existing law; or (3) is interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in costs. An order striking a pleading, motion, or paper may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee.

Under its rules, the ~~court~~ commission shall not be bound by the usual common law or statutory rules of evidence. The ~~court~~ commission may accept and weigh, in accordance with its evidential value, any information that will assist the ~~court~~ commission in determining the factual basis of a claim.

§14-2-16. Regular procedure.

The regular procedure for the consideration of claims shall be substantially as follows:

(1) The claimant shall give notice to the clerk that he or she desires to maintain a claim. Notice shall be in writing and shall be in sufficient detail to identify the claimant, the circumstances giving rise to the claim, and the state agency concerned, if any. The claimant shall not otherwise be held to any formal requirement of notice.

(2) The clerk shall transmit a copy of the notice to the state agency concerned. The state agency may deny the claim, or may request a postponement of proceedings to permit negotiations with the claimant. If the ~~court~~ commission finds that a claim is prima facie within its jurisdiction, it shall order the claim to be placed upon its regular docket for hearing.

(3) During the period of negotiations and pending hearing, the state agency, represented by the Attorney General, shall, if possible, reach an agreement with the claimant regarding the facts

upon which the claim is based so as to avoid the necessity for the introduction of evidence at the hearing. If the parties are unable to agree upon the facts an attempt shall be made to stipulate the questions of fact in issue.

(4) The ~~court~~ commission shall so conduct the hearing as to disclose all material facts and issues of liability and may examine or cross-examine witnesses. The ~~court~~ commission may call witnesses or require evidence not produced by the parties; the ~~court~~ commission may call expert witnesses and compensate those experts for their services in an amount not to exceed \$3,500 per expert; the ~~court~~ commission may stipulate the questions to be argued by the parties; and the ~~court~~ commission may continue the hearing until some subsequent time to permit a more complete presentation of the claim.

(5) After the close of the hearing the ~~court~~ commission shall consider the claim and shall conclude its determination, if possible, within sixty days.

§14-2-17. Shortened procedure.

The shortened procedure authorized by this section shall apply only to a claim possessing all of the following characteristics:

1. The claim does not arise under an appropriation for the current fiscal year.
2. The state agency concerned concurs in the claim.
3. The amount claimed does not exceed ~~\$1,000~~ \$3,000.
4. The claim has been approved by the Attorney General as one that, in view of the purposes of this article, should be paid.

The state agency concerned shall prepare the record of the claim consisting of all papers, stipulations and evidential documents required by the rules of the ~~court~~ commission and file the same with the clerk. The ~~court~~ commission shall consider the claim informally upon the record submitted. If the ~~court~~ commission determines that the claim should be entered as an approved claim and an award made, it shall so order and shall file

its statement with the clerk. If the ~~court~~ commission finds that the record is inadequate, or that the claim should not be paid, it shall reject the claim. The rejection of a claim under this section shall not bar its resubmission under the regular procedure.

§14-2-19. Claims under existing appropriations.

A claim arising under an appropriation made by the Legislature during the fiscal year to which the appropriation applies, and falling within the jurisdiction of the ~~court~~ commission, may be submitted by:

1. A claimant whose claim has been rejected by the state agency concerned or by the State Auditor.
2. The head of the state agency concerned in order to obtain a determination of the matters in issue.
3. The State Auditor in order to obtain a full hearing and consideration of the merits.

When such submittal is made, the clerk shall give a copy of the submittal to the Joint Committee on Government and Finance. If the Joint Committee on Government and Finance shall so direct, the clerk shall place such claim on its docket. Upon its placement on the docket, the regular procedure, so far as applicable, shall govern the consideration of the claim by the ~~court~~ commission. If the ~~court~~ commission finds that the claimant should be paid, it shall certify the approved claim and award to the head of the appropriate state agency, the State Auditor and to the Governor. The Governor may thereupon instruct the Auditor to issue his or her warrant in payment of the award and to charge the amount thereof to the proper appropriation. The Auditor shall forthwith notify the state agency that the claim has been paid. Such an expenditure shall not be subject to further review by the Auditor upon any matter determined and certified by the ~~court~~ commission.

§14-2-20. Claims under special appropriations.

Whenever the Legislature makes an appropriation for the payment of claims against the state, then accrued or arising during

the ensuing fiscal year, the determination of claims and the payment thereof may be made in accordance with this section. However, this section shall apply only if the Legislature in making its appropriation specifically so provides and only after specific direction to hear the claim is given by the Joint Committee on Government and Finance.

The claim shall be considered and determined by the regular or shortened procedure, as the case may be, and the amount of the award shall be fixed by the ~~court~~ commission. The clerk shall certify each approved claim and award, and requisition relating thereto, to the Auditor. The Auditor thereupon shall issue his or her warrant to the Treasurer in favor of the claimant. The Auditor shall issue his or her warrant without further examination or review of the claim except for the question of a sufficient unexpended balance in the appropriation.

§14-2-21. Periods of limitation made applicable.

The ~~court~~ commission shall not take jurisdiction of any claim, whether accruing before or after the effective date of this article (July 1, 1967), unless notice of such claim be filed with the clerk within such period of limitation as would be applicable under the pertinent provisions of the Code of West Virginia, 1931, as amended, if the claim were against a private person, firm or corporation and the Constitutional immunity of the state from suit were not involved and such period of limitation may not be waived or extended. The foregoing provision shall not be held to limit or restrict the right of any person, firm or corporation who or which had a claim against the state or any state agency, pending before the Attorney General on the effective date of this article (July 1, 1967), from presenting such claim to the ~~Court of Claims~~ West Virginia Legislative Claims Commission, nor shall it limit or restrict the right to file such a claim which was, on the effective date of this article (July 1, 1967), pending in any court of record as a legal claim and which, after such date was or may be adjudicated in such court to be invalid as a claim against the state because of the Constitutional immunity of the state from suit.

§14-2-22. Compulsory process.

In all hearings and proceedings before the ~~court~~ commission, the evidence and testimony of witnesses and the production of documentary evidence may be required. Subpoenas may be issued by the ~~court~~ commission for appearance at any designated place of hearing. In case of disobedience to a subpoena or other process, the ~~court~~ commission may invoke the aid of any circuit court in requiring the evidence and testimony of witnesses, and the production of books, papers and documents. Upon proper showing, the circuit court shall issue an order requiring witnesses to appear before the ~~Court of Claims~~ West Virginia Legislative Claims Commission; produce books, papers and other evidence; and give testimony touching the matter in question. A person failing to obey the order may be punished by the circuit court as for contempt.

§14-2-23. Inclusion of awards in budget.

The clerk shall certify to the department of finance and administration, on or before November 20, of each year, a list of all awards recommended by the ~~court~~ commission to the Legislature for appropriation. The clerk may certify supplementary lists to the Governor to include subsequent awards made by the ~~court~~ commission. The Governor shall include all awards so certified in his or her proposed budget bill transmitted to the Legislature. Any other provision of this article or of law to the contrary notwithstanding, the clerk shall not certify any award which has been previously certified.

§14-2-24. Records to be preserved.

The record of each claim considered by the ~~court~~ commission, including all documents, papers, briefs, transcripts of testimony and other materials, shall be preserved by the clerk for a period of ten years from the date of entry of the ~~court's~~ commission's last order and shall be made available to the Legislature or any committee thereof for the reexamination of the claim. When any such documents, papers, briefs, transcripts and other materials have been so preserved by the clerk for such ten-year period, the same shall be transferred to the state records administrator for preservation or disposition in accordance with the provisions of

article eight, chapter five-a of this code without cost, either to the ~~eourt~~ commission or the Legislature.

§14-2-25. Reports of the ~~eourt~~ commission.

The clerk shall be the official reporter of the ~~eourt~~ commission. He or she shall collect and edit the approved claims, awards and statements, shall prepare them for submission to the Legislature in the form of an annual report and shall prepare them for publication.

Claims and awards shall be separately classified as follows:

(1) Approved claims and awards not satisfied but referred to the Legislature for final consideration and appropriation.

(2) Approved claims and awards satisfied by payments out of regular appropriations.

(3) Approved claims and awards satisfied by payment out of a special appropriation made by the Legislature to pay claims arising during the fiscal year.

(4) Claims rejected by the ~~eourt~~ commission with the reasons therefor.

The ~~eourt~~ commission may include any other information or recommendations pertaining to the performance of its duties.

The ~~eourt~~ commission shall transmit its annual report to the presiding officer of each house of the Legislature, and a copy shall be made available to any member of the Legislature upon request therefor. The reports of the ~~eourt~~ commission shall be published biennially by the clerk as a public document. The biennial report shall be filed with the clerk of each house of the Legislature, the Governor and the Attorney General.

§14-2-26. Fraudulent claims.

A person who knowingly and willfully presents or attempts to present a false or fraudulent claim, or a state officer or employee who knowingly and willfully participates or assists in the preparation or presentation of a false or fraudulent claim, shall be guilty of a misdemeanor. A person convicted, in a court of

competent jurisdiction, of violation of this section shall be fined not more than \$1,000 or ~~imprisoned~~ confined for not more than one year, or both, in the discretion of such court. If the convicted person is a state officer or employee, he or she shall, in addition, forfeit his or her office or position of employment, as the case may be.

§14-2-27. Conclusiveness of determination.

Any final determination against the claimant on any claim presented as provided in this article shall forever bar any further claim in the ~~court~~ commission arising out of the rejected claim

§14-2-28. Award as condition precedent to appropriation.

(a) It is the policy of the Legislature to make no appropriation to pay any claims against the state, cognizable by the ~~court~~ commission, unless the claim has first been passed upon by the ~~court~~ commission.

(b) Because a decision of the ~~court~~ commission is a recommendation to the Legislature based upon a finding of moral obligation, and the enactment process of passage of legislation authorizing payments of claims recommended by the ~~court~~ commission is at legislative discretion, no right of appeal exists to findings and award recommendations of the ~~Court of Claims West Virginia Legislative Claims Commission~~ and they are not subject to judicial review.

ARTICLE 2A. COMPENSATION AWARDS TO VICTIMS OF CRIMES.

§14-2A-5. Jurisdiction.

Any ~~judge commissioner~~ of the ~~Court of Claims West Virginia Legislative Claims Commission~~ individually, or the ~~Court of Claims West Virginia Legislative Claims Commission~~ en banc, ~~or any Court of Claims commissioner appointed pursuant to section six of this article~~, shall have jurisdiction to approve awards of compensation arising from criminally injurious conduct, in accordance with the provisions of this article, if satisfied by a

preponderance of the evidence that the requirements for an award of compensation have been met.

§14-2A-6. ~~Appointment and Compensation of commissioners and judges serving under this article.~~

~~(a) The Court of Claims with the approval of the President of the Senate and the Speaker of the House of Delegates, may appoint Court of Claims commissioners to hear claims for awards of compensation and to approve awards of compensation pursuant to the provisions of this article. Each commissioner shall serve at the pleasure of the Court of Claims and under the supervision of the judges of the Court of Claims.~~

~~(b) The Court of Claims shall fix the compensation of the Court of Claims commissioners in an amount not exceeding the compensation for judges of the Court of Claims Compensation of judges and commissioners for services performed under this article, and actual expenses incurred in the performance of duties as judges and commissioners under this article, shall be paid out of the crime victims compensation fund.~~

~~(c) The limitation period of one hundred days in section eight, article two of this chapter pertaining to time served by the judges of the Court of Claims shall not apply to the provisions of this article.~~

§14-2A-9. Claim investigators; compensation and expenses; paralegals and support staff.

The ~~Court of Claims~~ West Virginia Legislative Claims Commission, with the approval of the President of the Senate and the Speaker of the House of Delegates, is hereby authorized to hire not more than four claim investigators to be employed within the ~~Office of the clerk of the State~~ West Virginia Legislative Claims Commission, who shall carry out the functions and duties set forth in section twelve of this article. Claim investigators shall serve at the pleasure of the ~~Court of Claims~~ President of the Senate and the Speaker of the House of Delegates and under the administrative supervision of the Clerk of the ~~Court of Claims~~ West Virginia

Legislative Claims Commission. The compensation of claim investigators shall be fixed by the ~~court~~ President of the Senate and the Speaker of the House of Delegates, and such compensation, together with travel, clerical and other expenses of the Clerk of the ~~Court of Claims~~ West Virginia Legislative Claims Commission relating to a claim investigator carrying out his or her duties under this article, including the cost of obtaining reports required by the investigator in investigating a claim, shall be payable from the crime victims compensation fund as appropriated for such purpose by the Legislature.

The ~~Court of Claims~~ West Virginia Legislative Claims Commission, with the approval of the President of the Senate and the Speaker of the House of Delegates, is hereby authorized to hire as support staff such paralegal or paralegals and secretary or secretaries to be employed within the ~~Office of the Clerk of the Court of Claims~~ West Virginia Legislative Claims Commission, necessary to carry out the functions and duties of this article. Such support staff shall serve at the will and pleasure of the ~~Court of Claims~~ West Virginia Legislative Claims Commission and under the administrative supervision of the Clerk of the ~~Court of Claims~~ West Virginia Legislative Claims Commission.

§14-2A-10. Filing of application for compensation award; contents.

(a) A claim for an award of compensation shall be commenced by filing an application for an award of compensation with the clerk of the ~~Court of Claims~~ West Virginia Legislative Claims Commission. The application shall be in a form prescribed by the clerk of the ~~Court of Claims~~ West Virginia Legislative Claims Commission and shall contain the information specified in subdivisions (1) through (6) of this subsection and, to the extent possible, the information in subdivisions (7) through (10) of this subsection:

(1) The name and address of the victim of the criminally injurious conduct, the name and address of the claimant and the relationship of the claimant to the victim;

(2) The nature of the criminally injurious conduct that is the basis for the claim and the date on which the conduct occurred;

(3) The law-enforcement agency or officer to whom the criminally injurious conduct was reported and the date on which it was reported;

(4) Whether the claimant is the spouse, parent, child, brother or sister of the offender, or is similarly related to an accomplice of the offender who committed the criminally injurious conduct;

(5) A release authorizing the ~~Court of Claims, the Court of Claims commissioners~~ West Virginia Legislative Claims Commission and the claim investigator to obtain any report, document or information that relates to the determination of the claim for an award of compensation;

(6) If the victim is deceased, the name and address of each dependent of the victim and the extent to which each is dependent upon the victim for care and support;

(7) The nature and extent of the injuries that the victim sustained from the criminally injurious conduct for which compensation is sought, the name and address of any person who gave medical treatment to the victim for the injuries, the name and address of any hospital or similar institution where the victim received medical treatment for the injuries, and whether the victim died as a result of the injuries;

(8) The total amount of the economic loss that the victim, a dependent or the claimant sustained or will sustain as a result of the criminally injurious conduct, without regard to the financial limitation set forth in subsection (g), section fourteen of this article;

(9) The amount of benefits or advantages that the victim, a dependent or other claimant has received or is entitled to receive from any collateral source for economic loss that resulted from the criminally injurious conduct, and the name of each collateral source;

(10) Any additional relevant information that the ~~Court of Claims~~ West Virginia Legislative Claims Commission may require. The ~~Court of Claims~~ West Virginia Legislative Claims Commission may require the claimant to submit, with the application, materials to substantiate the facts that are stated in the application.

(b) All applications for an award of compensation shall be filed within two years after the occurrence of the criminally injurious conduct that is the basis of the application. Any application so filed which contains the information specified in subdivisions (1) through (6), subsection (a) of this section may not be excluded from consideration on the basis of incomplete information specified in subdivisions (7) through (10) of said subsection if such information is completed after reasonable assistance in the completion thereof is provided under procedures established by the ~~Court of Claims~~ West Virginia Legislative Claims Commission.

(c) A person who knowingly and willfully presents or attempts to present a false or fraudulent application, or who knowingly and willfully participates, or assists in the preparation or presentation of a false or fraudulent application, shall be guilty of a misdemeanor. A person convicted, in a court of competent jurisdiction, of a violation of this section shall be fined not more than \$1,000 or imprisoned for not more than one year, or both, in the discretion of such court. If the convicted person is a state officer or employee, he or she shall, in addition, forfeit his or her office or position of employment, as the case may be.

§14-2A-11. Procedure for filing of application.

The clerk of the ~~Court of Claims~~ West Virginia Legislative Claims Commission shall establish a procedure for the filing, recording and processing of applications for an award of compensation.

§14-2A-12. Investigation and recommendations by claim investigator.

(a) The clerk of the ~~Court of Claims~~ West Virginia Legislative Claims Commission shall transmit a copy of the application to the

claim investigator within seven days after the filing of the application.

(b) The claim investigator, upon receipt of an application for an award of compensation from the clerk of the ~~Court of Claims~~ West Virginia Legislative Claims Commission, shall investigate the claim. After completing the investigation, the claim investigator shall make a written finding of fact and recommendation concerning an award of compensation. He or she shall file with the clerk the finding of fact and recommendation and all information or documents that he or she used in his or her investigation: *Provided*, That the claim investigator shall not file information or documents which have been the subject of a protective order entered under the provisions of subsection (c) of this section.

(c) The claim investigator, while investigating the claim, may require the claimant to supplement the application for an award of compensation with any further information or documentary materials, including any medical report readily available, which may lead to any relevant facts aiding in the determination of whether, and the extent to which, a claimant qualifies for an award of compensation.

The claim investigator, while investigating the claim, may also require law-enforcement officers and prosecuting attorneys employed by the state or any political subdivision thereof, to provide him or her with reports, information, witness statements or other data gathered in the investigation of the criminally injurious conduct that is the basis of any claim to enable him or her to determine whether, and the extent to which, a claimant qualifies for an award of compensation. The prosecuting attorney and any officer or employee of the prosecuting attorney or of the law-enforcement agency shall be immune from any civil liability that might otherwise be incurred as the result of providing such reports, information, witness statements or other data relating to the criminally injurious conduct to the claim investigator.

The claim investigator, while investigating the claim, may obtain autopsy reports including results from the Office of the State

Medical Examiner to be used solely for determining eligibility for compensation awards.

Upon motion of any party, court or agency from whom such reports, information, witness statements or other data is sought, and for good cause shown, the court may make any order which justice requires to protect a witness or other person, including, but not limited to, the following: (1) That the reports, information, witness statements or other data not be made available; (2) that the reports, information, witness statements or other data may be made available only on specified terms and conditions, including a designation of time and place; (3) that the reports, information, witness statements or other data be made available only by a different method than that selected by the claim investigator; (4) that certain matters not be inquired into, or that the scope of the claim investigator's request be limited to certain matters; (5) that the reports, information, witness statements or other data be examined only by certain persons designated by the court; (6) that the reports, information, witness statements or other data, after being sealed, be opened only by order of the court; and (7) that confidential information or the identity of confidential witnesses or informers not be disclosed, or disclosed only in a designated manner.

However, in any case wherein the claim investigator has reason to believe that his or her investigation may interfere with or jeopardize the investigation of a crime by law-enforcement officers, or the prosecution of a case by prosecuting attorneys, he or she shall apply to the ~~Court of Claims~~ West Virginia Legislative Claims Commission, or a ~~judge~~ commissioner thereof, for an order granting leave to discontinue his or her investigation for a reasonable time in order to avoid such interference or jeopardization. When it appears to the satisfaction of the ~~court~~ commission, or ~~judge~~ commissioner, upon application by the claim investigator or in its own discretion, that the investigation of a case by the claim investigator will interfere with or jeopardize the investigation or prosecution of a crime, the ~~court~~ commission, or ~~judge~~ commissioner, shall issue an order granting the claim investigator leave to discontinue his or her investigation for such

time as the ~~court~~ commission, or ~~judge~~ commissioner, deems reasonable to avoid such interference or jeopardization.

(d) The finding of fact that is issued by the claim investigator pursuant to subsection (b) of this section shall contain the following:

(1) Whether the criminally injurious conduct that is the basis for the application did occur, the date on which the conduct occurred and the exact nature of the conduct;

(2) If the criminally injurious conduct was reported to a law-enforcement officer or agency, the date on which the conduct was reported and the name of the person who reported the conduct; or the reasons why the conduct was not reported to a law-enforcement officer or agency; or the reasons why the conduct was not reported to a law-enforcement officer or agency within seventy-two hours after the conduct occurred;

(3) The exact nature of the injuries that the victim sustained as a result of the criminally injurious conduct;

(4) If the claim investigator is recommending that an award be made, a specific itemization of the economic loss that was sustained by the victim, the claimant or a dependent as a result of the criminally injurious conduct;

(5) If the claim investigator is recommending that an award be made, a specific itemization of any benefits or advantages that the victim, the claimant or a dependent has received or is entitled to receive from any collateral source for economic loss that resulted from the conduct;

(6) Whether the claimant is the spouse, parent, child, brother or sister of the offender, or is similarly related to an accomplice of the offender who committed the criminally injurious conduct;

(7) Any information which might be a basis for a reasonable reduction or denial of a claim because of contributory misconduct of the claimant or of a victim through whom he or she claims;

(8) Any additional information that the claim investigator deems to be relevant to the evaluation of the claim.

(e) The recommendation that is issued by the claim investigator pursuant to subsection (b) of this section shall contain the following:

(1) Whether an award of compensation should be made to the claimant and the amount of the award;

(2) If the claim investigator recommends that an award not be made to the claimant, the reason for his or her decision.

(f) The claim investigator shall file his or her finding of fact and recommendation with the clerk within six months after the filing of the application: *Provided*, That where there is active criminal investigation or prosecution of the person or persons alleged to have committed the criminally injurious conduct which is the basis for the claimant's claim, the claim investigator shall file his or her finding of fact and recommendation within six months after the first of any final convictions or other final determinations as to innocence or guilt, or any other final disposition of criminal proceedings. In any case, an additional time period may be provided by order of any ~~Court of Claims judge or~~ commissioner upon good cause shown.

§14-2A-13. Notice to claimant of claim investigator's recommendation; evaluation of claim by ~~judge or~~ commissioner.

(a) The clerk of the ~~Court of Claims~~ West Virginia Legislative Claims Commission, upon receipt of the claim investigator's finding of fact and recommendation, shall forward a copy of the finding of fact and recommendation to the claimant with a notice informing the claimant that any response, in the form of objections or comments directed to the finding of fact and recommendation, must be filed with the clerk within thirty days of the date of the notice. After the expiration of such thirty-day period, the clerk shall assign the claim to a ~~judge or commissioner. of the court.~~

(b) The ~~judge or~~ commissioner to whom the claim is assigned shall review the finding of fact and recommendation and any response submitted by the claimant and, if deemed appropriate, may request the claim investigator to comment in writing on the claimant's response. The ~~judge or~~ commissioner shall, within forty-five days after assignment by the clerk, evaluate the claim without a hearing and either deny the claim or approve an award of compensation to the claimant.

§14-2A-14. Grounds for denial of claim or reduction of awards; maximum awards.

(a) Except as provided in subsection (b), section ten of this article, the ~~judge or~~ commissioner may not approve an award of compensation to a claimant who did not file his or her application for an award of compensation within two years after the date of the occurrence of the criminally injurious conduct that caused the injury or death for which he or she is seeking an award of compensation.

(b) The ~~judge or~~ commissioner may not approve an award of compensation if the criminally injurious conduct upon which the claim is based was not reported to a law-enforcement officer or agency or, in the case of sexual offense, the claimant did not undergo a forensic medical examination, within ninety-six hours after the occurrence of the conduct, unless it is determined that good cause existed for the failure to report the conduct or undergo a forensic medical examination within the 96-hour period: *Provided*, That no reporting to a law-enforcement officer or agency or a forensic medical examination is required if the claimant is a juvenile in order for a ~~judge or~~ commissioner to approve an award of compensation.

(c) The ~~judge or~~ commissioner may not approve an award of compensation to a claimant who is the offender or an accomplice of the offender who committed the criminally injurious conduct, nor to any claimant if the award would unjustly benefit the offender or his or her accomplice.

(d) A ~~judge or~~ commissioner, upon a finding that the claimant or victim has not fully cooperated with appropriate law-enforcement agencies or the claim investigator, may deny a claim, reduce an award of compensation or reconsider a claim already approved.

(e) A ~~judge or~~ commissioner may not approve an award of compensation if the injury occurred while the victim was confined in any state, county or regional jail, prison, private prison or correctional facility.

(f) After reaching a decision to approve an award of compensation, but prior to announcing the approval, the ~~judge or~~ commissioner shall require the claimant to submit current information as to collateral sources on forms prescribed by the Clerk of the ~~Court of Claims~~ West Virginia Legislative Claims Commission. The ~~judge or~~ commissioner shall reduce an award of compensation or deny a claim for an award of compensation that is otherwise payable to a claimant to the extent that the economic loss upon which the claim is based is or will be recouped from other persons, including collateral sources, or if the reduction or denial is determined to be reasonable because of the contributory misconduct of the claimant or of a victim through whom he or she claims. If an award is reduced or a claim is denied because of the expected recoupment of all or part of the economic loss of the claimant from a collateral source, the amount of the award or the denial of the claim shall be conditioned upon the claimant's economic loss being recouped by the collateral source: *Provided*, That if it is thereafter determined that the claimant will not receive all or part of the expected recoupment, the claim shall be reopened and an award shall be approved in an amount equal to the amount of expected recoupment that it is determined the claimant will not receive from the collateral source, subject to the limitation set forth in subsection (g) of this section.

(g) (1) Except in the case of death, or as provided in subdivision (2) of this subsection, compensation payable to a victim and to all other claimants sustaining economic loss because of injury to that victim may not exceed \$35,000 in the aggregate. Compensation

payable to all claimants because of the death of the victim may not exceed \$50,000 in the aggregate.

(2) In the event the victim's personal injuries are so severe as to leave the victim with a disability, as defined in Section 223 of the Social Security Act, as amended, as codified in 42 U. S. C. §423, the ~~court~~ commission may award an additional amount, not to exceed \$100,000, for special needs attributable to the injury.

(h) If an award of compensation of \$5,000 or more is made to a minor, a guardian shall be appointed pursuant to the provisions of article ten, chapter forty-four of this code to manage the minor's estate.

§14-2A-15. Hearings.

(a) If either the claim investigator or the claimant disagrees with the approval of an award or the denial of a claim in the summary manner set forth in the preceding sections of this article, the claim investigator or the claimant, or both, shall file with the clerk a request for hearing. Such request shall be filed within twenty-one days after notification by the ~~judge or~~ commissioner of his or her decision.

(b) Upon receipt of a request for hearing, the clerk shall ~~place the claim upon the regular docket of the court~~ set a date and time for hearing, shall advise the Attorney General and the claimant of the receipt of the request and docketing of the claim, and shall request the Attorney General to commence negotiations with the claimant.

(c) During the period of negotiations and pending hearing, the Attorney General, shall, if possible, reach an agreement with the claimant regarding the facts upon which the claim is based so as to avoid the necessity for the introduction of evidence at the hearing. If the parties are unable to agree upon the facts, an attempt shall be made to stipulate the questions of fact in issue.

(d) The hearing held in accordance with this section shall be before a single ~~judge or~~ commissioner to whom the claim has not been previously assigned. Hearings before a ~~judge or~~

commissioner may, in the discretion of such hearing officer, be held at such locations throughout the state as will facilitate the appearance of the claimant and witnesses.

(e) The hearing shall be conducted so as to disclose all material facts and issues. The ~~judge or~~ commissioner may examine or cross-examine witnesses. The ~~judge and~~ commissioner may call witnesses or require evidence not produced by the parties; may stipulate the questions to be argued by the parties; and may continue the hearing until some subsequent time to permit a more complete presentation of the claim.

(f) After the close of the hearing the ~~judge or~~ commissioner shall consider the claim and shall conclude his or her determination, if possible, within thirty days.

(g) The ~~court~~ commission shall adopt and may from time to time amend rules of procedure to govern proceedings before the ~~court~~ commission in accordance with the provisions of this article. The rules shall be designed to assure a simple, expeditious and inexpensive consideration of claims. The rules shall permit a claimant to appear in his or her own behalf or be represented by counsel and provide for interests of the state to be represented by the Attorney General in any hearing under this section at no additional cost to the fund or the state.

Under its rules, the ~~court~~ commission shall not be bound by the usual common law or statutory rules of evidence. The ~~court~~ commission may accept and weigh, in accordance with its evidential value, any information that will assist the ~~court~~ commission in determining the factual basis of a claim.

§14-2A-16. Evidence.

(a) There is no privilege, except the privilege arising from the attorney-client relationship, as to communications or records that are relevant to the physical, mental or emotional condition of the claimant or victim in a proceeding under this article in which that condition is an element.

(b) If the mental, physical or emotional condition of a victim or claimant is material to a claim for an award of compensation, the ~~court, judge~~ commission or a commissioner may order the victim or claimant to submit to a mental or physical examination by a physician or psychologist, and may order an autopsy of a deceased victim. The order may be made for good cause shown and upon notice to the person to be examined and to the claimant and the claim investigator. The order shall specify the time, place, manner, conditions and scope of the examination or autopsy and the person by whom it is to be made, and shall require the person who performs the examination or autopsy to file with the clerk of the ~~Court of Claims~~ West Virginia Legislative Claims Commission a detailed written report of the examination or autopsy. The report shall set out the findings, including the results of all tests made, diagnosis, prognosis and other conclusions and reports of earlier examinations of the same conditions. On request of the person examined, the clerk of the ~~Court of Claims~~ West Virginia Legislative Claims Commission shall furnish him or her a copy of the report. If the victim is deceased, the clerk of the ~~Court of Claims~~ West Virginia Legislative Claims Commission, on request, shall furnish the claimant a copy of the report.

(c) The ~~court, or a judge~~ commission, or a commissioner thereof, may order law-enforcement officers employed by the State or any political subdivision thereof to provide it or the claim investigator with copies of any information or data gathered in the investigation of the criminally injurious conduct that is the basis of any claim to enable it to determine whether, and the extent to which, a claimant qualifies for an award of compensation.

(d) The ~~court, judge~~ commission or a commissioner thereof, may require the claimant to supplement the application for an award of compensation with any reasonably available medical or psychological reports relating to the injury for which the award of compensation is claimed.

(e) The ~~court, judge~~ commission or a commissioner thereof, or the claim investigator, in a claim arising out of a violation of article eight-b, chapter sixty-one of this code, shall not request the victim or the claimant to supply any evidence of specific instances of the

victim's activity, or reputation evidence of the victim's sexual activity, unless it involves evidence of the victim's past sexual activity with the offender, and then only to the extent that the ~~court,~~ ~~the judge,~~ the commissioner or the claim investigator finds that the evidence is relevant to a fact at issue in the claim.

(f) Notwithstanding any provision of this code to the contrary relating to the confidentiality of juvenile records, the ~~Court of Claims~~ West Virginia Legislative Claims Commission, ~~a judge~~ or a commissioner thereof, or the claim investigator shall have access to the records of juvenile proceedings which bear upon an application for compensation under this article. The ~~Court of Claims~~ West Virginia Legislative Claims Commission, ~~a judge~~ or a commissioner thereof, and the claim investigator, shall, to the extent possible, maintain the confidentiality of juvenile records.

§14-2A-17. Contempt sanction not available.

If a person refuses to comply with an order under this article, or asserts a privilege, except privileges arising from the attorney-client relationship, so as to withhold or suppress evidence relevant to a claim for an award of compensation, the ~~court,~~ ~~judge~~ commission or a commissioner thereof may make any just order, including denial of the claim, but shall not find the person in contempt. If necessary to carry out any of his or her powers and duties, the claim investigator may petition the ~~Court of Claims~~ West Virginia Legislative Claims Commission for an appropriate order, including an order authorizing the investigator to take the depositions of witnesses by oral examination or written interrogatory, but the ~~Court of Claims~~ West Virginia Legislative Claims Commission shall not find a person in contempt for refusal to submit to a mental or physical examination.

§14-2A-18. Effect of no criminal charges being filed or conviction of offender.

The ~~court,~~ ~~or a judge~~ commission or a commissioner thereof, may approve an award of compensation whether or not any person is convicted for committing the conduct that is the basis of the award. The filing of a criminal charge shall be a prerequisite for

receipt of compensation unless it is determined that no charges were filed due to the identity of the perpetrator being unknown: *Provided*, That no criminal charges need be filed if: (1) The claimant is an adult at the time the conduct giving rise to the claim occurred and no criminal charges were filed for reasons other than the desire of the claimant and a law-enforcement agency confirms that the available evidence supports a finding that a crime occurred; or (2) the claimant was a juvenile at the time the conduct giving rise to the claim occurred. Proof of conviction of a person whose conduct gave rise to a claim is conclusive evidence that the crime was committed, unless an application for rehearing, an appeal of the conviction or certiorari is pending, or a rehearing or new trial has been ordered.

The ~~court, or a judge~~ commission or a commissioner thereof, shall suspend, upon a request of the claim investigator, the proceedings in any claim for an award of compensation pending disposition of a criminal prosecution that has been commenced or is imminent.

§14-2A-19. Attorney and witness fees.

(a) By separate order, the ~~court, or a judge~~ commission or a commissioner thereof, shall determine and award reasonable attorney's fees, commensurate with services rendered and reimbursement for reasonable and necessary expenses actually incurred shall be paid from the Crime Victims Compensation Fund to the attorney representing a claimant in a proceeding under this article at the same rates as set forth in section thirteen-a, article twenty-one, chapter twenty-nine of this code. Attorney's fees and reimbursement may be denied upon a finding that the claim or appeal is frivolous. Awards of attorney's fees and reimbursement shall be in addition to awards of compensation, and attorney's fees and reimbursement may be awarded whether or not an award of compensation is approved. An attorney shall not contract for or receive any larger sum than the amount allowed under this section. In no event may a prosecuting attorney or assistant prosecuting attorney represent any victim seeking compensation under this article.

(b) Each witness called by the ~~court~~ commission to appear in a hearing on a claim for an award of compensation shall receive compensation and expenses in an amount equal to that received by witnesses in civil cases as provided in section sixteen, article one, chapter fifty-nine of this code to be paid from the Crime Victims Compensation Fund.

§14-2A-19a. Effect on physician, hospital and healthcare providers filing an assignment of benefits; tolling of the statute of limitations.

(a) As part of the order, the ~~court, or a judge~~ commission or a commissioner thereof, shall determine whether fees are due and owing for health care services rendered by a physician, hospital or other health care provider stemming from an injury received as defined under this article, and further, whether or not the physician, hospital or other health care provider has been presented an assignment of benefits, signed by the crime victim, authorizing direct payments of benefits to the health care provider. If such fees are due and owing and the health care provider has presented a valid assignment of benefits, the ~~court, or a judge~~ commission or a commissioner thereof, shall determine the amount or amounts and shall cause such reasonable fees to be paid out of the amount awarded the crime victim under this article directly to the physician, hospital or other health care provider. The requirements of this section shall be applicable to, and any such unpaid fees shall be determined and payable from, the awards made by the Legislature at regular session, ~~one thousand nine hundred eighty-seven~~ 1987, and subsequently: *Provided*, That when a claim is filed under this section, the ~~court~~ commission shall determine the total damages due the crime victim, and where the total damages exceed the maximum amount which may be awarded under this article, the amount paid the health care provider shall be paid in the same proportion to which the actual award bears to the total damages determined by the ~~court~~ commission. In any case wherein an award is made which includes an amount for funeral, cremation or burial expenses, or a combination thereof, the ~~court~~ commission shall provide for the payment directly to the provider or providers of such services, in an amount deemed proper by the ~~court~~

commission, where such expenses are unpaid at the time of the award.

(b) If the health care provider has filed an assignment of benefits, the provider shall aid the crime victim in the development of his or her claim by providing the ~~court~~ commission with the amount of such fees as well as the amount of any portion of the fees paid the provider by the crime victim directly or paid the provider for the crime victim by a collateral source.

(c) Whether or not a health care provider has filed an assignment of benefits, the ~~court~~ commission shall disclose no information regarding the status of the claim to the provider: *Provided*, That the ~~court~~ commission shall promptly notify the provider of the final disposition of the claim, if the provider is known to the ~~court~~ commission.

(d) Whenever a person files a claim under this article, the statute of limitations for the collection of unpaid fees paid for such health care services shall be tolled during the pendency of the claim before the ~~court~~ commission.

§14-2A-19b. Rates and limitations for health care services.

The ~~court~~ commission may establish by ~~court~~ rule or ~~court~~ order maximum rates and service limitations for reimbursement of health care services rendered by a physician, hospital, or other health care provider. An informational copy of the maximum rates and service limitations shall be filed with the Joint Committee on Government and Finance upon adoption by the ~~court~~ commission. Any change in the maximum rates or service limitations shall be effective sixty days after the adoption of the changes. A provider who accepts payment from the ~~court~~ commission for a service shall accept the ~~court's~~ commission's rates as payment in full and may not accept any payment on account of the service from any other source if the total of payments accepted would exceed the maximum rate set by the ~~court~~ commission for that service. A provider may not charge a claimant for any difference between the cost of a service provided to a claimant and the ~~court's~~ commission's payment for that service. To ensure service limitations are uniform and appropriate to the levels of treatment

required by the claimant, the ~~court~~ commission may review all claims for these services as necessary to ensure their medical necessity.

§14-2A-20. Budget preparation; procedure for payment of claims.

(a) The Legislative Auditor shall submit to the Department of Administration, on or before November 20, of each year, an anticipated budget for the Crime Victims Compensation Program provided in this article for the next fiscal year, which shall include:

(1) An estimate of the balance and receipts anticipated in the Crime Victims Compensation Fund;

(2) Amounts anticipated to be sufficient for the payment of all administrative expenses necessary for the administration of this article; and

(3) Amounts anticipated to be sufficient for the payment of awards, attorney fees, witness fees and other authorized fees, costs or expenses that may arise under this article during the next fiscal year.

(b) The Governor shall include in his or her proposed budget bill and revenue estimates the amounts submitted by the Legislative Auditor under subsection (a) of this section.

(c) The clerk shall certify each authorized award and the amount of the award and make requisition upon the Crime Victims Compensation Fund to the Auditor. Notwithstanding any provision of chapter twelve of this code to the contrary, the Auditor shall issue a warrant to the Treasurer without further examination or review of the claim if there is a sufficient unexpended balance in the Crime Victims Compensation Fund.

(d) The ~~court~~ commission may provide that payment be made to a claimant or to a third party for economic losses of the claimant and the order may provide an award for the payment for actual economic losses which are prospective as well as those which have already been incurred.

§14-2A-21. Annual report of ~~Court of Claims~~ West Virginia Legislative Claims Commission.

The ~~Court of Claims~~ West Virginia Legislative Claims Commission shall prepare and transmit annually to the Governor and the Legislature a report of the activities of the ~~Court of Claims~~ West Virginia Legislative Claims Commission under this article. The report shall include the number of claims filed, the number of awards made and the amount of each award, and a statistical summary of claims and awards made and denied; the balance in the Crime Victims Compensation Fund with a listing by source and amount of the moneys that have been deposited in the fund; the amount that has been withdrawn from the fund, including separate listings of the administrative costs incurred by the ~~Court of Claims~~ West Virginia Legislative Claims Commission, compensation of ~~judges~~, commissioners and ~~court~~ commission personnel, the amount awarded as attorneys' fees.

§14-2A-25. Publicity.

(a) The clerk of the ~~Court of Claims~~ West Virginia Legislative Claims Commission shall prepare an information brochure for the benefit of the general public, outlining the rights of claimants and procedures to be followed under this article. Copies of such brochure shall be distributed to law-enforcement agencies in the state, and be made available to other interested persons.

(b) Any law-enforcement agency that investigates an offense committed in this state involving personal injury shall make reasonable efforts to provide information to the victim of the offense and his or her dependents concerning the availability of an award of compensation and advise such persons that an application for an award of compensation may be obtained from the clerk of the ~~Court of Claims~~ West Virginia Legislative Claims Commission.

§14-2A-26. Rules and regulations Rule-making.

(a) The ~~Court of Claims~~ West Virginia Legislative Claims Commission may promulgate rules and regulations to implement the provisions of this article.

(b) The ~~Court of Claims~~ West Virginia Legislative Claims Commission shall promulgate rules and regulations to govern the award of compensation to the spouse of, person living in the same household with, parent, child, brother or sister of the offender or his or her accomplice in order to avoid an unjust benefit to or the unjust enrichment of the offender or his or her accomplice.

§14-2A-28. Retroactive effect of amendments.

Amendments made to the provisions of this article during the regular session of the Legislature in the year ~~one thousand nine hundred eighty four~~ 1984, shall be of retroactive effect to the extent that such amended provisions shall apply to all cases pending before the ~~Court of Claims~~ West Virginia Legislative Claims Commission on the effective date of the act of the Legislature which effects such amendment.

The bill (Eng. Com. Sub. for H. B. 2447), as amended, was then ordered to third reading.

Eng. House Bill 2766, Establishing a new special revenue fund, designated the Adult Drug Court Participation Fund.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Hall, the following amendment to the bill was reported by the Clerk and adopted:

On page one, section nine-a, line ten, by striking out the word "Fee".

The bill (Eng. H. B. 2766), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Senate Bill 243, Relating to domestic relations.

Com. Sub. for Senate Bill 288, Increasing penalty for crime of child abuse causing death by parent, guardian, custodian or other person.

Com. Sub. for Com. Sub. for Senate Bill 339, Creating Legislative Coalition on Chronic Pain Management.

Com. Sub. for Com. Sub. for Senate Bill 360, Creating Legislative Coalition on Diabetes Management.

And,

Com. Sub. for Senate Bill 398, Creating Emergency Volunteer Health Practitioners Act.

The Senate proceeded to the thirteenth order of business.

On motion of Senator Ferns, leaves of absence for the day were granted Senators Facemire and Romano.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Tuesday, March 21, 2017, at 11 a.m.

TUESDAY, MARCH 21, 2017

The Senate met at 11 a.m.

(Senator Carmichael, Mr. President, in the Chair.)

Prayer was offered by Pastor LaDeana Teets, Brookside Church of the Brethren, Aurora, West Virginia.

Preston County High School JROTC from Kingwood, West Virginia, proceeded in the presenting of the Colors. The Honorable C. Edward Gaunch, a senator from the eighth district, then led the Senate in the recitation of the Pledge of Allegiance.

Pending the reading of the Journal of Monday, March 20, 2017,

At the request of Senator Boso, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Com. Sub. for Senate Bill 302, Supplemental appropriation of federal funds from Treasury to Division of Human Services.

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 2833—A Bill to amend and reenact §30-1-12 of the Code of West Virginia, 1931, as amended, relating to specifying the contents and categories of information for inclusion in annual reports to be submitted by professional licensing boards.

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 2898—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-3-6, relating to authorizing the Joint Committee on Government and Finance to request and obtain criminal background checks of employees of the Legislature.

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 2916—A Bill to amend and reenact §6-1-3a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §7-15-19; to amend said code by adding thereto a new section, designated §8-15-28; and to amend said code by adding thereto a new section, designated §16-4C-24, all relating to authorizing certain first responders to carry firearms; authorizing supervising entities to authorize reserve deputy sheriffs, ambulance crew members, firefighters, rescue squad members and emergency service personnel to carry firearms; specifying the training required for them to be eligible to carry a firearm; and allowing reimbursement for the cost of the training.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 20th day of March, 2017, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

(S. B. 231), Relating to State Board of Education and Medicaid-eligible children.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Roger Hanshaw,
Chair, House Committee.

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 61, Providing consumers sales and service tax and use tax exemption for certain services and tangible personal property sold for repair, remodeling and maintenance of aircraft.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Mike Hall,
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 76, Creating WV Second Chance for Employment Act.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 76 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to the creation of the West Virginia Second Chance for Employment Act; defining terms; eliminating age limitations for petitioners seeking to expunge certain misdemeanors; expanding eligibility for criminal expungement to persons convicted of certain nonviolent felonies; defining “nonviolent felony”; providing exclusions to eligibility; establishing time limitations for filing a petition for expungement; creating petition requirements and court procedure for evaluating preliminary and final orders of expungement for nonviolent felonies; providing for preliminary orders of expungement;

requiring a five-year period under a preliminary order of expungement for a felony before one may obtain a final order of expungement; clarifying disclosure requirements with respect to the information sealed pursuant to an order of expungement, including exemptions; providing standard for inspection of sealed records; and making technical changes.

And,

Senate Bill 538, Requiring parolees engage in alcohol or drug therapy as condition of parole.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 538 (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 §62-12-17a, relating generally to creating special conditions of parole; authorizing the Board of Parole to require parolees to engage in alcohol or antagonist drug opioid therapy as a special condition of parole if recommended by the Commissioner of Corrections; and establishing conditions for imposition and maintenance of the special condition.

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 183, Transferring Division of Forestry from Department of Commerce to Department of Agriculture.

And reports the same back with the recommendation that it 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

Senate Bill 419, Creating special revenue fund sources for Division of Labor to meet statutory obligations.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 419 (originating in the Committee on Finance)—A Bill to amend and reenact §21-3-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-3C-11 of said code; to amend and reenact §21-3D-8 of said code; to amend and reenact §21-5-5c of said code; to amend and reenact §21-9-9 of said code; to amend and reenact §21-10-4 of said code; to amend and reenact §21-11-17 of said code; to amend and reenact §21-14-9 of said code; to amend and reenact §21-15-7 of said code; to amend and reenact §21-16-10 of said code; to amend and reenact §47-1-8, §47-1-20, §47-1-21 and §47-1-22 of said code; and to amend and reenact §47-1A-10 and §47-1A-14 of said code, all relating to creating special revenue funding sources for the Division of Labor to meet its statutory obligations; establishing Steam Boiler Fund; establishing HVAC Fund; establishing Plumbing Work Fund; establishing Psychophysiological Examiners Fund; establishing Bedding and Upholstery Fund; removing requirement that fees from issuing licenses to administer psychophysiological detection of deception, lie detector or similar examinations be deposited in the General Revenue Fund; authorizing the commissioner to charge fees for the registration of service persons and service agencies, and the registration of businesses that use weighing and measuring devices for commercial purposes and directing such fees to the Weights and Measures Fund;

authorizing the commissioner to promulgate emergency legislative rules to administer and enforce fees on service persons and service agencies and businesses using weighing and measuring devices; directing civil penalty fees to the Weights and Measures Fund; removing requirement that the commissioner approve applications for sterilization permits held in states other than West Virginia only after personal inspection of such sterilizer or disinfectant; increasing fees for the issuance of certificates of operation of elevators; establishing late fees; establishing reissuance fee for revoked or expired permits; increasing registration fees for manufacturers of bedding, upholsters and renovators; increasing permitting fees for sterilizers; authorizing the commissioner to promulgate legislative rules; and making general edits and clarifications.

With the recommendation that the 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

Senate Bill 464, Eliminating taxation on annuity consideration received by life insurer.

And,

Senate Bill 504, Defining “special aircraft property”.

And reports the same back with the recommendation that they each 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 486 (originating in the Committee on Health and Human Resources), Relating to health care provider taxes.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 486 (originating in the Committee on Finance)—A Bill to amend and reenact §11-27-38 of the Code of West Virginia, 1931, as amended, relating to health care provider taxes; making conforming amendments consistent with federal law; changing the rate of tax on eligible acute care hospitals for fiscal year 2018; specifying purposes for which funds may be collected; providing for distribution of remaining funds at the end of fiscal year; providing for an effective date; and extending the expiration date for the tax.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Mike Hall,
Chair.

Senator Gaunch, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill 507, Allowing pharmacists inform customers about lower cost alternatives to prescribed drugs.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 507 (originating in the Committee on Banking and Insurance)—A Bill to amend and reenact §30-5-10 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-5-12c, all relating to permitting pharmacists to inform customers about lower cost alternatives for their prescription, dispense and deliver such alternatives, and to inform customers if their copay exceeds the cost for their prescription; expanding permissible scope of practice for licensed pharmacists; and declaring public policy.

And,

Senate Bill 601, Adjusting limits on consumer loans for which certain finance charges may be imposed.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 601 (originating in the Committee on Banking and Insurance)—A Bill to amend and reenact §46A-4-101 and §46A-4-107 of the Code of West Virginia, 1931, as amended, all relating to requirements for making consumer loans in West Virginia; modifying authority to make loans; and adjusting limits on consumer loans for which certain finance charges can be imposed.

With the recommendation that the two committee substitutes do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

C. Edward Gaunch,
Chair.

The bills (Com. Sub. for S. B. 507 and 601), under the original double committee references, were then referred to the Committee on the Judiciary.

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 535, Reorganizing Division of Tourism.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 535 (originating in the Committee on Government Organization)—A Bill to repeal §5B-2-8, §5B-2-8a, §5B-2-9, §5B-2-11, §5B-2-12 and §5B-2-12a of the Code of West Virginia, 1931, as amended; to amend and reenact §5B-1-2 of said code; and to amend said code 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, §5B-2I-7 and §5B-2I-8, all relating to the reorganization of the Division of Tourism; transferring all powers and duties of the Tourism Commission to the new West Virginia Tourism Office; requiring quarterly meetings; restructuring the Tourism Advertising Partnership Program as a cooperative advertising program administered by the West Virginia Tourism Office; vesting in the executive director all authority for expenditures of funds in the Tourism Promotion Fund; and requiring confidentiality of certain private information.

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.

At the request of Senator Hall, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Government Organization.

Senator Gaunch, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Eng. Com. Sub. for House Bill 2619, Risk Management and Own Risk and Solvency Assessment Act.

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,

C. Edward Gaunch,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with amendments from the Committee on Banking and Insurance pending.

The Senate proceeded to the sixth order of business.

Senators Mullins, Beach, Plymale, Stollings, Boso, Prezioso, Takubo and Cline offered the following resolution:

Senate Resolution 44—Designating March 21, 2017, as Down Syndrome Awareness Day.

Whereas, There are 1 in 700 babies born with Down syndrome each year; and

Whereas, Individuals with Down syndrome, like all others, have the right to live, work and fully participate in their communities in order to attain their goals and dreams; and

Whereas, Individuals with Down syndrome have the right to a free and appropriate public education alongside their peers without disabilities so they can learn and develop to their fullest potential; and

Whereas, Individuals with Down syndrome have the right to an equal opportunity to live full productive lives as valued community members in the neighborhoods of their choice; and

Whereas, People with Down syndrome have the right to receive the support they need to exercise self-determination, achieve independence and become productive employees; and

Whereas, The Down Syndrome Network of West Virginia has become a statewide organization to enhance the lives of individuals with Down syndrome and to increase awareness and acceptance of individuals with Down syndrome; and

Whereas, The purpose of Down Syndrome Awareness Day is to increase awareness and understanding of our legislators, administrators, policymakers and the public about the issues that are important to individuals with Down syndrome; therefore, be it

Resolved by the Senate:

That the Senate hereby designates March 21, 2017, as Down Syndrome Awareness Day; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Down Syndrome Awareness Day.

At the request of Senator Mullins, unanimous consent being granted, the resolution was taken up for immediate consideration and reference to a committee dispensed with.

The question being on the adoption of the resolution, and on this question, Senator Beach demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the resolution (S. R. 44) adopted.

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Mullins regarding the adoption of Senate Resolution 44 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 Sypolt, Smith, Beach, Plymale and Stollings offered the following resolution:

Senate Resolution 45—Designating March 21, 2017, as Preston County Day at the Legislature.

Whereas, Preston County is home to many outdoor recreation opportunities; and

Whereas, Preston County outdoor recreation opportunities contribute to the economic success in Preston County; and

Whereas, Outdoor recreation in West Virginia generates \$7.6 billion and creates 82,000 direct jobs; and

Whereas, Preston County outdoor recreation choices include bicycling, camping, fishing, hunting, paddling, snow sports, trail use and wildlife viewing; and

Whereas, Outdoor recreation creates jobs, supports communities, generates tax revenue and helps drive the economy; and

Whereas, Outdoor recreation in Preston County attracts and sustains families and businesses, creates healthy communities and fosters a high quality of life; and

Whereas, The citizens of Preston County are proud to be outdoor recreation leaders in the state; and

Whereas, The citizens of Preston County travel to the state Capitol on an annual basis during the legislative session to share this heritage and participate in the democratic process, in which they share their accomplishments, aspirations and concerns with lawmakers; and

Whereas, It is fitting to recognize Preston County for its history, culture, economy, natural beauty and future development in the State of West Virginia; therefore, be it

Resolved by the Senate:

That the Senate hereby designates March 21, 2017, as Preston County Day at the Legislature; and, be it

Further Resolved, That the Senate acknowledges the many important contributions the citizens and businesses of Preston County make in the State of West Virginia and encourages those citizens to participate in the democratic process; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Preston County.

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 Romano, and by unanimous consent, the remarks by Senators Sypolt and Smith regarding the adoption of Senate Resolution 45 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 Unger, Beach, Plymale, Stollings, Prezioso and Rucker offered the following resolution:

Senate Resolution 46—Recognizing Leadership Jefferson for its service, dedication and commitment to Jefferson County.

Whereas, The objective of Leadership Jefferson is to promote knowledge and awareness of the problems, opportunities and issues facing Jefferson County; and

Whereas, Leadership Jefferson is designed to provide a series of educational and participatory experiences, as well as an opportunity for dialogue and the development of a correlation among participants in order to encourage local participation in the growth of Jefferson County; and

Whereas, The membership of Leadership Jefferson includes individuals from nearly every facet of Jefferson County's business, professional, religious, governmental, educational, civic, the arts, organized labor and minority organizations who demonstrate a commitment to the community; and

Whereas, The 2017 membership of Leadership Jefferson consists of Raul Carvajal, III, Hollywood Casino at Charles Town Races; Liz Cook, Charles Town Kiwanis Club; Amanda Friend, The Bennett Agency; Natalie Harvey, American Public University System; David Hartness, For Love of Children Outdoor Education Center; Elizabeth Kerwin-Nisbet, Harpers Ferry National Historic Park; David Kling, Jefferson County Parks and Recreation; J. P. Lynch, Teacher of the Year for Jefferson County Schools; Michele Maiden, Insurance Outfitters; Joshua Nidgett, Contemporary American Theater Festival; Jessica Moore, Jefferson Medical Center; Terry Mumaw, Jr., United Bank; Chris Peterson, Bowles Rice; Joy Quezada, Bank of Charles Town; Keshia Skahill, U. S. Customs and Border Protection, Advanced Training Center; Julia

Yuhasz, Hospice of the Panhandle; Nick Zaglifa, City of Charles Town; Andrew Skinner, Skinner Law Firm; and Heather Morgan McIntyre, Jefferson County Chamber of Commerce; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes Leadership Jefferson for its service, dedication and commitment to Jefferson County; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate officials of Leadership Jefferson.

At the request of Senator Unger, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with and adopted.

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 Beach, Prezioso, Sypolt, Clements, Plymale and Stollings offered the following resolution:

Senate Resolution 47—Celebrating the achievements and contributions of Monongalia County and its citizens to the great State of West Virginia.

Whereas, Monongalia County, the mother county in whole or part of eighteen northern West Virginia counties and three southwestern Pennsylvania counties, was founded in 1776 from the West Augusta County of Virginia, following small settlements along the Monongahela River and its tributaries to the Ohio River; and

Whereas, Monongalia County, being the third largest county by population (106,262) of the 55 counties of West Virginia, has

had an annual growth rate exceeding 1.6 percent for more than a decade; and

Whereas, Monongalia County was recognized by the West Virginia Association of Counties with the first Patti Hamilton Imagine award for the efforts of community leaders from the public and private sectors to cooperate and collaborate on new ways to solve the region's problems; and

Whereas, Monongalia County is home to West Virginia University, a public land-grant institution, founded in 1867, and recognized as a top research university by the Carnegie Foundation for the Advancement of Teaching. WVU welcomes and shapes the minds of students from across the State of West Virginia, every state in the United States and approximately one hundred other nations; and

Whereas, Monongalia County has an award-winning baseball park which is the home of the West Virginia University baseball team and the home of the West Virginia Black Bears minor league team that provide all our citizens the ability to follow our baseball heroes throughout their Pittsburgh Pirates career; and

Whereas, Monongalia County offers to its citizens and visitors from around the world the best in medical care; tourism experiences from Mountainfest to the University Arts Series; a beautiful view from Cooper's Rock to a peaceful stroll on the Caperton Trail; top-rated educational experiences at all levels; a thriving and innovative business community; a nationally acclaimed economic model; and a place that offers big city amenities with the neighborly feel of small town life; and

Whereas, Monongalia County has been recognized in recent years in the following ways: Best Performing Small Metros (Milken Institute); Best Small Metros for Business and Careers (Forbes); Best Quality of Life and Knowledge Worker Metros (Expansion Manage.); Smart Places to Live (Kiplinger's); Boom Town (Inc.); Morgantown-Top College Destination (American Institute for Economic Research); Designated Retirement Community (CLIC); Best Places to Retire for under \$100 a Day

(AARP); Most Secure Small Cities (Farmer's Insurance); Adventure Town (National Geographic Adventure Magazine); Best Small Town to Live (Men's Journal); and Best Sports Cities (Sporting News); and

Whereas, In Monongalia County, from Blacksville to Star City, from Westover to Granville, in the heart of Morgantown and everywhere in between, every day is a great day to be a mountaineer; therefore, be it

Resolved by the Senate:

That the Senate hereby celebrates the achievements and contributions of Monongalia County and its citizens to the great State of West Virginia; and, be it

Further Resolved, That the Senate acknowledges the vibrancy and contributions made to our state and nation by the people, past and present, of Monongalia County; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Monongalia County.

At the request of Senator Beach, 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 Beach regarding the adoption of Senate Resolution 47 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 eighth order of business.

Eng. Com. Sub. for Com. Sub. for Senate Bill 27, Relating to microprocessor permit.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 27) 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 36, Permitting school nurses to possess and administer opioid antagonists.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 36) 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 216, Permitting exclusion, modification or limitation of warranties in sale of used motor vehicles.

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 216 pass?”

Senator Maynard requested a ruling from the Chair as to whether he should be excused from voting under Senate Rule 43.

The Chair replied that any impact on Senator Maynard would be as a member of a class of persons and that he would be required to vote.

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: Beach—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 216) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo,

Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: Beach—1.

Absent: None.

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. 216) takes effect from passage.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Com. Sub. for Senate Bill 219, Relating to conspiracy to commit crimes under Uniform Controlled Substances Act.

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 Committee Substitute for Senate Bill 219 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, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 219) 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 Com. Sub. for Senate Bill 341, Establishing WV business growth in low-income communities tax credit.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 341) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill 468, Removing restrictions on where traditional lottery games may be played.

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: Beach, Blair, Boso, Clements, Cline, Facemire, Ferns, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Palumbo, Plymale, Romano, Rucker, Smith, Stollings, Swope, Takubo, Trump, Weld, Woelfel and Carmichael (Mr. President)—27.

The nays were: Azinger, Boley, Gaunch, Ojeda, Prezioso, Sypolt and Unger—7.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 468) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Senate Bill 480, Authorizing local government adopt energy efficiency partnership programs.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 480) 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 547, Modifying fees paid to Secretary of State.

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 547 pass?”

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—28.

The nays were: Azinger, Facemire, Jeffries, Miller, Ojeda and Romano—6.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 547) 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 548, Providing for specific escheat of US savings bonds.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 548) 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 564, Relating to Statewide Independent Living Council.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 564) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill 2300, Regulating step therapy protocols.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2300) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Eng. Com. Sub. for House Bill 2447, Renaming the Court of Claims the state Claims Commission.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for House Bill 2447 pass?”

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld and Carmichael (Mr. President)—22.

The nays were: Beach, Facemire, Jeffries, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger and Woelfel—12.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2447) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2447—A Bill to repeal §14-2-6 and §14-2-18 of the Code of West Virginia, 1931, as amended; to repeal §14-2A-7 of said code; to amend and reenact §14-2-3, §14-2-4, §14-2-4a, §14-2-5, §14-2-7, §14-2-8, §14-2-9, §14-2-10, §14-2-11, §14-2-12, §14-2-13, §14-2-14, §14-2-15, §14-2-16, §14-

2-17, §14-2-19, §14-2-20, §14-2-21, §14-2-22, §14-2-23, §14-2-24, §14-2-25, §14-2-26, §14-2-27 and §14-2-28 of said code; and to amend and reenact §14-2A-5, §14-2A-6, §14-2A-9, §14-2A-10, §14-2A-11, §14-2A-12, §14-2A-13, §14-2A-14, §14-2A-15, §14-2A-16, §14-2A-17, §14-2A-18, §14-2A-19, §14-2A-19a, §14-2A-19b, §14-2A-20, §14-2A-21, §14-2A-25, §14-2A-26 and §14-2A-28 of said code, all relating to certain claims against the state generally; renaming the West Virginia Court of Claims the West Virginia Legislative Claims Commission; renaming judges commissioners; clarifying that commissioners are not judicial officers; modifying definitions; providing explicit power of removal of commissioners to the President of the Senate and the Speaker of the House of Delegates; providing authority to the President of the Senate and the Speaker of the House of Delegates for the hiring of a clerk, chief deputy clerk, deputy clerks, and support staff and setting salaries for said positions; increasing the monetary limit for agency agreed to claims from \$1,000 to \$3,000; and updating and modifying and clarifying procedures and practices of the commission.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. House Bill 2766, Establishing a new special revenue fund, designated the Adult Drug Court Participation Fund.

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 House Bill 2766 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, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2766) 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 243, Relating to domestic relations.

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 288, Increasing penalty for crime of child abuse causing death by parent, guardian, custodian or other person.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill 339, Creating Legislative Coalition on Chronic Pain Management.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill 360, Creating Legislative Coalition on Diabetes Management.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Stollings, the following amendment to the bill was reported by the Clerk:

On page two, section two, after line seventeen, by adding thereto a new subdivision, designated subdivision (6), to read as follows:

(6) A dietitian licensed or registered to practice in this state pursuant to article thirty-five, chapter thirty of this code who is also a diabetic educator who shall be appointed by the President of the Senate and the Speaker of the House of Delegates in consultation with the cochairs of the Joint Committee on Health.;

And,

By renumbering the remaining subdivisions.

Following discussion,

The question being on the adoption of the amendment offered by Senator Stollings to the bill, the same was put and prevailed.

The bill (Com. Sub. for Com. Sub. for S. B. 360), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 398, Creating Emergency Volunteer Health Practitioners Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Senate Bill 18, Requiring new comprehensive statewide student assessment.

Com. Sub. for Senate Bill 362, Authorizing redirection of certain amounts to General Revenue Fund.

Com. Sub. for Com. Sub. for Senate Bill 382, Allowing automobile auctions obtain abandoned vehicles' titles.

Com. Sub. for Senate Bill 414, Creating Division of Multimodal Transportation.

Com. Sub. for Com. Sub. for Senate Bill 461, Exempting WV State Police from state purchasing requirements.

Com. Sub. for Senate Bill 467, Removing restrictions on maximum wager per limited video lottery game and bill denominations accepted by video lottery terminals.

Com. Sub. for Senate Bill 472, Permitting bear hunting with guides.

Com. Sub. for Senate Bill 479, Relating to regulation of liquor sales.

Com. Sub. for Senate Bill 499, Creating Debt Resolution Services Division in Auditor's office.

Com. Sub. for Senate Bill 523, Converting to biweekly pay cycle for state employees.

Com. Sub. for Senate Bill 533, Relating to taxes on wine and intoxicating liquors.

Com. Sub. for Senate Bill 572, Relating to nonpartisan election of county surveyors.

Senate Bill 585, Relating to locomotive crew size.

Senate Bill 595, Allowing county assessors make separate entries in land books when real property is partly used for exempt and partly nonexempt purposes.

And,

Senate Bill 684, Relating generally to WV State Police.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Cline, Beach and Karnes.

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Cline were ordered printed in the Appendix to the Journal.

At the request of Senator Plymale, unanimous consent being granted, the remarks by Senator Beach were ordered printed in the Appendix to the Journal.

At the request of Senator Stollings, unanimous consent being granted, it was ordered that the Journal show had Senator Stollings been present in the chamber on Saturday, March 18, 2017, he would have voted “yea” on the passage of Engrossed Committee Substitute for Senate Bill 16, Engrossed Committee Substitute for Committee Substitute for Senate Bill 308, Engrossed Senate Bill 524, Engrossed Senate Bill 554, Engrossed Committee Substitute for Senate Bill 559, Engrossed Committee Substitute for Senate Bill 581, Engrossed Senate Bill 620 and Engrossed Committee Substitute for House Bill 2028 and “nay” on the passage of Engrossed Committee Substitute for Senate Bill 500.

Pending announcement of meetings of standing and select committees of the Senate,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Wednesday, March 22, 2017, at 11 a.m.

WEDNESDAY, MARCH 22, 2017

The Senate met at 11 a.m.

(Senator Carmichael, Mr. President, in the Chair.)

Prayer was offered by Dr. William McCoy, First Presbyterian Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Robert H. Plymale, a senator from the fifth district.

Pending the reading of the Journal of Tuesday, March 21, 2017,

At the request of Senator Clements, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2402—A Bill to amend and reenact §17-24A-1 and §17-24A-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §17-24A-6a; and to amend and reenact §17A-4-10 of said code, all relating to abandoned motor vehicles; adding new definitions; establishing a process for automobile auctions to obtain title to and sell motor vehicles abandoned on its premises; creating a special procedure for a person to apply for and receive title to an abandoned antique motor vehicle valued at \$7500 or less; providing for the issuance of a Vehicle Removal Certificate to remove an antique motor vehicle from private property with permission of the property owner; providing that the Division of Motor Vehicles to search for the owner and lienholders of the motor vehicle and provide notice of the application for title to the vehicle; creating a procedure for the owner or lienholders to reclaim the vehicle within 30 days of notice of an application for title to the vehicle; establishing fees to accompany an application for title to the vehicle; establishing fees for reclamation of the vehicle by owner or lienholder; creating a misdemeanor offense of interference with a person who has acquired title to an antique motor vehicle attempting to recover the vehicle from private property and establishing penalties upon conviction thereof; directing the division to promulgate rules and forms to effectuate new procedure; allowing an insurance company to obtain a salvage certificate or a cosmetic total loss salvage certificate after paying a total loss claim on a vehicle; and creating a process by which an automobile auction may apply for and obtain a salvage certificate

or a nonrepairable motor vehicle certificate for certain vehicles on its property received from an insurer who subsequently denies a claim on the vehicle or otherwise does not obtain ownership of the vehicle; and providing for indemnity by the applicant to the Division of Motor Vehicles for the erroneous issuance of such title.

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 2471—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7b; to amend and reenact §16-5A-2 of said code; to amend said code by adding thereto a new section, designated §33-15-4o; to amend and reenact §33-16-3g of said code; to amend said code by adding thereto a new section, designated §33-16-3aa; to amend and reenact §33-24-7b of said code; to amend said code by adding thereto a new section, designated §33-24-7p; to amend said code by adding thereto a new section, designated §33-25-8m; and to amend said code by adding thereto a new section, designated §33-25A-8o, all relating to breast cancer screening; requiring director to develop certain information regarding breast density for use in educating patients; requiring director to work with radiologists and mammography facilities regarding dissemination of certain information; and requiring that certain breast cancer screening be included within certain health insurance policies.

Referred to the Committee on Banking and Insurance; 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 2637—A Bill to amend and reenact §18A-2-3 of the Code of West Virginia, 1931, as amended, relating to employment of retired teachers and prospective

employable professional personnel in areas of critical need and shortage; including speech pathologists and school nurses in definition of teacher or substitute teacher for purposes of employment of retired teachers beyond the post-retirement limit; establishing uniform date retirement must become effective to determine status of retirement benefits during employment as critical needs substitute teacher; restating reporting requirement to legislative committees; extending date for expiration of provisions related to employment of retired teacher as substitute teach beyond the post-retirement limit; eliminating requirement that county policy for employment of prospective employable professional personnel be based on areas of critical need and shortage identified by state board; requiring posting of notice of critical need and shortage area positions prior to making offers of employment and options for posting; limiting employment of prospective employable professional personnel to certain candidates at job fair who will commence employment at the next employment term; changing limit on number of prospective employable professional personnel that may be employed to number required to fill positions posted; clarifying action required for prospective employable professional personnel to obtain regular employment status; clarifying that provisions relating to prospective employable professional personnel do not prevent filling posted vacancy at any time in accordance with other provisions; eliminating any requirement for successive postings where there were no qualified applicants in response to the initial posting; and allowing financial incentives for purposes of recruiting professional personnel in critical needs areas and to attract professional personnel in a critical need or shortage area.

Referred to the Committee on Education.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2738—A Bill to amend and reenact §18A-2-7 of the Code of West Virginia, 1931, as amended, relating generally to the transfer of school personnel; providing flexibility in the employee transfer process; removing April 1

deadline for notifying employee that he or she is being considered for transfer; specifying circumstances which must be known or expected for considerations of transfer; requiring employee to be transferred be provided with a statement of the reason for the proposed transfer; removing requirement that employee to be transferred request reason for transfer in writing; requiring hearing on proposed transfer occur within twenty days of receipt of a hearing request; removing May 1 deadline for list of employees considered for transfer to be furnished to board; requiring written notice to employee following board meeting and if approved by the board, stating transfer and reassignment and reasons; requiring transferred employee to report to the new assignment upon the date specified in the notice, but no sooner than ten days following receipt of notice, unless another date can be mutually agreed upon by the superintendent and employee; making all transfers subject to limitations of other provisions respecting special populations and service personnel; removing the reassignment process that can occur when actual student enrollment in a grade level or program is unforeseen on or before May 1 of the preceding school year; and retaining provisions limiting transfers to least senior qualified personnel and prohibiting change in contract term, compensation or benefits as result of reassignment.

Referred to the Committee on Education.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2767—A Bill to amend and reenact §31B-1-111 of the Code of West Virginia, 1931, as amended; and to amend and reenact §31D-5-504 of said code; to amend and reenact §31E-5-504 and to amend and reenact §47-9-4 of said code; and to amend and reenact §56-3-31, §56-3-33, §56-3-33a and §56-3-34 of said code, all relating to requiring the Secretary of State to create a preservation duplicate of registered or certified mail returned to the Secretary of State; permitting the Secretary of State to destroy or otherwise dispose of original returned or undeliverable mail; and requiring written notice of such

action be provided to the circuit clerks of the state by certified mail, facsimile or by electronic mail.

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 2797—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-8-23, relating to codifying statutory immunity for government agencies and officials from actions of third-parties using documents or records of governmental agencies for unlawful acts.

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 2798—A Bill to amend and reenact §3-5-23 of the Code of West Virginia, 1931, as amended; to clarify provisions relating to candidates unaffiliated with a political party as it relates to certificates of announcement, preventing candidates from a political party from using the provisions of the section to seek candidacy for office.

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 3030—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 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 74, Allowing fire departments to charge fees for service calls.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 74 (originating in the Committee on Government Organization)—A Bill to amend and reenact §7-1-3d of the Code of West Virginia, 1931, as amended; and to amend and reenact §7-17-12 of said code, all relating to funding sources for fire companies and departments; modifying procedures for county commissions to authorize reasonable fees charged for fire department or fire company response to fires or other calls for assistance; providing for reasonable reimbursement fees for fire services and the means to be used for calculating and charging fees for responding to fires or other calls for assistance; providing that an insurance company shall not be deemed liable for payment of reimbursement fees for fire services where coverage is limited or excluded by an insurance contract; modifying the maximum fee that may be charged for responding to any single incident involving certain property and material types; prohibiting fire company or fire department from seeking reimbursement where the property is assessed a fire service levy or fire service fee; and modifying procedures for increasing a county fire service fee by a county commission.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 388, Relating to dangerous weapons.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 388 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-7-11a and §61-7-14 of the Code of West Virginia, 1931, as amended, all relating generally to dangerous weapons; exempting persons other than provisional concealed handgun permittees who are lawfully authorized to carry a concealed handgun to possess firearms on school parking lots, driveways and other areas of vehicular ingress or egress; creating safety storage requirements on such possession; clarifying persons who may possess a firearm on property where such is otherwise prohibited when acting in an official capacity; and correcting internal statutory references.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Takubo, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 402, Relating to covenants not to compete between physicians and hospitals.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 402 (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 article, designated §47-11E-1, §47-11E-2, §47-11E-3, §47-11E-4 and §47-11E-5, all relating to covenants not to compete between physicians and hospitals; defining terms; setting forth limitation on contractual provisions; providing for enforceability of other contract terms; providing for exemptions; and setting forth an effective date.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Tom Takubo,
Chair.

The bill (Com. Sub. for S. B. 402), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 416, Relating to Public-Private Transportation Facilities Act.

And,

Senate Bill 421, Increasing amount of authorized federal Grant Anticipation Notes for which DOH may apply.

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 Finance.

Respectfully submitted,

Gregory L. Boso,
Chair.

The bills, under the original double committee references, were then referred to the Committee on Finance.

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 417, Removing financial limitations on number of design-build projects undertaken by DOH.

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,

Gregory L. Boso,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 428, Relating to partial filling of prescriptions.

And,

Eng. Com. Sub. for House Bill 2486, Providing that when a party's health condition is at issue in a civil action, medical records

and releases for medical information may be requested and required without court order.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Charles S. Trump IV,
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 433, Permitting counties increase excise tax on privilege of transferring real property.

And reports the same back with the recommendation that it 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

Com. Sub. for Senate Bill 477, Increasing State Road Fund by raising DMV fees and motor fuel excise taxes.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Mike Hall,
Chair.

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 549, Allowing individuals at least 21 or older operate or ride motorcycle without helmet.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 549 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17C-15-44 of the Code of West Virginia, 1931, as amended, relating to allowing individuals at least twenty-one years of age to operate or ride a motorcycle without a helmet under specified conditions; and authorizing rulemaking.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Gregory L. Boso,
Chair.

Senator Stollings moved that the bill (Com. Sub. for S. B. 549) contained in the foregoing report from the Committee on Transportation and Infrastructure be referred to the Committee on Health and Human Resources; and then, under the original double committee reference, to the Committee on the Judiciary.

Following discussion,

The question being on the adoption of Senator Stollings' aforesated motion, the same was put.

The result of the voice vote being inconclusive, Senator Stollings demanded a division of the vote.

A standing vote being taken, there were thirteen “yeas” and twenty “nays”.

Whereupon, the President declared Senator Stollings’ aforestated motion had not prevailed.

Thereafter, the bill (Com. Sub. for S. B. 549), under the original double committee reference, was then referred to the Committee on the Judiciary.

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 602, Creating uniform system of recording and indexing fictitious names used by sole proprietors.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 602 (originating in the Committee on Government Organization)—A Bill to amend and reenact §47-8-2 and §47-8-3 of the Code of West Virginia, 1931, as amended, all relating to transferring responsibility for registering and indexing of fictitious names used by sole proprietors.

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 622, Relating generally to tax procedures and administration.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 622 (originating in the Committee on Finance)—A Bill to amend and reenact §11-10-12 of the Code of West Virginia, 1931, as amended, relating generally to tax procedures and administration; requiring the Tax Commissioner to issue a certificate of release of lien upon the expiration of ten years from the date a tax, additions to the tax or penalties and interest are due and payable; requiring a notice of lien to include the lien expiration date; providing for additional circumstances when the Tax Commissioner may withdraw tax liens; and providing for additional circumstances when the Tax Commissioner may issue a certificate of release of lien.

With the recommendation that the 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 658, Establishing procedure for retitling mobile and manufactured homes.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Joint Resolution 6, Roads to Prosperity Amendment of 2017.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Joint Resolution 6 (originating in the Committee on Transportation and Infrastructure)—Proposing an amendment to the Constitution of the State of West Virginia, relating to authorizing the Legislature to issue and sell state bonds not exceeding the aggregate amount of \$1.6 billion to be used for improvement and construction of state roads; numbering and designating such proposed amendment; authorizing a special election on the ratification or rejection of the amendment to take place in 2017 to be set by the Governor; and providing a summarized statement of the purpose of such proposed amendment.

With the recommendation that the committee substitute be adopted; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Gregory L. Boso,
Chair.

The resolution (Com. Sub. for S. J. R. 6), under the original double committee reference, was 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

Eng. Com. Sub. for House Bill 2811, Relating to the definition of above ground storage tanks.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Randy E. Smith,
Chair.

The Senate proceeded to the sixth order of business.

Senators Beach, Prezioso, Stollings and Plymale offered the following resolution:

Senate Concurrent Resolution 45—Requesting the Division of Highways to erect a sign along each side of Interstate 68 between mile markers one and seven, in Monongalia County, proclaiming “Home of Anna Lindquist — 1996 NHPA Hall of Fame Inductee”.

Whereas, Anna Lindquist, at the urging of several women competitors and without any real experience, pitched her first national horseshoe pitching event at the age of thirteen; and

Whereas, Anna Lindquist was a resident of Morgantown, West Virginia, married to the late Arner Lindquist, himself an avid horseshoe pitcher who won many prizes in and around the Morgantown region and qualified for the world championships nine times; and

Whereas, Anna Lindquist, in 1948 and again in 1949, became the Women’s World Champion Horseshoe Pitcher. Little documentation remains of her 1949 achievements; however, 1948 documentation shows Anna won the 1948 championship with a 7-0 record; and

Whereas, Anna Lindquist went on to compete in seven additional Women’s World Tournament events placing second

three additional times and third in three events. Anna failed to make the top three in just two of her championship events, yet still managed to finish with a sixth and eighth place finish; and

Whereas, Anna Lindquist is noted for winning 48 matches in her championship appearances; and

Whereas, Anna Lindquist is credited with establishment of the Horseshoe Pitchers Association of West Virginia charter in 1947 and served as the charter secretary-treasurer from 1948-1963. She was elected the National Horseshoe Pitching Association Vice President in 1963; and

Whereas, Sadly, Anna Lindquist passed away on February 5, 1968, following a lengthy illness; and

Whereas, Anna Lindquist, having won two world championships, averaged at least seventy-five percent in the top five of one or more championship division finals at least four times, and participated in nine championships with a seventy percent score or better, was inducted into the National Horseshoe Pitching Association Hall of Fame in 1996; and

Whereas, It is most fitting that the West Virginia Legislature pay tribute to the accomplishments of Anna Lindquist; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to erect a sign along each side of Interstate 68 between mile markers one and seven, in Monongalia County, proclaiming “Home of Anna Lindquist — 1996 NHSPA Hall of Fame Inductee”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed along each side of Interstate 68 between mile markers one and seven, in Monongalia County, a sign indicating, “Home of Anna Lindquist — 1996 NHSPA Hall of Fame Inductee”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senators Palumbo, Prezioso, Stollings, Takubo, Beach and Plymale offered the following resolution:

Senate Resolution 48—Congratulating the Charleston Catholic golf team for winning the 2016 Class A State Championship.

Whereas, The Charleston Catholic golf team had a spectacular year on its way to winning the school's sixth consecutive state championship; and

Whereas, By capturing the 2016 State Golf Championship, Charleston Catholic became the first school in state history to win six consecutive state titles in any division; and

Whereas, The Charleston Catholic golf team is led by coach Sam Helmick and assistant coach Dr. Eric Persily, and includes team members: Alexander Giatras, Cameron Blakley, Nate DeTemple and Jack Cimino; and

Whereas, The Charleston Catholic golf team lead the competition each day during the state tournament in route to winning the title by twenty-two shots; and

Whereas, The 2016 Charleston Catholic golf team will go down in state history as one of the best high school golf teams ever assembled in the State of West Virginia; and

Whereas, The accomplishment of six straight state titles is unparalleled by any school in any sport; and

Whereas, The 2016 Charleston Catholic golf team is a shining example to all West Virginians of what can be accomplished with dedication, commitment and teamwork; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates the Charleston Catholic golf team for winning the 2016 Class A State Championship; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Charleston Catholic golf team.

At the request of Senator Palumbo, 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 Palumbo regarding the adoption of Senate Resolution 48 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 Weld, Prezioso, Stollings, Boso, Beach and Plymale offered the following resolution:

Senate Resolution 49—Designating March 22, 2017, as Civil Air Patrol Day in West Virginia.

Whereas, The Civil Air Patrol (CAP) is the official auxiliary of the U. S. Air Force and, in 2016, was placed on equal footing as part of the Air Force’s “total force”, along with the active duty elements, the Air National Guard and the Air Force Reserve; and

Whereas, The West Virginia wing of CAP has 16 units throughout the state with a total of nearly 600 volunteer cadet and senior members; and

Whereas, The West Virginia wing performs vital homeland security missions that help ensure the protection of our citizens, infrastructure and the state as a whole by performing search and rescue, photographic and other homeland security-related missions

and operations in support of the West Virginia Army and Air National Guard units, Division of Homeland Security and Emergency Management and other state and local emergency and law-enforcement agencies; and

Whereas, The West Virginia wing works very closely with our state's Army and Air National Guard units, emergency services and homeland security agencies and personnel in training for response to natural disasters, terrorist attacks as well as air and ground search and rescue operations; and

Whereas, The West Virginia wing, with its small, single-engine aircraft, vehicles and all-volunteer force, trains for and is constantly prepared to immediately respond to search, rescue, disaster relief and other emergency and homeland security missions here in West Virginia; and

Whereas, As soon as the skies cleared following the historic, devastating 2016 flooding across many West Virginia counties, the West Virginia wing immediately initiated a search and rescue mission from June 24-27, and then transitioned into two disaster relief missions on June 28, 2016, the longest of these two missions lasting a month, until July 28, 2016; and

Whereas, During these missions, more than 40 wing personnel seamlessly conducted disaster relief operations throughout the state. On 93 air sorties, mission aircrews logged 159.3 flight hours and produced, for FEMA, the National Guard and the West Virginia Division of Homeland Security and Emergency Management, 5,982 geotagged, high resolution photos, assisting greatly in the ongoing recovery efforts, efforts that lasted for many months to come and which are still ongoing today, the wing's photos even being used to brief the Joint Chiefs of Staff on the ongoing disaster relief operations; and

Whereas, During the mission, the onsite incident commander received the following short note from the West Virginia National Guard's Joint Operations Center: "Fantastic. Looking forward to more great imagery. You guys are making a big impact on ops across the spectrum. Thank you."; and

Whereas, On the ground, mission staff ensured that the information generated from each air sortie was accurately documented, categorized, processed and sent to the appropriate emergency services agencies for their actions as soon as the wing's aircraft landed and began refueling for the next sorties; and

Whereas, The timely tagging and coding of impact assessment photos became a high priority as the flights were of no use to anyone without the substantive information they generated; and

Whereas, The wing's mission staff ensured that 100% of all federal, state and local disaster relief mission taskings were completely fulfilled in a timely manner, and as a result they provided the citizens of West Virginia with exemplary volunteer emergency response services during a critical, statewide disaster; and

Whereas, The most amazing fact of all is that the West Virginia wing accomplished this month-long mission at a cost to the taxpayers of less than \$18,000, or less than it would have cost to fly a single Blackhawk helicopter for only three hours; and

Whereas, Another vital, yet largely unknown, mission performed by the wing is counterdrug operations, and in 2016, the West Virginia wing conducted counterdrug operations over portions of the Monongahela National Forest, spanning across five counties on behalf of the U. S. Forestry Service; and

Whereas, CAP also operates one of the most effective Drug Demand Reduction programs in the nation, assisting units at all levels to instill an aggressive, positive, drug-free attitude in CAP members, Air Force families, DoD civilians and school-age children through a comprehensive program that: Promotes CAP as a positive community service lifestyle; encourages youth to remain in school; focuses on drug abuse awareness, education and prevention; and provides positive activities as an alternative to drugs and gang violence through programs such as the Red Ribbon Campaign; and

Whereas, The West Virginia wing endeavors to educate its cadets in the principles of cyber defense and cyber ethics through participation in CyberPatriot, a National Youth Cyber Defense Competition, which tasks teams of high school and middle school students with finding cybersecurity vulnerabilities within an IT network and hardening the system while maintaining critical services. The wing's teams compete for top placement within West Virginia, the Civil Air Patrol nationally or to be the top team in the nation across all service branches. Cadets are also encouraged to pursue careers in cybersecurity with opportunities to earn scholarships and internships, helping to grow West Virginia's technical workforce; and

Whereas, CAP provides other exceptional education and growth opportunities for youth through its nearly 26,000-member strong cadet program, celebrating its 75th anniversary in 2017, which annually provides access to top national summer flight academies to learn to fly powered and glider aircraft; state and regional youth leadership academies; as well as to approximately 30 national programs emphasizing leadership and careers in aviation; therefore, be it

Resolved by the Senate:

That the Senate hereby designates March 22, 2017, as Civil Air Patrol Day in West Virginia; and, be it

Further Resolved, That the Senate hereby commends the officers and cadets of the West Virginia wing of the Civil Air Patrol and extends its sincere appreciation and gratitude to them for their service; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia wing of the Civil Air Patrol.

At the request of Senator Weld, 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 Weld and Miller regarding the adoption of Senate Resolution 49 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.

Petitions

Senator Miller presented a petition from Edith McKinley and numerous West Virginia residents, opposing Senate Bill 246 (*Implementing water quality standards for drinking water*).

Referred to the Committee on the Judiciary.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 243, Relating to domestic relations.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Ojeda—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. 243) 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 288, Increasing penalty for crime of child abuse causing death by parent, guardian, custodian or other person.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Ojeda—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. 288) 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 Com. Sub. for Senate Bill 339, Creating Legislative Coalition on Chronic Pain Management.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for Com. Sub. for Senate Bill 360, Creating Legislative Coalition on Diabetes Management.

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: Beach, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—31.

The nays were: Azinger and Facemire—2.

Absent: Ojeda—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 360) 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 398, Creating Emergency Volunteer Health Practitioners Act.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Ojeda—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. 398) 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 18, Requiring new comprehensive statewide student assessment.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Prezioso, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 362, Authorizing redirection of certain amounts to General Revenue Fund.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill 382, Allowing automobile auctions obtain abandoned vehicles' titles.

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 414, Creating Division of Multimodal Transportation.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill 461, Exempting WV State Police from state purchasing requirements.

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 467, Removing restrictions on maximum wager per limited video lottery game and bill denominations accepted by video lottery terminals.

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 472, Permitting bear hunting with guides.

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 479, Relating to regulation of liquor sales.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Blair, the following amendment to the bill was reported by the Clerk and adopted:

On page three, section eighteen, by striking out lines one through four and inserting in lieu thereof the following:

Retail licensees may not sell liquor between the hours of 12:00 a.m. and 1:00 p.m. on Sundays ~~and~~, at any time on Christmas day, or between the hours of 12:00 a.m. and 8:00 a.m. on all other days, except that wine and fortified wines may be sold on those days and at such times as authorized in section thirty-four, article eight of this chapter.

The bill (Com. Sub. for S. B. 479), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 499, Creating Debt Resolution Services Division in Auditor's office.

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 523, Converting to biweekly pay cycle for state employees.

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 533, Relating to taxes on wine and intoxicating liquors.

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 572, Relating to nonpartisan election of county surveyors.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 585, Relating to locomotive crew size.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 595, Allowing county assessors make separate entries in land books when real property is partly used for exempt and partly nonexempt purposes.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 684, Relating generally to WV State Police.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Senate Bill 61, Providing consumers sales and service tax and use tax exemption for certain services and tangible personal property sold for repair, remodeling and maintenance of aircraft.

Com. Sub. for Senate Bill 76, Creating WV Second Chance for Employment Act.

Com. Sub. for Senate Bill 183, Transferring Division of Forestry from Department of Commerce to Department of Agriculture.

Com. Sub. for Senate Bill 419, Creating special revenue fund sources for Division of Labor to meet statutory obligations.

Senate Bill 464, Eliminating taxation on annuity consideration received by life insurer.

Com. Sub. for Com. Sub. for Senate Bill 486, Relating to health care provider taxes.

Senate Bill 504, Defining “special aircraft property”.

Com. Sub. for Senate Bill 535, Reorganizing Division of Tourism.

And,

Com. Sub. for Senate Bill 538, Creating special conditions of parole.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Miller, Maroney and Prezioso.

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Maroney were ordered printed in the Appendix to the Journal.

At the request of Senator Plymale, unanimous consent being granted, the remarks by Senator Prezioso were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

On motion of Senator Ferns, a leave of absence for the day was granted Senator Ojeda.

At the request of Senator Maroney, the name of Senator Maroney was removed as a sponsor of **Senate Bill 613** (*Relating to composition of State Fire Commission*).

Pending announcement of meetings of standing committees of the Senate, including a minority party caucus,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Thursday, March 23, 2017, at 11 a.m.

THURSDAY, MARCH 23, 2017

The Senate met at 11 a.m.

(Senator Carmichael, Mr. President, in the Chair.)

Prayer was offered by the Reverend Michael Atkinson, St. John United Methodist Church, Scott Depot, West Virginia.

Mountaineer ChalleNGe Academy Cadets from Kingwood, West Virginia, proceeded in the presenting of the Colors. The Honorable Michael A. Woelfel, a senator from the fifth district, then led the Senate in the recitation of the Pledge of Allegiance.

Pending the reading of the Journal of Wednesday, March 22, 2017,

At the request of Senator Gaunch, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

Eng. Com. Sub. for House Bill 2028, Relating to the venue for suits and other actions against the state.

On motion of Senator Ferns, the Senate refused to recede from its amendments to the bill and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses.

Whereupon, Senator Carmichael (Mr. President) appointed the following conferees on the part of the Senate:

Senators Smith, Rucker and Woelfel.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

A message from The Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

Eng. Com. Sub. for House Bill 2099, Defining the act of leaving the scene of a crash involving death or serious bodily injury as a felony; Erin's Law.

On motion of Senator Ferns, the Senate refused to recede from its amendments to the bill and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses.

Whereupon, Senator Carmichael (Mr. President) appointed the following conferees on the part of the Senate:

Senators Weld, Maynard and Jeffries.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

Eng. House Bill 2766, Establishing a new special revenue fund, designated the Adult Drug Court Participation Fund.

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 2827—A Bill to amend and reenact §33-4A-1, §33-4A-2, §33-4A-3, §33-4A-4, §33-4A-5, §33-4A-6, §33-4A-7 and §33-4A-8 of the Code of West Virginia, 1931, as amended, all relating to the all payor claims database; defining terms; providing sole authority to the Secretary of the Department of Health and Human Resources; removing memorandum of understanding requirements.

Referred to the Committee on Health and Human Resources.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2840—A Bill to amend and reenact §5A-1-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §5F-2-1 of said code; and to amend said code by adding thereto twelve new sections, designated §5F-2-1a, §5F-2-1b, §5F-2-1c, §5F-2-1d, §5F-2-1e, §5F-2-1f, §5F-2-1g, §5F-2-1h, §5F-2-1i, §5F-2-1j, §5F-2-1k and §5F-2-1l, all relating to the reorganization of certain code provisions that organize the executive branch of state government.

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 2856—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-9a, relating to declaring public policy and legislative intent for improving the marketing, quality and frequency of passenger rail service of the Cardinal Passenger Train

operated by the National Railroad Passenger Corporation, doing business as AMTRAK, along the route crossing the south-central region of the state from Huntington eastward to White Sulphur Springs; the powers and duties of the Commissioner of the Division of Tourism and the tourism commission to achieve those policies and Legislative intent; cooperation and assistance to be provided by the West Virginia Department of Transportation and the West Virginia State Rail Authority to the commissioner and tourism commission; cooperation of the commissioner with other states and the National Railroad Passenger Corporation; participation in an interstate body to achieve such cooperation; and creation of a Cardinal Passenger Train Enhancement Fund as a special revenue account.

Referred to the Committee on Finance.

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 10—Requesting the Commissioner of the Division of Highways to rename bridge number 13-60-39.43, locally known as Airport Bridge, carrying United States Route 60 over Howards Creek, the “John Cameron Brown 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 19—Requesting the Division of Highways to name the portion of West Virginia Route 36 in Lincoln County, from the intersection of Sheridan Road, continuing 1.4 miles southeast, to the Greystone Branch sign, the “U.S. Army PFC Freeman Ray Meade Memorial Road.”

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 20—Requesting the Division of Highways to name bridge number 23-10/19-0.01 (23A221) (37.82788, - 81.94412), locally known as the Logan Vo-Tech Bridge, carrying County Route 10/19 over the Guyandotte River in Logan County, West Virginia the “US Army PVT James Earl Pelfrey 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 21—Requesting the Division of Highways to name the Rossmore by-pass starting at Rossmore and running to Monaville on Route 119/42, in Logan County, the “1sg Carl J. Crabtree Memorial Road”.

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 22—Requesting the Division of Highways to name bridge number 23-44-4.86 (23A105), (37.70670, - 81.98848), (locally known as Crystal Block Concrete Bridge, carrying WV44 over Island Creek in Logan County, the “U.S. Air Force MSgt Johnny Baxter Clark and U.S. Air Force MSgt Carl Richard (Dick) Clark 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 23—Requesting the Division of Highways to name the portion of Route 119/19, beginning at a point where it intersects with Route 17 and ending at a point where it intersects with Route 28/2, in Logan County, as the “U.S. Army SSG Styish R. Morris Memorial Road”.

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 30—Requesting the Division of Highways to name, Bridge Number 22-37-4.35 (22A059), latitude 38.10346, longitude -82.17775, on Route 37 in Lincoln County, locally known as East Fork Bridge, as the “U.S. Army PFC Cornelious Wiley 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 35—Requesting the Division of Highways to name bridge number 20-77-83.84 (20A615), (38.19560, -81.47926), locally known as WV.TPK/WV 79, carrying interstate 77/64 over Route 79/3 and Cabin Creek in Kanawha County, the “Arnold Miller 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 49—Requesting the Division of Highways to name Bridge Number 23-10/10-0.01 (23A302) (37.72886, -81.84404), locally known as Mallory Beam Span, carrying County Route 10/10 over Huff Creek in Logan County, the “U.S. Army PFC Donald Ray Cochran 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 51—Requesting the Division of Highways to name bridge number 23-44-16.99 (23A154) (37.84488, -82.00992), locally known as Cherry Tree Bridge, carrying WV 44 over Island Creek in Logan county, the “U.S. Army LTC George William “Toby” Runyon 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 54—Requesting the Division of Highways to name the Keren’s Bridge on Corridor H (U.S. Route 48) located in Kerens, Randolph County, Bridge Number 42-48-41.0 NB-SB (42A211 & 42A212) at latitude 39.01366, longitude -79.81116, originally called the Kerens Bridge Lazy Run, the “U.S. Army PVT Preston D. Vanscoy 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 56—Requesting the Division of Highways to name the road from the mouth of Harts Creek on Harts Creek Road 1.2 miles to Warrens Way off SR 10 on CR 19 Lincoln County, the “U. S. Army CPL George Browning Memorial Road”.

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 62—Requesting the Division of Highways to name the portion of West Virginia Route 20 from mile marker 7.30 to mile marker 19.94, in Webster County, the “Webster County Veterans Highway.”

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 63—Requesting the Division of Highways to name a portion of Route 80, known as Wills Creek Road, in Logan County, beginning at latitude 37.730131, longitude -81.873774 and ending at latitude 37.692547, longitude -81.865702, the “William B. Burgess Memorial Road”.

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 68—Requesting the Division of Highways to name a portion of West Virginia Route 80, near Bruno, beginning at a point, latitude 37.692547, longitude -81.865702, and ending at a point, latitude 37.664654, longitude -81.848732, the “James Earl Gibson Memorial Road.”

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 73—Requesting the Division of Highways that Bridge Number: 42-23-2.73 (42A045) (38.90822, -79.86085), locally known as Southgate Bridge, carrying County Route 23 over Tygart Valley River in Randolph County, West Virginia, be named the “U S Army Air Corps PVT William James Irwin, Memorial Bridge.”

Referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 22nd day of March, 2017, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for S. B. 301), Supplemental appropriation of federal funds from Treasury to State Board of Education, School Lunch Program.

And,

(S. B. 330), Relating to WV Workplace Freedom Act.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Roger Hanshaw,
Chair, House Committee.

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 60 (originating in the Committee on Health and Human Resources), Relating to eligibility and fraud requirements for public assistance.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 60 (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 §9-8-1, §9-8-2, §9-8-3, §9-8-4, §9-8-5, §9-8-6, §9-8-7, §9-8-8, §9-8-9, §9-8-10, §9-8-11, §9-8-12, §9-8-13 and §9-8-14, all relating to eligibility and fraud requirements for public assistance; defining terms; requiring the Department of Health and Human Resources to implement work requirements for applicants for the Supplemental Nutrition Assistance Program (SNAP); requiring discontinuance of a federal waiver; setting forth what meets work requirements; setting out exceptions to work requirements; providing for a good cause exception; allowing for a federal waiver; providing for rulemaking for suspension of benefits for noncompliance; providing for an asset test for SNAP benefits; requiring accessing information of various federal, state and miscellaneous sources; prohibiting payment of SNAP benefits in specified instances; requiring cooperation with the Bureau for Child Support Enforcement; requiring a design or establishment of a computerized income, asset and identity verification system for Temporary Assistance for Needy Families (TANF); allowing for contracting with a third-party vendor; setting out required contract

terms; requiring accessing information of various federal, state and miscellaneous sources for TANF; requiring identity authentication as a condition to receive public assistance; setting forth notice requirements and the right to a hearing; requiring referrals for fraud, misrepresentation and inadequate documentation; requiring report to the Governor and Legislature; setting forth prohibitions on the use of an electronic benefit transfer card; tracking out-of-state spending of SNAP and TANF benefits; and providing for rulemaking.

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 281 (originating in the Committee on the Judiciary), Increasing number of limited video lottery machines allowed at retail location.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 281 (originating in the Committee on Finance)—A Bill to amend and reenact §29-22B-1101 of the Code of West Virginia, 1931, as amended, relating to increasing the number of limited video lottery terminals allowed at a retail location; increasing the number of limited video lottery terminals permitted on the premises of certain tax exempt organizations; and requiring Lottery Commission to conduct a bid for permits held by current permit holders expiring June 30, 2021, prior to September 1, 2017.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Mike Hall,
Chair.

Senator Swope, from the Committee on the Workforce, submitted the following report, which was received:

Your Committee on the Workforce has had under consideration

Senate Bill 316, Requiring individuals receiving unemployment compensation apply for and accept seasonal employment.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 316 (originating in the Committee on the Workforce)—A Bill to amend and reenact §21A-6-1a of the Code of West Virginia, 1931, as amended, relating to seasonal employment in connection with unemployment compensation benefits; establishing that seasonal employment shall not be distinguishable from employment in general for unemployment compensation benefits determination; and clarifying that seasonal employment has no bearing on ability to file a claim for unemployment benefits provided other eligibility requirements are satisfied.

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,

Chandler Swope,
Chair.

At the request of Senator Hall, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on the Workforce.

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 408, Relating to public employees.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 408 (originating in the Committee on Government Organization)—A Bill to repeal §29-6-1, §29-6-2, §29-6-3, §29-6-4, §29-6-5, §29-6-6, §29-6-7, §29-6-7a, §29-6-8, §29-6-9, §29-6-10, §29-6-10a, §29-6-11, §29-6-12, §29-6-14, §29-6-16, §29-6-17, §29-6-19, §29-6-20, §29-6-21, §29-6-22, §29-6-23, §29-6-24, §29-6-25, §29-6-26, §29-6-27 and §29-6-28 of the Code of West Virginia, 1931, as amended; to amend and reenact §6C-2-2, §6C-2-3 and §6C-2-4 of said code; and to amend said code by adding thereto a new article, designated §6C-5-1, §6C-5-2, §6C-5-3, §6C-5-4, §6C-5-5, §6C-5-6, §6C-5-7, §6C-5-8, §6C-5-9, §6C-5-10, §6C-5-11, §6C-5-12, §6C-5-13 and §6C-5-14, all relating to the personnel management of public employees; eliminating the state civil service system; modifying employees which may file grievances with the West Virginia Public Employees Grievance Board; modifying procedures of the West Virginia Public Employees Grievance Board; establishing the State Personnel Management Act; providing the purpose of the act; defining terms; providing that all state employees covered under the civil service system shall become at-will employees effective July 1, 2017; providing that employees of the state shall have all the same protections, rights, responsibilities and remedies provided by federal and state law to private employees; providing that the agencies of the state shall have all rights, responsibilities and remedies provided by federal and state law to private employers,

including the right to terminate an employee at any time for any lawful reason; establishing the State Governmental Employee Advisory Panel; providing for the composition, general operating parameters and the duties and functions of the State Governmental Employee Advisory Panel; requiring the State Governmental Employee Advisory Panel adopt model policies related to personnel management; providing minimal provisions and policies that model policies shall include; establishing responsibilities and authorities of department secretaries related to personnel policies and management; continuing the Division of Personnel; providing duties, functions and authority of the Division of Personnel; providing for the appointment of a Director of the Division of Personnel and establishing required qualifications and compensation; providing for required procedures related to the certification of payrolls; providing a remedy for an employee subjected to the wrongful withholding of certification of a payroll voucher or account; requiring the establishment and maintenance of a leave donation program; prohibiting certain acts related to obtaining or interfering with employment with the state; establishing a misdemeanor criminal offense and providing penalties; authorizing the Governor to furlough certain state employees where there is a fiscal emergency; defining the terms “furlough” and “fiscal emergency”; and providing procedures for the furlough of certain state employees.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Craig Blair,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 408) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator 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 412, Relating to WV Jobs Act reporting requirements.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 412 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-22-4; and to amend and reenact §21-1C-5 of said code, all relating to prohibiting a governmental entity, which requires certain private companies to submit any document that includes records of actual wages paid to employees, from disclosing such document or information contained therein to any other entity or person; providing that any such document containing records of actual wages paid to employees shall be deemed confidential and proprietary and shall not be considered a public record; defining “governmental entity”; providing that any document containing records of actual wages paid to employees that is filed or submitted pursuant to the West Virginia Jobs Act shall not be disclosed by the Division of Labor or a public authority to any other entity or person; and providing that any document submitted or filed pursuant to the West Virginia Jobs Act that includes records of actual wages paid to employees or information contained therein shall be deemed confidential and proprietary and shall not be considered a public record.

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 437, Discontinuing WV Greyhound Breeding Development Fund.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 437 (originating in the Committee on Finance)—A Bill to amend and reenact §19-23-7, §19-23-10, §19-23-12b, §19-23-13 and §19-23-13c of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §19-23-10a; to amend and reenact §29-22-18a of said code; to amend and reenact §29-22A-3, §29-22A-7, §29-22A-10, §29-22A-10b, §29-22A-10d, §29-22A-10e and §29-22A-12 of said code; and to amend and reenact §29-22C-3, §29-22C-8, §29-22C-10, §29-22C-27 and §29-22C-27a of said code, all relating generally to horse and dog racing lottery; modifying certain definitions; discontinuing the West Virginia Racing Commission special account known as the West Virginia Greyhound Breeding Development Fund; transferring all moneys in the West Virginia Greyhound Breeding Development Fund to the State Excess Lottery Revenue Fund for appropriation by the Legislature; requiring that upon transfer of moneys from the West Virginia Greyhound Breeding Development Fund to the State Excess Lottery Revenue Fund, a certain amount be withheld and deposited in the special account known as the Administration, Promotion, Education, Capital Improvement and Greyhound Adoption Programs to include Spaying and Neutering Account; requiring that all moneys previously required to be directed to the West Virginia Greyhound Breeding Development Fund be redirected to the State Excess Lottery Revenue Fund for appropriation by the Legislature; requiring that all moneys previously required to be directed into any fund or paid for the purpose of funding purses, awards or providing any other funding for greyhound races be redirected to the State Excess Lottery Revenue Fund for appropriation by the Legislature; eliminating the

requirement that an applicant for a dog racing license race a minimum number of dates to qualify for such license; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to contract to receive telecasts and accept wagers; providing that a dog racetrack is required to hold a racing license to conduct simulcast racing regardless of whether the racetrack continues to conduct live dog racing; authorizing the West Virginia Racing Commission to promulgate rules, including emergency rules, regarding licensure of dog racetracks conducting only simulcast racing; eliminating the requirement that a video lottery licensee at a dog track must hold a racing license to renew a video lottery license or racetrack table games license; requiring the Lottery Commission to transfer a percentage of gross terminal revenue derived from racetrack video lottery at thoroughbred racetracks, and deducted for administrative costs and expenses, to the Racing Commission's general administrative account; eliminating the requirement that an applicant for a video lottery license or license renewal at a dog racetrack must provide evidence of the existence of an agreement regarding proceeds from video lottery terminals with certain parties; providing that a percentage of net terminal income originating at dog racetracks will be deposited in the State Excess Lottery Revenue Fund; providing that a percentage of net terminal income originating at thoroughbred racetracks will be deposited in the West Virginia Thoroughbred Development Fund; permitting a dog racetrack to continue to operate operational video lottery and racetrack table games in a location where live racing was previously conducted or in another location within the county as approved by the Lottery Commission; and eliminating the requirement that a racetrack table games licensee at a dog racetrack must race a minimum number of dates.

With the recommendation that the 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 453, Adding classification and base salaries of certain civilian employees of WV State Police Forensic Laboratory.

And,

Senate Bill 566, Claims against state.

And reports the same back with the recommendation that they each 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

Senate Bill 493, Providing increase in compensation for conservation officers.

With an amendment from the Committee on Natural Resources pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Natural Resources to which the bill was first referred.

Respectfully submitted,

Mike Hall,
Chair.

Senator Gaunch, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill 526, Requiring mandatory insurance coverage for inherited enzymatic disorders.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 526 (originating in the Committee on Banking and Insurance)—A Bill to amend and reenact §5-16-7 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5-16B-6f; to amend said code by adding thereto a new section, designated §9-5-25; to amend said code by adding thereto a new section, designated §33-15-4p; to amend said code by adding thereto a new section, designated §33-16-3bb; to amend said code by adding thereto a new section, designated §33-24-7q; to amend said code by adding thereto a new section, designated §33-25-8n; and to amend said code by adding thereto a new section, designated §33-25A-8p, all relating to mandatory insurance coverage for medical foods for inherited enzymatic disorders; providing a list of diagnosed conditions for which insurance coverage should extend; providing that coverage extends to medically necessary foods for home use when prescribed by a physician; defining terms; and providing for exclusions.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

C. Edward Gaunch,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 526) contained in the preceding report from the Committee on Banking and Insurance was taken up for immediate consideration, read a first time, ordered

to second reading and, under the original double committee reference, was then referred to the Committee on Finance.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 539, Making significant revisions to law regulating election financing.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 539 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-8-1, §3-8-1a, §3-8-2, §3-8-2b, §3-8-2c, §3-8-5, §3-8-5a, §3-8-5b, §3-8-5d, §3-8-5f, §3-8-7, §3-8-8, §3-8-9, §3-8-10, §3-8-11 and §3-8-12 of the Code of West Virginia, 1931, as amended; and that said code be amended by adding thereto a new section, designated §3-8-9a, all relating generally to the regulation and control of financing elections; modifying legislative findings; defining terms; modifying definitions; exempting candidates for delegate to national presidential nominating convention for a political party from certain recordkeeping and filing requirements; updating references to federal code; requiring additional information to be provided by entities making independent expenditures; increasing threshold dollar amounts to be met for certain expanded disclosures of contributors to independent expenditures; increasing threshold dollar amounts for reporting on certain independent expenditures; requiring additional information to be provided by entities engaging in electioneering communication; requiring disclosure of certain contributor information when contributions were made for explicit purpose of financing any electioneering communication; increasing threshold dollar amounts for disclosure of contributions or expenditures by party headquarters committees; requiring candidates and treasurers of political committees to keep certain detailed accounts; requiring entities making reportable independent expenditures or electioneering communications to keep certain detailed accounts; requiring reports to be kept of

contributions received for explicit purpose of furthering independent expenditures or electioneering communications and all disbursements for independent expenditures or electioneering communications; increasing threshold dollar amounts for certain transactions to be disclosed in sworn statement by candidate or political committee; clarifying definition of “financial transactions”; requiring additional information be provided in financial statements; prohibiting receipt of currency as contribution; eliminating separate disclosure schedule and rules for membership organizations that raise funds for political purposes by payroll deduction; requiring political action committees, ballot issue committees, electioneering communications and independent expenditures file financial statements electronically with Secretary of State; making misdemeanor offense for receipt of contribution of currency; setting penalties; providing exception where currency received in exchange for goods or services provided by recipient; clarifying discretion of court in penalties for failure to file sworn itemized financial statement; prohibiting contributions by membership organizations to political committees; prohibiting contributions by membership organizations to candidates; permitting membership organizations to solicit contributions to separate segregated fund; making it unlawful for membership organization or separate segregated fund to make contribution or expenditure by using money or thing of value secured by physical force, job discrimination, financial reprisal, or by the threat thereof; making it unlawful for membership organization member soliciting contributions to fail to inform person that funds were being solicited for separate segregated fund at the time of solicitation; making it unlawful for person soliciting contribution for membership organization to fail to inform person of right to refuse to contribute without reprisal; making it unlawful for separate segregated fund established by membership organization to solicit contributions from persons other than members and their families; making it unlawful for separate segregated fund established by membership organization to contribute membership organization funds; prohibiting separate segregated fund from receiving contributions from members of organization, immediate families and executive or administrative personnel and their immediate families; prohibiting membership organization from engaging in

job discrimination or job promotion or transfer discrimination because of member's failure to make contribution to membership organization or separate segregated fund; prohibiting corporation or membership organization fund making contribution to separate segregated fund for purpose of making contribution to candidate or candidate's committee; exempting separate segregated funds from scope of prohibition; requiring membership organizations to permit groups of employees represented by bona fide political action committee to use real property of membership organization for certain purposes; setting penalties; prohibiting reimbursement by membership organization of the amount of any fine imposed; directing prosecuting attorney to present alleged violations of article relating to regulation and control of elections referred by State Election Commission to grand jury upon determining that there is a reason to believe a violation occurred; authorizing fact of investigation to be disclosed to persons or entities being investigated by State Election Commission; eliminating misdemeanor for disclosure of fact of complaint, investigation, report or proceedings; eliminating outdated language; making lawful election expense for payment of necessary employees; making lawful election expense payment of food and drink for campaign-related purposes and for entertaining of campaign volunteers; making lawful election expense payment for certain legal and accounting service rendered to candidate or candidate committee; making lawful election expense payment of fees associated with campaign; providing that candidate may not pay fines assessed against candidate or candidate's committee with campaign funds; making lawful election expense transfers to political party committees when committee is acting in role of vendor; clarifying that no such transfer shall involve coordination; making lawful election expense any political expenditure; prohibiting contributions by political action committee to another political action committee if contribution is earmarked for contribution to any candidate committee or political party; permitting certain coordination between state committee of political party or caucus campaign committee and certain candidates; requiring coordinated communications to include statement clearly identifying that communications were made in coordination with candidate or candidate's committee; authorizing

contribution of excess campaign funds prior to the general election; removing cap on amount of contributions to state party executive committee or caucus campaign committee; prohibiting employer or agent from giving any notice or information to employees containing any threat intended or calculated to influence decisions of employees regarding political activity; clarifying that employer can express opinion of employer without constituting a violation; clarifying that person cannot pay owner, publisher, editor or employee of newspaper or periodical to advocate or oppose candidate, political party or measure without reporting as independent expenditure or electioneering communication where appropriate; eliminating prohibition on publication, issuance or circulation of anonymous communications supporting or aiding election or defeat of clearly identified candidate; prohibiting certain persons contracting with state from soliciting contributions to any candidate or political party other than for independent expenditures; setting contribution limits to candidates for nomination and general elections; setting contribution limits to state, district or county party committees; setting contribution limits to caucus campaign committees; setting contribution limits to political action committees; providing exception to limits on contribution when political action committee makes only independent expenditures; providing for indexing of contribution limitations to candidates; directing Secretary of State to calculate new contribution limits after each two-year election cycle; directing State Election Commission announce adjustments within thirty days of publication of relevant index; providing new contribution limits remain in effect for two-year election cycle; permitting unlimited transfers between state party executive committee, caucus campaign committee and national committee of same political party for voter registration and get-out-the-vote activities of state committees; prohibiting coercion or intimidation of nonelective salaried employee of state government to refrain from any form of political activity; eliminating requirement that person soliciting contributions disclose amount of commission, remuneration or other compensation to be received as a direct result of contribution being successfully collected; prohibiting employer from withholding or diverting portion of employee's wages or salary for use for certain political activities except upon express

written request of employee; requiring employee request be upon form provided by Secretary of State; limiting validity of request for twelve months; defining term “political activities”; setting internal effective date for prohibition and required written request; updating language throughout; and making technical corrections.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Sypolt, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

Senate Bill 586, Changing fees for custom slaughters from annual to triennial.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 586 (originating in the Committee on Agriculture and Rural Development)—A Bill to amend and reenact §19-2B-4 of the Code of West Virginia, 1931, as amended, relating to inspection of meat and poultry; clarifying licenses; making custom and distributor license a triennial license; increasing fees; and making technical corrections.

And,

Senate Bill 647, Relating generally to additional county excise taxes on real property transfer.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 647 (originating in the Committee on Agriculture and Rural Development)—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, 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 counties 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.

With the recommendation that the two committee substitutes do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Dave Sypolt,
Chair.

At the request of Senator Hall, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee references of the bills contained in the foregoing report from the Committee on Agriculture and Rural Development.

Senator Cline, from the Committee on Interstate Cooperation, submitted the following report, which was received:

Your Committee on Interstate Cooperation has had under consideration

Senate Bill 659, Enacting Recognition of Emergency Medical Services Personnel Licensure Interstate Compact.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 659 (originating in the Committee on Interstate Cooperation)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-52-1, relating to enacting the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact; and entering into the compact with all jurisdictions also enacting the compact.

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,

Sue Cline,
Chair.

The bill (Com. Sub. for S. B. 659), under the original double committee reference, was then referred to the Committee on Government Organization.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Joint Resolution 10 (originating in the Committee on the Judiciary)—Proposing an amendment to the Constitution of the State of West Virginia, amending article VIII thereof by adding thereto a new section, designated section fourteen, relating to the elimination of the office of county surveyor of lands; continuing office of county surveyor of lands until January 1, 2021; discontinuing office of county surveyor of lands as of January 1, 2021; setting effective date of article; directing internal effective date control when specified; superseding all provisions of constitution that conflict with or are inconsistent; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Sypolt, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

Senate Concurrent Resolution 35, Urging Congress reassess federal definition of industrial hemp.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Dave Sypolt,
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

Eng. Com. Sub. for House Bill 2001, Relating to ethics and transparency in government.

And has amended same.

And,

Eng. Com. Sub. for House Bill 2868, Relating generally to Uniform Unclaimed Property Act.

And has amended same.

And reports the same back with the recommendation that they each do pass, as amended.

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

Eng. Com. Sub. for House Bill 2506, Relating to the permit limit calculations and allowing overlapping mixing zones for calculating permit limits for drinking water criteria.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The Senate proceeded to the sixth order of business.

Senator Maynard offered the following resolution:

Senate Concurrent Resolution 46—Requesting the Joint Committee on Government and Finance study consumer complaints received by the state in the last three years regarding the safety of aftermarket crash parts.

Whereas, West Virginia Code (§46A-6B-3) states for all motor vehicles requiring repair by motor vehicle body shops in the year of their manufacture or in the two succeeding years thereafter, motor vehicle body shops must use genuine crash parts sufficient to maintain the manufacturer's warranty for fit, finish, structural integrity, corrosion resistance, dent resistance and crash performance unless the motor vehicle owner consents in writing at the time of the repair to the use of aftermarket crash parts; and

Whereas, West Virginia Code (§46A-6B-3) states no insurance company may require the use of aftermarket crash parts when

negotiating repairs of the motor vehicle with any repairer for a period of three years, the year the motor vehicle was manufactured and the two succeeding years thereafter, unless the motor vehicle owner consents in writing at the time of the repair to the use of aftermarket crash parts; and

Whereas, Motor vehicle dealers, automobile manufacturers and body shops have made claims that aftermarket crash parts are unsafe and may void the motor vehicle's warranty; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is requested to study consumer complaints received by the state in the last three years regarding the safety of aftermarket crash parts; and, be it

Further Resolved, That the Joint Committee on Government and Finance enlist the assistance of the Insurance Commissioner, the Attorney General's Office, motor vehicle dealers and automobile manufacturers in conducting the study; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2018, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Which, under the rules, lies over one day.

Senators Ojeda, Beach, Facemire, Stollings and Plymale offered the following resolution:

Senate Concurrent Resolution 47—Requesting the Division of Highways to name a portion of Airport Road off US Route 119, 1/2 mile south of Chapmanville, that is a dead-end road that turns

right off US Route 119 in Logan County when traveling south in Logan County (beginning at latitude 38.472118, longitude -81.399248 and ending at latitude 38.501480, longitude -81.413276) and known as CR 3/13, the “U. S. Army PFC Dell Dingess Lane”.

Whereas, Dell Dingess was born on May 14, 1924, in Holden, West Virginia, the son of Franklin Pierce Dingess and Bertha Farley Dingess; and

Whereas, He was educated in Logan County schools and served in the 877th Engineer Battalion while participating in the Omaha Beach invasion and Normandy Campaign. He also participated in the Northern France Campaign of Operations from July 25, 1944, through September 14, 1944, that liberated most of France. And, he served in the European Theater from March 6, 1944, through October 3, 1945; and

Whereas, During the winter of 1944-1945 he was in England where he trained as a member of a glider troop which historically took more casualties than any other airborne entity; and

Whereas, He was married to Exie Meade, and they had three children: Larry, who served in the United States Navy and is deceased, Karen Dingess, who resides in Chapmanville; and Roger Dale Dingess. During his civilian life, Dell was employed as a car salesman, worked many years for Fairmont Food Company and, with a friend, bought Imperial Candy Company which they operated for several years. He was a Trustee of the Chapmanville United Baptist Church and active in the Southern Baptist Convention serving as president of the convention council; and

Whereas, Dell passed away on April 9, 1976. His was one of the first families to live on Airport Road and now the Dingess family is one of the last families still living on this road; and

Whereas, Naming this road is an appropriate recognition of Dell Dingess’ contributions to his country, state and community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of Airport Road off US Route 119, 1/2 mile south of Chapmanville, that is a dead-end road that turns right off US Route 119 in Logan County when traveling south in Logan County (beginning at latitude 38.472118, longitude -81.399248 and ending at latitude 38.501480, longitude -81.413276) and known as CR 3/13, the “U. S. Army PFC Dell Dingess Lane”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the road as the “U. S. Army PFC Dell Dingess Lane”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senators Sypolt, Smith, Prezioso, Stollings, Plymale and Beach offered the following resolution:

Senate Resolution 50—Commemorating the 25th anniversary for the national and state ChalleNGe Program for at-risk youth.

Whereas, During the late 1980s, the Rockefeller Foundation identified the need in our country to provide opportunities for young people working to overcome problems in their lives that include educationally at-risk teens; and

Whereas, In 1991, the Joint Armed Services Committee directed the National Guard to develop a plan to “add value to America” by providing values, skills, education and self-discipline to young people incorporating the structure and esprit de corps found in the military model; and

Whereas, The National Youth ChalleNGe program began operating in 1993 under Public Law 102-484; and

Whereas, The mission of the Mountaineer ChalleNGe Academy is to train and mentor selected at-risk youth to become

contributing members of society using the 8 Core Components in a quasi-military environment; and

Whereas, The year 2017 marks the 25th anniversary for the national and state ChalleNGe Program for at-risk youth and West Virginia is proud to be one of the original programs; therefore, be it

Resolved by the Senate:

That the Senate hereby commemorates the 25th anniversary for the national and state ChalleNGe Program for at-risk youth; and, be it

Further Resolved, That the Senate extends it sincere gratitude and appreciation to the Mountaineer ChalleNGe Academy for its dedication and commitment to our at-risk youth; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Mountaineer ChalleNGe Academy.

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 Beach, and by unanimous consent, the remarks by Senators Sypolt, Smith and Plymale regarding the adoption of Senate Resolution 50 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.

Petitions

Senator Miller presented a petition from Harris Sams and numerous West Virginia residents, urging the Legislature to reject any legislation that defunds the arts and West Virginia Public Broadcasting.

Referred to the Committee on Finance.

At the request of Senator Ferns, and by unanimous consent, the Senate returned to the fourth order of business.

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 Concurrent Resolution 48 (originating in the Committee on Agriculture and Rural Development)—Requesting the Joint Committee on Government and Finance study transferring the State of West Virginia's food production inspections and regulations to the Department of Agriculture.

Whereas, The Legislature finds food production safety in the state is of paramount importance; and

Whereas, The food production industry will be best served if there is one central set of standards and a single state department that is responsible for the food production act; and

Whereas, West Virginia Department of Agriculture already inspects and samples a variety of food products throughout the state; and

Whereas, The Department of Health and Human Resources employs trained sanitarians that conduct a variety of inspections throughout the state, including inspection of food manufacturers; and

Whereas, West Virginia Department of Agriculture would be able to provide the food production inspections if trained sanitarians were transferred to WVDA or if staff received the requisite training; and

Whereas, West Virginia Department of Agriculture would also need the laws and regulations amended to reflect the transfer of the

food production regulations to the Department of Agriculture; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study transferring the State of West Virginia's food production inspections and regulations to the Department of Agriculture; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2018, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Dave Sypolt,
Chair.

On motion of Senator Ferns, the resolution (S. C. R. 48) contained in the foregoing report from the Committee on Agriculture and Rural Development was then referred to the Committee on Rules.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 45, Home of Anna Lindquist, 1996 NHSPA Hall of Fame Inductee highway sign.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Com. Sub. for Senate Bill 339, Creating Legislative Coalition on Chronic Pain Management.

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, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: Facemire—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 339) 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 362, Authorizing redirection of certain amounts to General Revenue 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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 362) 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 Com. Sub. for Senate Bill 382, Allowing automobile auctions obtain abandoned vehicles' titles.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 382) 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 414, Creating Division of Multimodal Transportation.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith,

Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 414) 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 Com. Sub. for Senate Bill 461, Exempting WV State Police from state purchasing requirements.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 461) 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 467, Removing restrictions on maximum wager per limited video lottery game and bill denominations accepted by video lottery terminals.

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: Blair, Clements, Cline, Facemire, Ferns, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Plymale, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld, Woelfel and Carmichael (Mr. President)—24.

The nays were: Azinger, Beach, Boley, Boso, Gaunch, Hall, Ojeda, Palumbo, Prezioso and Unger—10.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 467) 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 472, Permitting bear hunting with guides.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 472) 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 479, Relating to regulation of liquor sales.

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: Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Romano, Rucker, Swope, Sypolt, Takubo, Trump, Weld, Woelfel and Carmichael (Mr. President)—24.

The nays were: Azinger, Gaunch, Hall, Ojeda, Palumbo, Plymale, Prezioso, Smith, Stollings and Unger—10.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 479) 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 499, Creating Debt Resolution Services Division in Auditor's office.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 499) 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 523, Converting to biweekly pay cycle for state employees.

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 523 pass?”

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: Facemire and Miller—2.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 523) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt,

Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: Facemire and Miller—2.

Absent: None.

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. 523) takes effect from passage.

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 533, Relating to taxes on wine and intoxicating liquors.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 533) 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 572, Relating to nonpartisan election of county surveyors.

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, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: Facemire—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 572) 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 585, Relating to locomotive crew size.

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, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Palumbo, Plymale, Rucker, Smith, Swope, Takubo, Trump, Weld, Woelfel and Carmichael (Mr. President)—24.

The nays were: Beach, Facemire, Jeffries, Miller, Ojeda, Prezioso, Romano, Stollings, Sypolt and Unger—10.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 585) 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 595, Allowing county assessors make separate entries in land books when real property is partly used for exempt and partly 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, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 595) 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 684, Relating generally to WV State Police.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 684) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 684) takes effect from passage.

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 18, Requiring new comprehensive statewide student assessment.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Rucker, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On page two, section five, lines seventeen through twenty-two, by striking out all of subdivision (2) and inserting in lieu thereof a new subdivision, designated subdivision (2), to read as follows:

“(2) The Constitution of the State of West Virginia, section one, article twelve thereof, states: “The Legislature shall provide, by general law, for a thorough and efficient system of free schools.” Furthermore, section two, article twelve of the Constitution states: “The general supervision of the free schools of the State shall be vested in the West Virginia board of education which shall perform such duties as may be prescribed by law.” Therefore, because the Legislature is empowered to identify “such duties as may be prescribed by law” to the West Virginia Board of Education, it is clearly within the Legislature’s authority to mandate, at any level of specificity, appropriate academic standards to be adopted by the state board;”;

On page three, section five, line thirty-four, by striking out the word “and”;

On page three, section five, line forty-one, by changing the period to a semicolon and adding the following: and

(6) The state board shall not adopt any national or regional testing program or academic curriculum standards tied to federal funding without approval granted by Act of the Legislature.;

On page four, section five, after line sixty-seven, by inserting a new subdivision, designated subdivision (2), to read as follows:

“(2) Digital literacy skills;”;

And by renumbering the remaining subdivisions;

On page six, section five, lines one hundred twenty-two and one hundred twenty-three, by striking out all of subdivision (7) and inserting in lieu thereof a new subdivision, designated subdivision (7), to read as follows:

(7) Neither the Smarter Balance Assessment System, the PARCC Assessment System nor any other assessment based on Common Core, Next Generation or College and Career Readiness standards may be used as the statewide assessment program.;

And,

On page six, section five, after line one hundred thirty-three, by adding a new subdivision, designated subdivision (12), to read as follows:

(12) For any online assessment, the state board shall provide online assessment preparation to ensure that students have the requisite digital literacy skills necessary to be successful on the assessment.

Following discussion,

Senator Prezioso moved to rerefer the bill (Com. Sub. for S. B. 18) to the Committee on Finance with Senator Rucker's amendments pending.

Following discussion,

Senator Karnes moved the previous question.

The question being on the adoption of Senator Karnes' aforestated motion, the same was put.

The result of the voice vote being inconclusive, Senator Unger demanded a division of the vote.

A standing vote being taken, there were twenty-two "yeas" and twelve "nays".

Whereupon, the President declared Senator Karnes' motion for the previous question had prevailed.

The previous question having been ordered, that being on the adoption of Senator Prezioso's motion to rerefer the bill (Com. Sub. for S. B. 18) to the Committee on Finance with Senator Rucker's amendments pending, and on this question, Senator Prezioso demanded the yeas and nays.

The roll being taken, the yeas were: Beach, Blair, Facemire, Jeffries, Miller, Ojeda, Palumbo, Plymale, Prezioso, Stollings, Unger and Woelfel—12.

The nays were: Azinger, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Romano, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld and Carmichael (Mr. President)—22.

Absent: None.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Prezioso's aforestated motion had not prevailed.

The question now being on the adoption of Senator Rucker's amendments to the bill.

Following extended discussion,

On motion of Senator Romano, the following amendment to Senator Rucker's amendments to the bill (Com. Sub. for S. B. 18) was next reported by the Clerk:

On page one, subdivision (2), line eight, after the words "state board" by adding the words "and for home-schooled students".

Following discussion and a point of inquiry to the President, with resultant response thereto,

Senator Karnes moved the previous question.

Senator Unger arose to a point of order stating that Senator Karnes' motion for the previous question was out of order as it is not a debatable motion.

Which point of order, the President ruled not well taken.

Senator Unger then appealed the ruling of the Chair.

The question being "Shall the Chair be sustained?"

On this question, Senator Unger demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann,

Maroney, Maynard, Mullins, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld and Carmichael (Mr. President)—22.

The nays were: Beach, Facemire, Jeffries, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger and Woelfel—12.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared the Chair sustained.

The question now being on the adoption of Senator Karnes' motion for the previous question, the same was put.

The result of the voice vote being inconclusive, Senator Unger demanded a division of the vote.

A standing vote being taken, there were twenty-two "yeas" and twelve "nays".

Whereupon, the President declared Senator Karnes' motion for the previous question had prevailed.

The previous question having been ordered, that being on the adoption of Senator Romano's amendment to Senator Rucker's amendments to the bill (Com. Sub. for S. B. 18), and on this question, Senator Unger demanded the yeas and nays.

The roll being taken, the yeas were: Beach, Jeffries, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano and Stollings—9.

The nays were: Azinger, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—25.

Absent: None.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Romano's amendment to Senator Rucker's amendments to the bill rejected.

The question now being on the adoption of Senator Rucker's amendments to the bill, and on this question, Senator Beach demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Maroney, Maynard, Mullins, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld and Carmichael (Mr. President)—21.

The nays were: Beach, Facemire, Jeffries, Mann, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger and Woelfel—13.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Rucker's amendments to the bill adopted.

The bill (Com. Sub. for S. B. 18), as amended by Senator Rucker, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 61, Providing consumers sales and service tax and use tax exemption for certain services and tangible personal property sold for repair, remodeling and maintenance of aircraft.

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 76, Creating WV Second Chance for Employment Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 183, Transferring Division of Forestry from Department of Commerce to Department of Agriculture.

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 419, Creating special revenue fund sources for Division of Labor to meet statutory obligations.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 464, Eliminating taxation on annuity consideration received by life insurer.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill 486, Relating to health care provider taxes.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 504, Defining “special aircraft property”.

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 535, Reorganizing Division of Tourism.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Trump, the following amendment to the bill was reported by the Clerk:

On page nine, section six, line eleven, after the word “section” by changing the period to a colon and inserting the following proviso: *Provided, That if on January 1, 2018, the bonds authorized by the provisions of section sixteen-b, article fifteen, chapter thirty-one of this code for improvements to Cacapon State Park and Beech Fork State Park have not been issued and sold and a contract for one or more of those projects has not been entered into by the state, then all spending authority under this subsection shall cease and all moneys in the fund shall revert immediately to the General Revenue Fund of the state.*

Following extended discussion,

The question being on the adoption of Senator Trump's amendment to the bill, and on this question, Senator Trump demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Jeffries, Karnes, Mann, Maroney, Maynard, Mullins, Ojeda, Plymale, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—27.

The nays were: Facemire, Hall, Miller, Palumbo, Prezioso and Romano—6.

Absent: Beach—1.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Trump's amendment to the bill adopted.

The bill (Com. Sub. for S. B. 535), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 538, Creating special conditions of parole.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Senate Bill 74, Allowing fire departments to charge fees for service calls.

Com. Sub. for Senate Bill 388, Relating to dangerous weapons.

Com. Sub. for Senate Bill 428, Relating to partial filling of prescriptions.

Senate Bill 433, Permitting counties increase excise tax on privilege of transferring real property.

Com. Sub. for Senate Bill 477, Increasing State Road Fund by raising DMV fees and motor fuel excise taxes.

Com. Sub. for Senate Bill 602, Creating uniform system of recording and indexing fictitious names used by sole proprietors.

Com. Sub. for Senate Bill 622, Relating generally to tax procedures and administration.

Senate Bill 658, Establishing procedure for retitling mobile and manufactured homes.

Eng. Com. Sub. for House Bill 2486, Providing that when a party's health condition is at issue in a civil action, medical records and releases for medical information may be requested and required without court order.

And,

Eng. Com. Sub. for House Bill 2811, Relating to the definition of above ground storage tanks.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Miller.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Ojeda, unanimous consent being granted, it was ordered that the Journal show had Senator Ojeda been present in the chamber on Wednesday, March 22, 2017, he would have voted "yea" on the passage of Engrossed Committee Substitute for Senate Bill 243, Engrossed Committee Substitute for Senate Bill 288, Engrossed Committee Substitute for Committee Substitute for Senate Bill 360 and Engrossed Committee Substitute for Senate Bill 398.

At the respective requests of Senators Beach and Jeffries, the names of Senators Beach and Jeffries were removed as sponsors of **Engrossed Committee Substitute for Senate Bill 18** (*Requiring new comprehensive statewide student assessment*).

At the request of Senator Trump, the name of Senator Trump was removed as a sponsor of **Senate Bill 435** (*Relating to Youth Mental Health Protection Act*).

Pending announcement of meetings of standing and select committees of the Senate, including a minority party caucus,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Friday, March 24, 2017, at 11 a.m.

FRIDAY, MARCH 24, 2017

The Senate met at 11 a.m.

(Senator Carmichael, Mr. President, in the Chair.)

Prayer was offered by Pastor Ryan Trescott, Calvary Baptist Church, Summersville, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Richard N. Ojeda II, a senator from the seventh district.

Pending the reading of the Journal of Thursday, March 23, 2017,

At the request of Senator Weld, 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.

At the request of Senator Ferns, and by unanimous consent, the provisions of rule number fifty-four of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to grant Morgan Maynard, daughter of the Honorable Mark R. Maynard, a senator from the sixth district, privileges of the floor for the day.

The Senate proceeded to the third order of business.

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, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 127, Authorizing Department of Revenue to promulgate legislative rules.

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:

That §64-7-1, §64-7-2, §64-7-3, §64-7-4 and §64-7-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 7. AUTHORIZATION FOR DEPARTMENT OF REVENUE TO PROMULGATE LEGISLATIVE RULES.

§64-7-1. Insurance Commissioner.

(a) The legislative rule filed in the State Register on August 22, 2016, authorized under the authority of section ten, article two, chapter thirty-three of this code, relating to the Insurance

Commissioner (adoption of valuation manual, 114 CSR 98), is authorized.

(b) The legislative rule effective on May 16, 1997, authorized under the authority of section four, article twenty-five-a, chapter thirty-three of this code, relating to the Office of the Insurance Commissioner (utilization management, 114 CSR 51), is repealed.

(c) The legislative rule effective on December 28, 1981, authorized under the authority of section ten, article two, chapter thirty-three of this code, relating to the Office of the Insurance Commissioner (Medicare supplement insurance coverage, 114 CSR 17), is repealed.

§64-7-2. Racing Commission.

(a) The legislative rule filed in the State Register on August 18, 2016, authorized under the authority of section two, article twenty-three, chapter nineteen of this code, modified by the Racing Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 19, 2016, relating to the Racing Commission (thoroughbred racing, 178 CSR 01), is authorized with the following amendment:

On pages 91 through 93, by striking out all of subdivision 49.3.m. and inserting in lieu thereof a new subdivision 49.3.m. to read as follows:

49.3.m. Multiple Medication Violations. A trainer who receives a penalty for a medication violation based upon a horse testing positive for a Class 1-5 medication with a Penalty Class A-~~D~~ C, as provided in the Uniform Classification Guidelines for Foreign Substances as promulgated by the Association of Racing Commissioners International (RCI), Version 12.0 (revised ~~January~~ April 8, 2014 2016), set forth in table 178-1D at the end of this rule, shall be assigned points as follows:

Penalty Class	Points if Controlled Therapeutic Substance	Points if Non-Controlled Substance
Class A (except for Class 1 and 2 environmental contaminants which shall be determined by the stewards or the Commission based upon the facts of the case)	N/A	6
Class B	2	4
Class C	<u>± ½ for first violation with an additional ½ point for each additional violation within 365 days. Points for NSAID violations only apply when the primary threshold of the NSAID is exceeded. Points are not to be separately assigned for a stacking violation.</u>	<u>± 1 for first violation with an additional ½ point for each additional violation within 365 days.</u>
Class D	<u>½ 0</u>	<u>± 0</u>

49.3.m.1. If the stewards or the Commission determine that the violation is due to environmental contamination, they may assign lesser or no points against the trainer based upon the specific facts of the case.

~~49.3.m.1~~ 49.3.m.2. The points assigned to a medication violation by the stewards' or the Commission's ruling shall be included in the Association of Racing Commissioners International official database. ~~and the~~ The Association of Racing Commissioners International shall ~~assign~~ record points consistent with the table set forth under subdivision 49.3.m. ~~for advisory purposes for medication violations where points have not been assigned by regulatory action~~ including, when appropriate, a designation that the points have been suspended for the medication violation. Points assigned by such regulatory ruling ~~or by the Association of Racing Commissioners International~~ shall reflect, in the case of multiple positive tests as described in paragraph 49.3.m.3, whether they shall ~~thereafter~~ constitute a single violation. The stewards' or the Commission's ruling shall be posted on the official website of the Commission and within the official database of the Association of Racing Commissioners International. If an appeal is pending, that fact shall be noted in such ruling. No points shall be applied until a final adjudication of the enforcement of any such violation.

~~49.3.m.2~~ 49.3.m.3. A trainer's cumulative points for violations in all racing jurisdictions shall be maintained by the Association of Racing Commissioners International. Once all appeals are waived or exhausted, the points shall immediately become part of the trainer's official Association of Racing Commissioners International record and shall be considered by the stewards or the Commission in their determination to subject the trainer to the mandatory enhanced penalties as provided in this rule.

~~49.3.m.3.~~ 49.3.m.4. Multiple positive tests for the same medication incurred by a trainer prior to delivery of official notice by the stewards or the Commission may be treated as a single violation. In the case of a positive test indicating multiple substances found in a single post-race sample, the stewards or the Commission may treat each substance found as an individual violation for which points will be assigned, depending upon the facts and circumstances of the case.

~~49.3.m.4.~~ 49.3.m.5. The official Association of Racing Commissioners International record shall be used to advise the

stewards or the Commission of a trainer's past record of violations and cumulative points. Nothing in this rule shall be construed to confer upon a trainer the right to appeal a violation for which the remedies have been exhausted or for which the appeal time has expired as provided by West Virginia Code §§ 19-23-16(c) and 19-23-17.

~~49.3.m.5.~~ 49.3.m.6. The stewards or the Commission shall consider all points for violations in all racing jurisdictions as contained in the trainers' official Association of Racing Commissioners International record when determining whether the mandatory enhancements provided in this rule shall be imposed.

~~49.3.m.6.~~ 49.3.m.7. In addition to the penalty for the underlying offense, the following enhancements shall be imposed upon a trainer based upon the cumulative points contained in his or her official Association of Racing Commissioners International record:

Points	Suspension in days
3 <u>5-5.5</u>	<u>15 to 30</u>
6-8.5	<u>45 to 60</u>
9-10.5	<u>90 to 180</u>
11 or more	<u>180 to 360</u>

~~49.3.m.7.~~ 49.3.m.8. The multiple medication violation penalty system is not a substitute for the penalty system otherwise set forth in this rule and is intended to be an additional uniform penalty when a permit holder:

~~49.3.m.7.A.~~ 49.3.m.8.A. Has more than one violation for the relevant time period; and

~~49.3.m.7.B.~~ 49.3.m.8.B. Exceeds the permissible number of points.

49.3.m.9. The stewards and the Commission shall consider aggravating and mitigating factors, including the trainer's prior record for medication violations, when determining the appropriate penalty for the underlying offense. The multiple medication violation penalty is intended to be a separate and additional penalty for a pattern of violations.

~~49.3.m.8.~~ 49.3.m.10. The suspension periods as provided in the table set forth under paragraph 49.3.m.6. shall run consecutive to any suspension imposed for the underlying offense.

~~49.3.m.9.~~ 49.3.m.11. The stewards' or the Commission's ruling shall distinguish between the penalty for the underlying offense and any enhancement based upon a stewards' or Commission review of a trainer's cumulative points and regulatory record, which may be considered an aggravating factor in a case.

~~49.3.m.10. 49.3.m.12.~~ Any trainer who has received a medication violation may petition the Association of Racing Commissioners International to expunge the points received for the violation for the purpose of the multiple medication violation penalty system only. The points shall be expunged by the Association of Racing Commissioners International or upon request of the trainer Points shall expire as follows:

Penalty Classification	Time to Expungement
A	Permanent <u>3 years</u>
B	3 <u>2</u> years
C	2 <u>1</u> years
D	1 year

49.3.m.-13. In the case of a medication violation that results in a suspension, any points assessed expire on the anniversary date of the date the suspension is completed.

(b) The legislative rule filed in the State Register on August 18, 2016, authorized under the authority of section six, article twenty-three, chapter nineteen of this code, modified by the Racing Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 19, 2016, relating to the Racing Commission (pari-mutuel wagering, 178 CSR 05), is authorized.

§64-7-3. Lottery Commission.

The legislative rule filed in the State Register on August 22, 2016, authorized under the authority of section four hundred two, article twenty-two-b, chapter twenty-nine of this code, modified by the Lottery Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 7, 2016, relating to the Lottery Commission (limited video lottery, 179 CSR 5), is authorized with the following amendments:

On page 4, subdivision 2.12.1., after the words “straight-line feet from”, by inserting the words “the closest exterior wall of”;

On page 4, subdivision 2.12.1., after the word “engine”, by inserting the words “as determined by the commission during the license application review”;

On page 4, paragraph 2.12.2.a., following the designation “(ii)”, by striking out the word “with” and inserting in lieu thereof the word “has”;

On page 4, paragraph 2.12.2.b., following the words “requirement in”, by striking out the words “section 2.12.2.” and inserting in lieu thereof the words “this subdivision 2.12.2. of this subsection.”;

On page 4, after paragraph 2.12.2.b., before the words “The provisions of any” by inserting “2.12.3.”;

And,

On page 4, subdivision 2.12.3. by striking out “2.12”.

§64-7-4. Tax Division.

(a) The legislative rule effective on June 12, 1987, authorized under the authority of section one, article one-a, chapter eleven of this code, relating to the Tax Division (listing of interests in natural resources for purposes of first statewide appraisal, 110 CSR 1B), is repealed.

(b) The legislative rule effective on May 13, 1987, authorized under the authority of section twenty-nine-a, article one-a, chapter eleven of this code, relating to the Tax Division (guidelines for assessors to assure fair and uniform nonutility personal property values, 110 CSR 1C), is repealed.

(c) The legislative rule effective on June 12, 1987, authorized under the authority of section one, article one-a, chapter eleven of this code, relating to the Tax Division (review by circuit court on certiorari, 110 CSR 1D), is repealed.

(d) The legislative rule effective on June 12, 1987, authorized under the authority of section one, article one-a, chapter eleven of this code, relating to the Tax Division (review of appraisals by the county commission sitting as an administrative appraisal review board, 110 CSR 1E), is repealed.

(e) The legislative rule effective on May 13, 1987, authorized under the authority of section one, article one-a, chapter eleven of this code, relating to the Tax Division (additional review and implementation of property appraisals, 110 CSR 1F), is repealed.

(f) The legislative rule effective on May 13, 1987, authorized under the authority of section one, article one-a, chapter eleven of this code, relating to the Tax Division (review by circuit court on certiorari, 110 CSR 1G), is repealed.

(g) The legislative rule effective on June 29, 1964, authorized under the authority of article one, chapter eleven of this code, relating to the Tax Division (revision of levy estimates, 110 CSR 8), is repealed.

(h) The legislative rule effective on September 16, 1966, authorized under the authority of article ten, chapter eleven of this code, relating to the Tax Division (inheritance and transfer tax, 110 CSR 11), is repealed.

(i) The legislative rule effective on January 1, 1974, authorized under the authority of section five-a, article ten, chapter eleven of this code, relating to the Tax Division (annual tax on incomes of certain carriers, 110 CSR 12A), is repealed.

(j) The legislative rule effective on April 4, 1988, authorized under the authority of section five, article ten, chapter eleven of this code, relating to the Tax Division (telecommunications tax, 110 CSR 13B), is repealed.

(k) The legislative rule effective on May 1, 1996, authorized under the authority of section three, article thirteen-i, chapter eleven of this code, relating to the Tax Division (tax credit for employing former members of Colin Anderson Center, 110 CSR 13I), is repealed.

(l) The legislative rule effective on May 1, 1999, authorized under the authority of section seven, article thirteen-m, chapter eleven of this code, relating to the Tax Division (tax credits for new value-added, wood manufacturing facilities, 110 CSR 13M), is repealed.

(m) The legislative rule effective on May 1, 1999, authorized under the authority of section seven, article thirteen-n, chapter eleven of this code, relating to the Tax Division (tax credits for new steel, aluminum and polymer manufacturing operations, 110 CSR 13N), is repealed.

(n) The legislative rule effective on May 1, 1995, authorized under the authority of section five, article ten, chapter eleven of this code, relating to the Tax Division (business investment and jobs expansion tax credit, corporation headquarters relocation tax credit and small business tax credit, 110 CSR 13C), is repealed.

(o) The legislative rule effective on April 4, 1988, authorized under the authority of section one, article one-a, chapter eleven of

this code, relating to the Tax Division (appraisal of property for periodic statewide reappraisals for ad valorem property tax purposes, 110 CSR 1), is repealed.

§64-7-5. Banking Commissioner.

(a) The legislative rule effective on April 23, 1982, authorized under the authority of section four, article three, chapter thirty-one-a of this code, relating to the Banking Commissioner (West Virginia Consumer Credit and Protection Act, 106 CSR 8), is repealed.

(b) The procedural rule effective on January 10, 1975, authorized under the authority of section two, article three, chapter thirty-one-a of this code, relating to the Banking Commissioner (West Virginia Board of Banking and Financial Institutions, 107 CSR 5), is repealed.;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 127—A Bill to amend and reenact §64-7-1, §64-7-2, §64-7-3, §64-7-4 and §64-7-5 of the Code of West Virginia, 1931, as amended, all relating to authorizing certain department of revenue legislative rules; repealing certain legislative, procedural or interpretive rules promulgated by certain agencies and boards under the Department of Revenue which are no longer authorized or are obsolete; authorizing the Insurance Commissioner to promulgate a legislative rule relating to adoption of a valuation manual; repealing the Office of the Insurance Commissioner legislative rule relating to utilization management; repealing the Office of the Insurance Commissioner legislative rule relating to Medicare supplement insurance coverage; authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing; authorizing the Racing Commission to promulgate a legislative rule relating to pari-mutuel wagering; authorizing the Lottery Commission to promulgate a legislative

rule relating to limited video lottery; repealing the Tax Division legislative rule relating to listing of interests in natural resources for purposes of first statewide appraisal; repealing the Tax Division legislative rule relating to guidelines for assessors to assure fair and uniform nonutility personal property values; repealing the Tax Division legislative rule relating to review by circuit court on certiorari; repealing the Tax Division legislative rule relating to review of appraisals by the county commission sitting as an administrative appraisal review board; repealing the Tax Division legislative rule relating to additional review and implementation of property appraisals; repealing the Tax Division legislative rule relating to review by circuit court on certiorari; repealing the Tax Division legislative rule relating to revision of levy estimates; repealing the Tax Division legislative rule relating to inheritance and transfer tax; repealing the Tax Division legislative rule relating to annual tax on incomes of certain carriers; repealing the Tax Division legislative rule relating to the telecommunications tax; repealing the Tax Division legislative rule relating to tax credit for employing former members of Colin Anderson Center; repealing the Tax Division legislative rule relating to tax credits for new value-added, wood manufacturing facilities; repealing the Tax Division legislative rule relating to tax credits for new steel, aluminum and polymer manufacturing operations; repealing the Tax Division legislative rule relating to the business investment and jobs expansion tax credit, corporation headquarters relocation tax credit and small business tax credit; repealing the Tax Division legislative rule relating to appraisal of property for periodic statewide reappraisals for ad valorem property tax purposes; repealing the Banking Commissioner legislative rule relating to the West Virginia Consumer Credit and Protection Act; and repealing the Banking Commissioner procedural rule relating to West Virginia Board of Banking and Financial Institutions.

On motion of Senator Ferns, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 127, as amended by the House of Delegates, 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, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 127) passed with its House of Delegates amended title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, 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. 127) takes effect from passage.

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 that that body had agreed to the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. Com. Sub. for House Bill 2028, Relating to the venue for suits and other actions against the state.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Hanshaw, Moore and Isner.

A message from The Clerk of the House of Delegates announced that that body had agreed to the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. Com. Sub. for House Bill 2099, Defining the act of leaving the scene of a crash involving death or serious bodily injury as a felony; Erin's Law.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Zatezalo, Hollen and Canestraro.

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 2519—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-25, relating to requiring West Virginia Bureau for Medical Services to enter into a compact with surrounding states to ensure providers receive payment for Medicaid services.

Referred to the Committee on Health and Human Resources.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2808—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §27-5A-1, §27-5A-2, §27-5A-3, §27-5A-4, §27-

5A-5, §27-5A-6, §27-5A-7, §27-5A-8, §27-5A-9, §27-5A-10, §27-5A-11, §27-5A-12, §27-5A-13, §27-5A-14, §27-5A-15, and §27-5A-16, all relating to establishing assisted outpatient treatment of persons suffering from mental illness; providing the policy and purpose behind assisted outpatient treatment; defining terms; setting forth who may file a petition for assisted outpatient treatment of an adult individual or emancipated minor and when such a petition may be filed; providing that such a petition for assisted outpatient treatment must be in writing, executed under oath and include specified information; providing where a petition for assisted outpatient treatment may be filed; providing the timeline and procedure that the court or mental hygiene commissioner must follow within twenty-four hours of the filing of the petition; stating who may inspect the petition, evaluation report, and other filed or issued documents related to the case filed with the circuit court or mental hygiene commissioner; providing that individual must be examined not more than seven days before the petition is filed and the process by which such an examination must occur; providing criminal penalties for a person who knowingly files, or causes to be filed, a petition that contains a false material statement or information; providing the procedure for which the notice of hearing and petition must be provided to the respondent and who else must be mailed the notice of hearing and petition; providing the assisted outpatient treatment hearing procedure; providing that the petitioner and respondent may proffer a mutually agreed upon proposed assisted treatment order; providing an alternative to a mutually agreed upon order in which the mental hygiene commissioner or circuit court judge shall find and enter an order stating where there is clear and convincing evidence to believe that the respondent, as a result of mental illness, requires necessary treatment; requires that any treatment ordered must be the least restrictive potentially effective treatment available; stating that such order for assisted outpatient may be up for one hundred and eighty calendar days; providing what treatment such an order for assisted outpatient treatment may contain; stating that the determination that a person is in need of assisted outpatient treatment is not a determination that the individual is legally incompetent or incapacitated for any purpose other than those set out in the order concerning treatment for

mental illness or substance use disorder and clarifying that such orders are not to be reported to the West Virginia Central State Mental Health Registry or the National Instant Criminal Background Check System; providing for how the outpatient treatment will be paid for; providing procedures for conversion to and from involuntary hospitalization; providing procedures for how an assisted outpatient treatment order can be modified or reviewed; providing procedures for how an assisted outpatient treatment order can be renewed; explaining under what circumstances and how a patient under an assisted outpatient treatment order may be discharged from treatment and how such a discharge can occur; providing procedures to follow if a patient under an assisted outpatient treatment order fails to adhere to the order; and stating the options for the court or mental hygiene commissioner may order upon a finding of a failure to adhere to the requirements of an assisted outpatient treatment order.

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 2857—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-3E-1, §21-3E-2, §21-3E-3, §21-3E-4, §21-3E-5, §21-3E-6, §21-3E-7, §21-3E-8, §21-3E-9, §21-3E-10, §21-3E-11, §21-3E-12, §21-3E-13, §21-3E-14, §21-3E-15 and §21-3E-16, all relating to creating West Virginia Safer Workplace Act; permitting employers to test employees and prospective employees for drugs and alcohol; providing a short title; defining terms; declaring public policy; clarifying exceptions to the applicability of the West Virginia Safer Workplace Act for employers covered by other drug and alcohol testing statutes; determining a collection of samples, scheduling of tests and testing procedures; providing for ability to request split sample be tested to challenge a positive test result; establishing responsibility for cost of split sample testing; setting forth testing policy requirements; providing for disciplinary procedures; providing for sensitive employees;

providing protection from liability; prohibiting certain causes of action for employers who have established a program in accordance with the West Virginia Safer Workplace Act; providing exceptions; providing for confidentiality; providing for termination of employment; providing for forfeiture of certain benefits; clarifying that the drug and alcohol testing provisions of the West Virginia Safer Workplace Act cannot be used to show intoxication pursuant to section two, article four, chapter twenty-three of this code; and requiring employers to have drug and alcohol testing policies and procedures when implementing drug and alcohol testing.

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 3009—A Bill to amend and reenact §60A-9-5 of the Code of West Virginia, 1931, as amended, relating to access by the Office of Health Facility Licensure and Certification to the Controlled Substances Monitoring Program database for use in certification, licensure and regulation of health facilities.

Referred to the Committee on Health and Human Resources.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 3061—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5E-8, relating to encouraging mastery-based education through the Innovation In Schools program; making findings and stating purpose; providing definitions; specifying duties of Department of Education with respect to program; providing for Innovation In Education/Mastery Based designations for award of grants and other financial assistance; requiring participation in incubator process; prohibiting penalties for student who transfers from mastery-based to nonmastery-based

schools; and requiring institutions of higher education to recognize and accept high school diplomas on equal footing.

Referred to the Committee on Education.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 3089—A Bill to amend the Code of West Virginia, 1931, as amended; by adding thereto a new section, designated §18-2A-10, relating to the adoption of instructional resources for use in the public schools; providing for transition to new provisions for instructional resources adoption; defining instructional resources; requiring state board policy on required criteria included in instructional resources and requiring resources adopted to substantially cover; requiring pricing statement to be filed with state superintendent by person, firm or corporation desiring to sell instructional resources; prohibiting adoption or use unless of person firm or corporation not complying; disqualification of person, firm or corporation for failure to honor terms of filing; supplementary resources exempted; provisions for furnishing necessary instructional resources to students; requiring county board policy on instructional resources adoption and specifying minim provisions; and prohibiting board of education member or employee from acting as sales agents for person, firm or corporation filing statement with superintendent.

Referred to the Committee on Education.

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 8—Requesting the Division of Highways to name Bridge Number 27-35-17.37 (27A117) (38.83117, -82.14255), locally known as US 35-WV 2 Overpass Bridge, carrying US 35 over WV Route 2 in Mason county, the “Dr. Roy and Marian Eshenaur 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 25—Requesting the Division of Highways to name bridge number 50-052-21.27 (50A001), carrying United States Route 52 over Hurricane Creek in Wayne County, beginning at latitude 38.192421, longitude – 82.599808 and ending at latitude 38.191797, longitude – 82.600180, the “U.S. Army PVT Charles E. Ellis and U.S. Army PVT Ira V. Ellis 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 27—Requesting the Division of Highways to name the bridge on West Virginia Route 10 over Buffalo Creek in Logan County, Bridge Number 23-10-25.88 (23A041), latitude 37.89636, longitude -81.99435, locally known as the Chief Logan Box Culvert, the “U.S. Army 1LT Patricia Simon 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 46—Requesting that the Division of Highways name the bridge numbered 19-0.01 24A293, (at 37.41606, -81.43625), originally known as the “Northfork Bridge,” located in Northfork, McDowell County, carrying County Route 24-52 over Elkhorn Creek, the “Blue Demon 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 48—Requesting the Division of Highways to name bridge number 23-119-15.56 NBSB (23A095-23A371) (37.97487, -82.01675), locally known as Chapmanville Route 10 Overpass, carrying US 119 over WV 10 in Logan County, the “U.S. Army SPC David H. Stamper 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 58—Requesting the Division of Highways to name the Section of U.S. Route 60 in Cabell County from the Guyan Golf and Country Club to the Huntington City Limits, the “William C. Campbell Memorial Highway”.

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 66—Requesting the Joint Committee on Government and Finance to study the sustainability of the state’s current system of higher education and how the state can better support the public institutions of higher education.

Referred to the Committee on Education; and then to the Committee on Rules.

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 87—Requesting the Division of Highways rename the section of U.S. Route 119 that runs through Lincoln County the “Deputy Sheriff SGT. Justin Alan Thompson Memorial Highway”.

Referred to the Committee on Transportation and Infrastructure.

Executive Communications

The Clerk then presented communications from His Excellency, the Governor, advising that on March 23, 2017, he had approved **Enr. Committee Substitute for House Bill 2167, Enr. Committee Substitute for House Bill 2301, Enr. House Bill 2431, Enr. Committee Substitute for House Bill 2542, Enr. House Bill 2590 and Enr. House Bill 2594.**

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 23rd day of March, 2017, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for S. B. 302), Supplemental appropriation of federal funds from Treasury to Division of Human Services.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Roger Hanshaw,
Chair, House Committee.

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 69, Creating Sexual Assault Victims' Bill of Rights.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Mike Hall,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 69) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

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 167, Relating to DNA evidence.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 167 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §15-2B-2, §15-2B-5, §15-2B-6 and §15-2B-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §15-9B-4, all relating to DNA testing generally; allowing the West Virginia State Police Forensic Laboratory to use qualified outside entities for DNA testing; clarifying that the State Police shall attempt to contract with the Marshall University Forensic Science Center for certain DNA testing when outsourcing such testing; granting legislative and emergency rule-making authority to the Sexual Assault Forensic Examination Commission;

directing the commission to promulgate time frames for sample submission, sample testing and reporting of DNA testing results; expanding types of testing the State Police Forensic Laboratory may outsource; authorizing law-enforcement and correctional officers to use reasonable force to obtain DNA samples; creating presumption that DNA samples taken by law-enforcement and corrections personnel are obtained in good faith; exempting law-enforcement and correctional officers from civil and criminal liability; directing that erroneously obtained DNA sample to be removed from database and samples destroyed; and clarifying that judicial expungement proceeding proceed by petition.

Senate Bill 217, Relating to disclaimers of warranties which are subject of consumer transaction.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 217 (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 §46A-6-107a, relating to disclaimers of warranties with respect to used manufactured homes generally; providing that a consumer who purchases a used manufactured home may waive a warranty for a particular defect or malfunction which the merchant has disclosed in writing; providing waiver and disclosure requirements; and providing a definition.

And,

Senate Bill 376, Requiring certain persons comply with registration requirements of Sex Offender Registration Act.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 376 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §15-12-1a, §15-12-2, §15-12-2a, §15-12-2b, §15-12-3a and §15-12-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §49-5-103 of said code, all relating generally to amending the Sex

Offender Registration Act; clarifying intent of Sex Offender Registration Act; requiring juveniles to register as a sex offenders if adjudicated delinquent of certain sex crimes; imposing additional disclosure and registration requirements for persons required to register as sex offenders; requiring juveniles adjudicated delinquent of certain sex crimes to sign in open court a statement acknowledging their understanding of the requirements of the Sex Offender Registration Act; expanding the types of sex crimes that qualify as sexually violent offenses; permitting courts to designate certain juveniles adjudicated delinquent of sex crimes as sexually violent predators; establishing procedures for juveniles to appeal sexually violent predator designation; establishing length of time juveniles adjudicated delinquent of sex crimes must comply with provisions of Sex Offender Registration Act; and creating exception to the confidentiality of juvenile records to facilitate compliance with the Sex Offender Registration Act.

With the recommendation that the three committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bills (Com. Sub. for S. B. 167, 217 and 376) contained in the preceding report from the Committee on the Judiciary were each taken up for immediate consideration, read a first time and ordered to second reading.

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 210, Renaming Local Powers Act the County Local Powers Act.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Mike Hall,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 210) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Mann, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 273, Establishing Education Savings Account Program.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 273 (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25; and to amend said code by adding thereto a new article, designated §18-31-1, §18-31-2, §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7 and §18-31-8, all relating to establishing education expenses income tax credits; enacting an Educational Savings Account Pilot Program; providing a short title and definitions; limiting number of eligible students who may receive an account at any one time; setting forth conditions for qualifying for an account; requiring parent of student with disability to make certain acknowledgement; requiring roll over of account funds and closure of account in certain instances; allowing education savings account student to return to district school; requiring forfeiture of account for failure to comply with article or certain rules relating to the program; providing that certain students are exempt from compulsory school attendance; providing that account funds do not constitute taxable income; providing that nothing in article prohibits a parent from making certain payments from a source

other than account; providing that certain persons who do not apply for, and receive an account are eligible to apply for an income tax credit; setting forth formula for determining the annual amount of funds to be deposited in an account; allowing State Treasurer to create standard application form; allowing State Treasurer to qualify private financial management firms to manage accounts; allowing State Treasurer to contract with qualified organizations to administer the program or specific functions of the program; allowing State Treasurer to conduct or contract for auditing of accounts; allowing State Treasurer to make any parent of an eligible student ineligible for the program for substantial misuse of funds; allowing State Treasurer to deduct a limited amount from accounts to cover the costs of administering the program or any aspect of the program; requiring State Treasurer to maintain a list of participating entities; requiring State Treasurer to adopt rules, regulations and procedures necessary for administration of the program; requiring State Treasurer under certain conditions to make quarterly deposits into the accounts of education savings account students; requiring State Treasurer to develop a system for parents to use account funds to pay participating entities and education service providers by electronic funds transfer or by individual warrant; allowing State Treasurer to make limited partial payment to participating entity prior to the first quarterly payment of the year in which the account is awarded in certain instance; requiring State Treasurer to make annual report to the Legislative Oversight Commission on Education Accountability; allowing the State Treasurer to propose rules for legislative approval to designate certain technical education or certifications eligible to participate, to determine qualified purchases and to provide a method for disqualification of private schools, vendors or suppliers who violate certain provisions or rules; setting forth requirements for participating entity to be eligible to accept payments from an account; requiring State Treasurer to provide a participating entity with certain eligibility requirements upon request and make the requirements available online; allowing the State Treasurer to bar a participating entity from the program in certain instances; requiring notification of parents and education account students if participating entity is barred; providing that nothing in article limits the independence of a participating entity or makes the actions of

a participating entity the actions of the state government; prohibiting any state agency from regulating the educational program of a participating entity that accepts funds from an account; requiring that participating entities be given the maximum freedom to provide for the educational needs of education savings account student without governmental control; providing that nothing in article expands the regulatory authority of the state, its officers or any county school district to impose any additional regulation of participating entities beyond those necessary to enforce the requirements of the program; requiring resident school district to provide a participating entity that has enrolled an education savings account student with a complete copy of the student's school records while complying with the Family Educational Rights and Privacy Act of 1974; and setting forth certain provisions pertaining to legal proceedings.

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,

Kenny Mann,
Chair.

Senator Beach moved that the bill (Com. Sub. for S. B. 273) contained in the foregoing report from the Committee on Education be recommitted to the Committee on Education.

Following discussion,

The question being on the adoption of Senator Beach's aforesaid motion, the same was put and did not prevail.

Thereafter, the bill (Com. Sub. for S. B. 273), under the original double committee reference, was then referred to the Committee on Finance.

Senator Blair, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Com. Sub. for Senate Bill 380, Creating 2-year pilot program to allow all-terrain or recreational vehicles in Cabwaylingo State Forest.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Craig Blair,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 380) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Mann, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 401, Allowing county board of education base employment decisions on individual's qualifications.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Kenny Mann,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (S. B. 401) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Hall, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 416, Relating to Public-Private Transportation Facilities Act.

Senate Bill 417, Removing financial limitations on number of design-build projects undertaken by DOH.

Senate Bill 421, Increasing amount of authorized federal Grant Anticipation Notes for which DOH may apply.

And,

Senate Bill 614, Relating to expansion of broadband service.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Mike Hall,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bills (S. B. 416, 417, 421 and 614) contained in the preceding report from the Committee on Finance were each taken up for immediate consideration, read a first time and ordered to second reading.

Senator Hall, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 484, Relating generally to taxation.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 484 (originating in the Committee on Finance)—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating generally to taxation; and eliminating exemption from consumers sales and service tax for certain purchases of materials acquired for use in state highway projects.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mike Hall,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 484) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Mann, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 537, Relating to exemptions from mandated immunizations.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 537 (originating in the Committee on Education)—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; and setting forth conditions within each section.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Health and Human Resources.

Respectfully submitted,

Kenny Mann,
Chair.

Senator Ferns requested unanimous consent that the bill (Com. Sub. for S. B. 537) contained in the preceding report from the Committee on Education be taken up for immediate consideration.

Which consent was not granted, Senator Plymale objecting.

Thereafter, on motion of Senator Ferns, the bill (Com. Sub. for S. B. 537) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on Health and Human Resources.

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 576, Providing exception to waste for certain oil and gas development.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 576 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §37-7-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new chapter, designated §37B-1-1, §37B-1-2, §37B-1-3, §37B-1-4, §37B-1-5, §37B-1-6, §37B-1-7, §37B-1-8, §37B-1-9 and §37B-1-10, all relating generally to real property; providing an exception to waste for certain oil and gas development; providing a short title; providing declarations of

public policy and legislative findings; providing definitions; providing that consent for the lawful use of the oil and gas mineral property by three fourths of the royalty interests in oil and gas mineral property is permissible, not waste and not trespass; allowing nonconsenting cotenants to elect a production royalty interest or a working interest share of production; providing for the joint development of multiple contiguous oil and gas leases by horizontal drilling unless development is expressly prohibited by agreement; limiting jointly developed leases to six hundred forty acres with a ten percent tolerance; requiring a \$100,000 payment, as indexed to the consumer price index, to a surface owner whose surface tract is damaged by horizontal drilling; allowing for a net acreage fractional share royalty interest, free of post-production expenses, for multiple contiguous leases jointly developed; providing for timely payment of royalties and requiring specified information to be remitted with such payments; requiring quarterly reporting of production data for horizontal wells drilled pursuant to the provisions herein; providing that cotenants are not liable for damages as a result of the lawful use of oil and gas mineral property; requiring surface use agreements in specified circumstances and preserving common law rights; and providing for severability of provisions.

And,

Senate Bill 637, ABC licensing of resorts with multiple locations.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 637 (originating in the Committee on the Judiciary)—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 requirements, generally; defining terms; permitting certain private club licensees that operate tourist destination and resort facilities to obtain one private resort hotel license for the lawful sale and consumption of alcoholic liquors and non-intoxicating beer in designated and approved areas throughout the

licensed premises but within the confines of the property; permitting certain private club licensees that operate golf or country clubs to obtain one private golf club license for the lawful sale and consumption of alcoholic liquors and non-intoxicating beer; and permitting patrons seventeen years of age to enter the licensed premises unaccompanied by a parent or legal guardian at private resort hotels and private golf clubs under limited circumstances, subject to certain conditions, and certain private clubs with designated non-alcohol areas.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bills (Com. Sub. for S. B. 576 and 637) contained in the preceding report from the Committee on the Judiciary were each taken up for immediate consideration, read a first time and ordered to second reading.

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 578, Relating generally to copies of health care records furnished to patients.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Tom Takubo,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (S. B. 578) contained in the preceding report from the Committee on Health and Human Resources was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 601 (originating in the Committee on Banking and Insurance), Relating to requirements for making consumer loans.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 601 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §46A-4-101 and §46A-4-107 of the Code of West Virginia, 1931, as amended, all relating to requirements for making consumer loans in West Virginia; modifying the authority to make regulated consumer loans; providing that a person must first obtain a license from the Commissioner of Banking authorizing him or her to make regulated consumer loans before engaging in the business of making regulated consumer loans, taking assignments of or undertaking direct collection of payments from or enforcement of rights against consumers arising from regulated consumer loans; and adjusting threshold amounts of consumer loans for which certain finance charges can be imposed.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. 601) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Mann, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 609, Creating additional flexibility for school systems in use of school aid funds.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 609 (originating in the Committee on Education)—A Bill to amend and reenact §11-8-6f and §11-8-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-9A-2, §18-9A-4, §18-9A-5, §18-9A-6a, §18-9A-7, §18-9A-9, §18-9A-10 and §18-9A-11 of said code; and to amend said code by adding thereto a new section, designated §18-9A-25, all relating to public school support; removing limit on increase in total property tax revenues if the current regular levy rates of the county boards of education were to be imposed; requiring each county board of education to establish its regular levy rates each year up to the statutory maximum levy rates; allowing a county board to change its proposed regular levy rates from the original proposed levy rates in its required statement to the Auditor; deleting required periodic legislative review of definition of “net enrollment”; changing term “levies for general current expense purposes” to “maximum levies for general current expense purposes” and modifying the definition to mean ninety percent of the maximum levy rates for county boards of education; determining allowance for fundable professional educators at set ratio, rather than the number employed subject to a limit; providing for determination of allowance for fundable positions in excess of number employed; deleting expired provisions; basing minimum professional instructional personnel required on percent of

fundable professional educators or the number employed, whichever is less; providing for prorating professional instructional personnel among participating counties in joint school or program or service; removing penalty for not meeting applicable professional instructional personnel ratio for 2017-2018 school year; deleting expired provisions; deleting required periodic legislative review of density category ratios; determining allowance for fundable service personnel at set ratio, rather than number employed subject to a limit; providing for determination of allowance for fundable positions in excess of number employed; providing for proration of number and allowance of personnel employed in part by state and county funds; adding professional student support personnel allowance to calculation of Teachers Retirement Fund allowance; basing Teachers Retirement Fund allowance on average retirement contribution rate of each county and defining "average rate"; allowing limited portion of funds for bus purchases to be used for facility and equipment repair maintenance and improvement or replacement or other current expense priorities if requested and approved by state superintendent following verification; changing calculation of allowance for current expense from percent allowances for professional and service personnel to county's state average costs per square footage per student for operations and maintenance; basing the allowance to improve instructional programs and instructional technology on the portion of the increase in local share amount for the next school year that is due to an increase in assessed values only; removing authorization for use of instructional improvement funds for implementation and maintenance of the uniform integrated regional computer information system; removing requirement for fully utilizing applicable provisions of allowances for professional and service personnel before using instructional improvement funds for employment; removing restriction limiting use of new instructional improvement funds for employment except for technology system specialists until certain determination made by state superintendent; authorizing use of instructional technology improvement funds for employment of technology system specialists and requiring amount used to be included and justified in strategic technology plan; specifying when certain debt service

payments are to be made into School Building Capital Improvement Fund; authorizing use of percentages of allocations for improving instructional programs and improving instructional technology for facility and equipment repair, maintenance and improvement or replacement and other current expense priorities and for emergency purposes; requiring amounts used to be included and justified in respective strategic plans; and basing the computation of local share on the maximum levies for general current expense purposes.

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,

Kenny Mann,
Chair.

Senator Ferns requested unanimous consent that the bill (Com. Sub. for S. B. 609) contained in the preceding report from the Committee on Education be taken up for immediate consideration.

Which consent was not granted, Senator Unger objecting.

Senator Ferns then moved that the bill (Com. Sub. for S. B. 609) contained in the preceding report from the Committee on Education be taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, be referred to the Committee on Finance.

The question being on the adoption of Senator Ferns' aforestated motion, and on this question, Senator Unger demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Smith, Swope, Sypolt, Takubo, Trump, Weld and Carmichael (Mr. President)—21.

The nays were: Beach, Blair, Jeffries, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Stollings, Unger and Woelfel—13.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Ferns' aforesated motion had prevailed.

Thereafter, the bill (Com. Sub. for S. B. 609) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on Finance.

Senator Mann, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 621, Providing certain rules inapplicable after county board of education notifies state board of possible closing or consolidations.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Kenny Mann,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (S. B. 621) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time and ordered to second reading.

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 628 (originating in the Committee on the Judiciary), Relating to providing funding for Statewide Interoperable Radio Network.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 628 (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 §15-5-29; to amend and reenact §50-3-2 of said code; and to amend and reenact §62-5-10 of said code, all relating to creating a special revenue account in the State Treasury known as the Statewide Interoperable Radio Network Account; setting forth funding sources; providing for appropriation of moneys into the account; providing purposes for which the moneys may be used; providing for quarterly accounting; and providing funding for the Statewide Interoperable Radio Network through additional court costs to be imposed in criminal cases.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Mike Hall,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. 628) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Mann, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 630, Establishing Accessibility and Equity in Public Education Enhancement Act.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 630 (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-5F-1, §18-5F-2, §18-5F-3, §18-5F-4, §18-5F-5 and §18-5F-6, all relating to establishing the Accessibility and Equity in Public Education Enhancement Act; setting forth legislative findings and purpose; defining terms; allowing a county board or a multicounty consortium to create a virtual instruction program for one or more schools serving any composition of grades kindergarten through twelve by adopting a policy creating the program; allowing the county board or multicounty consortium after adopting the policy to contract with virtual school providers; delaying participation of eligible students in grades kindergarten through five until after the program has been in operation for one full school year; requiring eligible students to be counted in the net enrollment of the school district for the purposes of calculating and receiving state aid, be subject to the same state assessment requirements as other students in the school district and receive a diploma upon completing the same coursework required of regular public school students in the district; exempting, to a limited extent, certain students, parents and school districts from certain laws and state board policies that pertain to requiring the student to be in a school building receiving instruction for any set period of time; providing that a participating eligible student be considered to be attending a certain school; allowing the eligible student to participate in any cocurricular and extracurricular activities of the school under the same participation requirements imposed on traditional students attending the school; exempting a county board from certain provisions of law or state board rule to the extent any conflict with the delivery of the program; exempting a county board from certain online course restrictions; requiring coursework offered through a program be aligned to certain academic standards; requiring the assessment results of a student be included in the assessment results of the school and the school district in which the student is considered to be enrolled for purposes of accountability; and requiring report to

the Legislative Oversight Commission on Education Accountability on all aspects of the program.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Kenny Mann,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 630) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time and ordered to second reading.

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 631, Relating to prosecuting violations of municipal building code.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 631 (originating in the Committee on Government Organization)—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; creating a method of issuing misdemeanor citations for violation of the building code with proper due process; permitting complaints to be filed; establishing a procedure; requiring notice; granting hearings; permitting the recovery for costs for instituting an action; and defining terms.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 631) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time and ordered to second reading.

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 634, Relating generally to certain agreements between DHHR and two largest state universities.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 634 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-2-9a, relating generally to certain agreements between the Department of Health and Human Resources and the two largest state universities; and exempting such agreements from the requirements of the State Purchasing Division.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 634) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time and ordered to second reading.

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 671, Relating to WV Anatomical Board.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 671 (originating in the Committee on Government Organization)—A Bill to amend and reenact §18B-4-8 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Anatomical Board; providing that the board be reestablished under the authority of the Higher Education Policy Commission; modifying composition of the board; defining terms; modifying powers and responsibilities of the board; requiring the board to make requisition for, receiving and making disposition of dead human bodies for certain uses and purposes; requiring the board to keep full and complete records of certain information, which shall be open at all times for inspection of the Attorney General and any prosecuting attorney in the state; authorizing the Higher Education Policy Commission to promulgate legislative rules; providing that members of the board shall not be entitled to or receive compensation for services rendered in their capacity; requiring the board to operate in compliance with the Revised Anatomical Gift Act; eliminating requirement that certain dead human bodies buried at the public's expense be delivered to the board; eliminating procedures and requirements related to unclaimed bodies subject to requisition by the board; eliminating bond requirements of the board; and eliminating a criminal misdemeanor offense, penalties and the imposition of liability for certain conduct.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 671) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time and ordered to second reading.

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 685 (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 §11-16-11b, relating to creating a one-day special license for charitable events to sell nonintoxicating beer; setting fee for license; and authorizing commissioner to waive certain restrictions by rule or order.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (S. B. 685) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Hall, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 686 (originating in the Committee on Finance)—A Bill to amend and reenact §5A-3-1 and §5A-3-3 of the Code of West Virginia, 1931, as amended, all relating to facilities providing direct patient care services that are managed, directed, controlled and governed by the Secretary of the Department of Health and Human Resources; exempting such facilities from statewide purchasing requirements and from the otherwise required oversight and review by the Purchasing Division of the Department of Administration; and requiring the Legislative Auditor to audit purchasing made by facilities and report the findings to the Joint Committee on Government and Finance.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Mike Hall,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (S. B. 686) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

Senator Hall, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Joint Resolution 4, County Economic Development Amendment.

And reports the same back with the recommendation that it be adopted; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Mike Hall,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the resolution (S. J. R. 4) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on the Judiciary.

The Senate proceeded to the sixth order of business.

Senators Rucker, Unger and Beach offered the following resolution:

Senate Resolution 51—Designating March 24, 2017, as Jefferson County Day at the Capitol.

Whereas, Jefferson County was formed from Berkeley County in 1801 and named for Thomas Jefferson, author of the Declaration of Independence and third President of the United States; and

Whereas, Jefferson County's municipalities include Charles Town, the county seat (established in 1789 by George Washington's brother, Charles); Ranson (1910); Harpers Ferry (1851); Bolivar (1825); and Shepherdstown (1762); and

Whereas, From John Brown's raid in Harpers Ferry to Johnstown, believed to be the first free black community in West Virginia, and from Civil War battle sites to the courthouse in Charles Town being the only courthouse in America to have held two trials for treason, Jefferson County is rich in history. In 1906, Storer College in Harpers Ferry was the site of the Niagra Movement's (later merged with the National Association for the Advancement of Colored People) first meeting on United States soil. The meeting was later described by W. E. B. Du Bois as "one of the greatest meetings that American Negroes ever held"; and

Whereas, Today, Jefferson County is an economic engine for the State of West Virginia, with a booming population that has grown from 21,280 in 1970 to 53,498 after the 2010 census; and

Whereas, Jefferson County has a vibrant tourism industry, drawing hundreds of thousands of visitors from around the world

each year to enjoy whitewater rafting, zip lining, camping and hiking along the Appalachian Trail, shopping at farmers' markets or taking in the many national historical sites around the county; and

Whereas, Jefferson County has been home to Shepherd University for 145 years, which has evolved into a thriving school of 4,000 students, 60% of which are West Virginia natives; and

Whereas, It is fitting to recognize Jefferson County for its history, culture, economy, natural beauty and future development in the State of West Virginia; therefore, be it

Resolved by the Senate:

That the Senate hereby designates March 24, 2017, as Jefferson County Day at the Capitol; and, be it

Further Resolved, That the Senate acknowledges the many important contributions the citizens and businesses of Jefferson County make in the State of West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate officials representing Jefferson County.

At the request of Senator Rucker, 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 Rucker regarding the adoption of Senate Resolution 51 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 Boso, Stollings, Gaunch, Sypolt, Romano, Unger, Beach and Plymale offered the following resolution:

Senate Resolution 52—Designating March 24, 2017, as Firefighters Day as the Capitol.

Whereas, West Virginia's firefighters are a vital part of the emergency response system serving our communities, residents and visitors throughout this great state; and

Whereas, West Virginia's firefighters invest countless hours training, planning and preparing to respond to various emergencies at times of greatest need; and

Whereas, Each of the over 9,000 West Virginia firefighters are a valued and cherished asset to the residents and visitors of the state, always answering the call of duty to a myriad of emergencies, including, but not limited to, fire, motor vehicle accident, hazardous material accident, high angle rescue and medical incidents; and

Whereas, The West Virginia public at large expects firefighters to be available to respond to the varying types of emergencies promptly when called upon; and

Whereas, West Virginia firefighters provide a selfless benefit to the communities and counties in which they serve and are truly the quiet heroes as they place themselves in harm's way and subject themselves to personal risk; therefore, be it

Resolved by the Senate:

That the Senate hereby designates March 24, 2017, as Firefighters Day as the Capitol; and, be it

Further Resolved, That the Senate hereby acknowledges the vital importance of West Virginia firefighters situated throughout the state; and, be it

Further Resolved, That the Senate extends its sincere appreciation and gratitude to firefighters throughout the state of West Virginia for their dedicated public service; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate officials representing Firefighters Day at the Capitol.

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 and Romano regarding the adoption of Senate Resolution 52 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, which agenda includes the making of main motions.

At the request of Senator Ferns, unanimous consent being granted, the Senate returned to the consideration of

Com. Sub. for Senate Bill 637, Relating to private club operations requirements.

Having been received as a report from the Committee on the Judiciary and taken up for immediate consideration, read a first time and ordered to second reading in earlier proceedings today.

On motion of Senator Ferns, the Senate reconsidered the vote by which Committee Substitute for Senate Bill 637 was taken up for immediate consideration, read a first time and ordered to second reading.

The vote thereon having been reconsidered,

The question again being on the adoption of Senator Ferns' request that Committee Substitute for Senate Bill 637 be taken up for immediate consideration, read a first time and ordered to second reading.

At the request of Senator Ferns, unanimous consent being granted, his aforesaid request was withdrawn.

On motion of Senator Ferns, the Senate reconsidered its action by which in earlier proceedings today it received the Committee on the Judiciary report for Committee Substitute for Senate Bill 637.

The action thereon having been reconsidered,

At the request of Senator Trump, and by unanimous consent, the report from the Committee on the Judiciary for Committee Substitute for Senate Bill 637 was withdrawn.

Petitions

Senator Miller presented a petition from Harris Sams and numerous West Virginia residents, urging the Legislature to ensure access to good, affordable health care for all West Virginians.

Referred to the Committee on Health and Human Resources.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 35, Urging Congress reassess federal definition of industrial hemp.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Senate Concurrent Resolution 46, Requesting study on consumer complaints regarding safety of aftermarket crash parts.

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 47, US Army PFC Dell Dingess Lane.

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 18, Requiring new comprehensive statewide student assessment.

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 18 pass?”

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Karnes, Maroney, Maynard, Rucker, Smith, Swope, Sypolt, Takubo, Trump and Carmichael (Mr. President)—18.

The nays were: Beach, Facemire, Hall, Jeffries, Mann, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, Weld and Woelfel—16.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 18) passed.

On motion of Senator Rucker, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for Senate Bill 18—A Bill to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, relating to modifying finding to declare that it is clearly within the Legislature’s authority to mandate, at any level of specificity, appropriate academic standards to be adopted by the West Virginia Board of Education; prohibiting the state board from adopting any national or regional testing program or academic curriculum standards tied to federal funding without approval granted by Act of the Legislature; adding digital literacy skills to the list of areas the state board is required to adopt certain high-quality education standards in; requiring the state board to use a new comprehensive statewide student assessment program beginning with the 2017-2018 school year; setting forth requirements for the new assessment program; removing authorization to require student proficiencies be measured through the ACT EXPLORE and the ACT PLAN assessments or other comparable assessments; allowing state board to waive certain requirements for the new assessment program if less than two vendors submit bids; clarifying that state board may issue more than one request for proposals and contract with more than one vendor; prohibiting the Smarter Balance Assessment System, the PARCC Assessment System or certain other assessments from being used; requiring the state board to include in its rule accountability measures for students taking the comprehensive statewide assessment; prohibiting certain summative assessments from taking more than two percent of a student’s instructional time; prohibiting a student from being required to complete a greater number of summative assessments than is required by the Every Student Succeeds Act; providing exception; prohibiting collection of personal data as part of the assessment process except for what is necessary for the students’ instruction, academic and college and career search needs; and requiring the state board to provide online assessment preparation for any online assessment.

Senator Ferns moved that the bill take effect July 1, 2017.

On this question, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Maroney, Maynard,

Rucker, Smith, Swope, Sypolt, Takubo, Trump and Carmichael (Mr. President)—19.

The nays were: Beach, Facemire, Jeffries, Mann, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, Weld and Woelfel—15.

Absent: None.

So, less than two thirds of all the members elected to the Senate having voted in the affirmative, the President declared Senator Ferns aforesated motion had not prevailed.

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 61, Providing consumers sales and service tax and use tax exemption for certain services and tangible personal property sold for repair, remodeling and maintenance of aircraft.

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 61 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, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 61) 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 76, Creating WV Second Chance for Employment Act.

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 76 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, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 76) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Thereafter, at the request of Senator Palumbo, and by unanimous consent, the remarks by Senators Trump, Jeffries and Gaunch regarding the passage of Engrossed Committee Substitute for Senate Bill 76 were ordered printed in the Appendix to the Journal.

Eng. Com. Sub. for Senate Bill 183, Transferring Division of Forestry from Department of Commerce to Department of Agriculture.

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 183 pass?”

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld and Carmichael (Mr. President)—22.

The nays were: Beach, Facemire, Jeffries, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger and Woelfel—12.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 183) 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 419, Creating special revenue fund sources for Division of Labor to meet statutory obligations.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 419) 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 464, Eliminating taxation on annuity consideration received 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, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 464) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Com. Sub. for Com. Sub. for Senate Bill 486, Relating to health care provider taxes.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 486) passed with its title.

Senator Ferns moved that the bill take effect July 1, 2017.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 486) takes effect July 1, 2017.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Eng. Senate Bill 504, Defining “special aircraft property”.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for Senate Bill 535, Reorganizing Division of Tourism.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 535 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, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 535) passed.

On motion of Senator Trump, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for Senate Bill 535—A Bill to repeal §5B-2-8, §5B-2-8a, §5B-2-9, §5B-2-11, §5B-2-12 and §5B-2-12a of the Code of West Virginia, 1931, as amended; to amend and reenact §5B-1-2 of said code; and to amend said code 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, §5B-2I-7 and §5B-2I-8, all relating to tourism promotion generally; continuing the West Virginia Division of Tourism Office; creating the West Virginia Tourism Act of 2017;

creating the position of Executive Director of the West Virginia Tourism Office and setting forth the authority of the executive director; authorizing the Governor to appoint the executive director and set his or her salary; clarifying that the executive director shall serve as Commissioner of Tourism until establishment of the West Virginia Tourism Office; making the position of executive director one of will and pleasure; establishing qualifications for the position of executive director; establishing powers and duties of the West Virginia Tourism Office; authorizing the West Virginia Tourism Office to enter into private-public agreements and to change and collect fees for goods and services it supplies; authorizing the West Virginia Tourism Office to retain services necessary to carry out its duties; establishing criteria for retaining services; authorizing the executive to employ necessary personnel and to contract for professional, technical and consulting services and purchase equipment and supplies; authorizing the executive director, at the consent of the Secretary of Commerce, to compile a list on classified service exempt positions; requiring the West Virginia Tourism Office to publish and disseminate an annual report; directing the West Virginia Tourism office and its director to collaborate with the West Virginia Development Office; authorizing cancellation of contracts and joint venture agreements without further obligation of the state and setting the conditions precedent therefor; continuing the Tourism Promotion Fund in the State Treasury; directing that moneys in the fund be spent solely for tourism promotion; defining terms; exempting unspent moneys in fund from reverting to the General Revenue Fund; eliminating the Tourism Advertising Partnership Program effective July 1, 2017, with exceptions for resolution of outstanding obligations; directing the establishment of a cooperative advertising program within the West Virginia Tourism Office; authorizing the West Virginia Tourism Office to establish a fee schedule for participants in the cooperative advertising program; creating a requirement that if bonds authorized for improvements to Cacapon State Park and Beech Fork State Park have not been issued and sold and a contract for one of more of the projects at Cacapon State Park and Beech Fork State Park have not been entered into or before January 1, 2018, all spending authority from the fund shall cease and all moneys in the fund shall revert to the General Revenue Fund;

continuing an independent Tourism Commission within the Department of Commerce; establishing membership of Tourism Commission; requiring that gubernatorial appointments to the board be subject to the advice and consent of the Senate; setting forth qualifications of board members; establishing duties of the commission; and providing that documents, data and other writings related to furnishing assistance to businesses, other than agreements entered into by the West Virginia Tourism Office or West Virginia Development Office which obligate public funds, are exempt from disclosure under the Freedom of Information Act.

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 538, Creating special conditions of parole.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 538) 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 74, Allowing fire departments to charge fees for service calls.

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 388, Relating to dangerous weapons.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 428, Relating to partial filling of prescriptions.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 433, Permitting counties increase excise tax on privilege of transferring real property.

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 477, Increasing State Road Fund by raising DMV fees and motor fuel excise taxes.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Ferns, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

Com. Sub. for Senate Bill 602, Creating uniform system of recording and indexing fictitious names used by sole proprietors.

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 622, Relating generally to tax procedures and administration.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 658, Establishing procedure for retitling mobile and manufactured homes.

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 2486, Providing that when a party's health condition is at issue in a civil action, medical records and releases for medical information may be requested and required without court order.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Romano, the following amendment to the bill was reported by the Clerk:

On page one, section one, line eight, after the word "Rules" by changing the comma to a period and striking out the remainder of the sentence.

Following discussion,

The question being on the adoption of Senator Romano's amendment to the bill, the same was put and did not prevail.

The bill (Eng. Com. Sub. for H. B. 2486) was then ordered to third reading.

Eng. Com. Sub. for House Bill 2811, Relating to the definition of above ground storage tanks.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

The Senate proceeded to the tenth order of business.

The following bills and joint resolution on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Com. Sub. for Senate Bill 60, Relating to eligibility and fraud requirements for public assistance.

Com. Sub. for Com. Sub. for Senate Bill 281, Increasing number of limited video lottery machines allowed at retail location.

Com. Sub. for Senate Bill 316, Requiring individuals receiving unemployment compensation apply for and accept seasonal employment.

Com. Sub. for Senate Bill 412, Relating to WV Jobs Act reporting requirements.

Com. Sub. for Senate Bill 437, Discontinuing WV Greyhound Breeding Development Fund.

Com. Sub. for Senate Bill 453, Adding classification and base salaries of certain civilian employees of WV State Police Forensic Laboratory.

Senate Bill 493, Providing increase in compensation for conservation officers.

Com. Sub. for Senate Bill 539, Relating to regulation and control of financing elections.

Senate Bill 566, Claims against state.

Com. Sub. for Senate Bill 586, Changing fees for custom slaughters from annual to triennial.

Com. Sub. for Senate Bill 647, Relating generally to additional county excise taxes on real property transfer.

Senate Joint Resolution 10, Eliminating Office of Surveyor of Lands Amendment.

Eng. Com. Sub. for House Bill 2001, Relating to ethics and transparency in government.

Eng. Com. Sub. for House Bill 2506, Relating to the permit limit calculations and allowing overlapping mixing zones for calculating permit limits for drinking water criteria.

And,

Eng. Com. Sub. for House Bill 2868, Relating generally to Uniform Unclaimed Property Act.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Beach and Rucker.

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Beach were ordered printed in the Appendix to the Journal.

At the request of Senator Gaunch, and by unanimous consent, the Senate returned to the eleventh order of business and the introduction of guests.

Pending announcement of meetings of standing and select committees of the Senate,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Saturday, March 25, 2017, at 10 a.m.

SATURDAY, MARCH 25, 2017

The Senate met at 10 a.m.

(Senator Carmichael, Mr. President, in the Chair.)

Prayer was offered by the Honorable Ronald F. Miller, a senator from the tenth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Chandler Swope, a senator from the sixth district.

Pending the reading of the Journal of Friday, March 24, 2017,

At the request of Senator Maynard, 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:

Environmental Protection, Department of

Special Reclamation Fund Advisory Council (§22-1-17)

The Senate then proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Com. Sub. for Senate Bill 306, Supplemental appropriation of federal funds from Treasury to Workforce West Virginia.

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 2180—A Bill to amend of the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-3-14a, relating to authorizing the issuance of special “In God We Trust” and “Friends of Coal” motor vehicle registration plates.

Referred to the Committee on Transportation and Infrastructure.

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 2208—A Bill to amend and reenact §8A-3-3 of the Code of West Virginia, 1931, as amended, relating to authorizing counties and municipalities to establish a joint airport hazard comprehensive plan for the purpose of satisfying requirements of federal aviation law, protecting the public safety or preventing hazardous conditions; describes requirements for written agreements; requires submission of a plan and public hearing; providing for modifications to written agreements; and providing just compensation for diminution of property value.

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 2366—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-25, relating to the selling of a certain state owned health care facility and appurtenances by the Secretary of the Department of Health and Human Resources; exempting certain laws; creating a fund; implementing a benefits package for employees; and providing statutory construction.

Referred to the Committee on Health and Human Resources; 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 2475—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §14-1A-1, §14-1A-2 and §14-1A-3, all relating to authorizing the establishment of a Debt Resolution Services Division within the Auditor's office; providing for administration

of division and the offset of a payment due to a vendor, contractor or taxpayer from the state to satisfy an outstanding obligation owed by them to the state; authorizing the administration of the United States Treasury Offset Program; providing for responsibilities of the State Tax Commissioner and spending units of the state; providing for the adoption of procedures, forms, and agreements; and directing the deposit of moneys offset.

Referred to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2494—A Bill to amend and reenact §18-2E-4 of the Code of West Virginia, 1931, as amended, relating to providing that statewide school report cards are only to be made available to custodial parents and guardians of students upon request

Referred to the Committee on Education.

A message from The Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2017, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2524—A Bill to repeal §10-5-2a of the Code of West Virginia, 1931, as amended; to repeal §18-2I-3 of said code; to repeal §18A-3-2d of said code; to repeal §18A-3A-1, §18A-3A-2, §18A-3A-2b, §18A-3A-3 and §18A-3A-5 of said code; to repeal §18B-1-5a, §18B-11-4 and §18B-11-6 of said code; to amend and reenact §4-13-2 of said code; to amend and reenact §5-26A-3 of said code; to amend and reenact §5B-2C-6 of said code; to amend and reenact §5F-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 and reenact §18-2I-1, §18-2I-2 and §18-2I-4 of said code; to amend and reenact §18-10A-1, §18-10A-2, §18-10A-3, §18-10A-6a and §18-10A-12 of said code; to amend and reenact §18-10K-2, §18-10K-5 and §18-10K-6 of said code; to amend and reenact §18-30-4 of said code; to amend and reenact

§18A-2-9 and §18A-2-12 of said code; to amend and reenact §18A-3-1, §18A-3-1d, §18A-3-2c and §18A-3-8 of said code; to amend and reenact §18A-3C-1, §18A-3C-2 and §18A-3C-3 of said code; to amend and reenact §18B-1B-2 of said code; to amend and reenact §18B-3D-2 of said code; to amend and reenact §18B-5-2a of said code; to amend and reenact §18B-16-5 and §18B-16-8 of said code; to amend and reenact §18B-18B-1 of said code; and to amend and reenact §29-24-3 and §29-24-5 of said code, all relating to revising the processes through which professional development is delivered for those who provide public education in this state, including improvement of the focus on school-level continuous improvement processes led by the principal, generally; eliminating administrative offices, duplicative programs and obsolete provisions; repealing provisions related to creation and duties of distance learning coordinating council; repealing provisions related to annual state board professional development master plan; repealing provisions related to beginning principal internships; repealing provisions related to center for professional development and principals academy curriculum; repealing provisions related to center for development professional development project; repealing provisions related to principals academy establishment, mission, required attendance and employment of coordinator; repealing provisions related to pilot program of delivering educational services via distance learning; repealing provisions related to creation of depositories for assistive devices and services at two colleges or universities; repealing provisions creating the National Institute For Teaching Excellence and its governing board; modifying membership of Sesquicentennial of the American Civil War Commission; modifying membership of Commission for National and Community Service; removing Department of Education and the Arts as option to provide technical support to the Academy of Science and Technology in preparation of annual report; eliminating Department of Education and the Arts as executive department headed by secretary; transferring Division of Culture and History and Division of Rehabilitation Services to Department of Commerce; making Educational Broadcasting Authority and Library Commission each an independent agency within executive branch; eliminating salary of Secretary of Education and the Arts; modifying scope and goals

of the system for coordination and delivery of professional development to be instituted by state Board of Education; modifying legislative findings with respect to professional development; eliminating requirement for state Board of Education master plan for professional development; requiring state Board of Education rule to include process for aggregating school and system strategic plan information to assist design and delivery of professional development; replacing references to the Secretary and the Department of Education and the Arts in rehabilitation and vocational services related statutes; modifying membership of Traumatic Brain and Spinal Cord Injury Rehabilitation Fund Board; transferring fund administration to Department of Commerce; modifying membership of College Prepaid Tuition and Savings Program Board; including instructional leadership among the responsibilities of principals and requiring course work in instructional leadership and related topics as prerequisite for administrative certification; moving from a precertification requirement to a preemployment requirement that principals, assistant principals and administrators complete education and training in evaluation skills; deleting provisions proscribing limitations on certain rights and privileges of principals and assistant principals as teachers; removing requirements for interreacton between state Board Of Education and Center for Professional Development regarding performance evaluations; removing proscription of issuance or renewal of certain administrative certificate; removing requirement for state Board Of Education consultation with Secretary of Education and Arts and Chancellor for Higher Education prior to exercise of authority over education; adding within standards for education of professional educators requirement providing for the study of the history and philosophical foundations of Western Civilization and the writings of the founders of the United States of America; authorizing state Board of Education cooperation with regional education service agencies for selected phases of preparation programs and expenditure of funds; removing requirement for state Board of Education to consult with Secretary of Education and the Arts and the Chancellor of Higher Education; removing provisions related to required training and professional development of principals through principals academy; adding instructional leadership and

management techniques to required minimum standards for rule governing training of principals; removing language relating to waivers, ineligibility, progress tracking and expenses relating to training of principals; requiring county professional staff development councils to base proposals for staff development on analysis of individual and collective need indicated in school's strategic plans; incorporating principals development in the provisions for a comprehensive system to improve teaching and learning; making legislative finding that professional development resources must be focused rather than increased; removing obsolete provisions related to phased implementation of provisions for professional personnel evaluations; eliminating requirement for five percent of evaluations to be based on state summative assessment and increasing percent based on evidence of student learning by five percent; incorporating principals into the comprehensive system of support for improved professional performance; requiring deficiencies identified through personnel evaluations to be incorporated in strategic plans for continuous improvement; removing language requiring posting and other provisions relating to employment; restricting certain appropriations for certain activities; modifying membership of Higher Education Policy Commission; modifying membership of Workforce Development Initiative Program Advisory Committee; modifying process for approval of transfers of amounts between items of appropriation or special accounts of institutions of higher education; updating agency references and removing Secretary of Education and the Arts with respect to rural health initiative; modifying membership of Science and Research Council; transferring certain references and responsibilities to Technology-Related Assistance Revolving Loan Fund For Individuals With Disabilities Board to Secretary of Commerce; directing the adoption and promulgation of rules and guidelines; and making consequential changes incident to the elimination of agencies or programs or the modification of duties, responsibilities and functions.

Referred to the Committee on Education; 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 2679—A Bill to amend and reenact §7-11-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-2-5 of said code, all relating to the possession of firearms in parks and park facilities generally; prohibiting county parks and recreation commissions from promulgating or enforcing rules which prohibit possession of firearms in parks; providing magistrate courts with concurrent jurisdiction; altering antiquated language concerning county courts to county commission; prohibitions on carrying a firearm in state parks, state forests, state wildlife management areas or state rail trails; and providing exceptions for self-defense.

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 2702—A Bill to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended, relating to documentation of unexcused absences from compulsory school attendance; limiting excused absences for personal illness or injury in the family to those of student's parent, guardian or custodian and requiring confirming statement from medical provider; requiring all documentation related to absences be provided to school no later than three days of occurrence; authorizing notice in the case of three unexcused absences to be made by means other than written; removing provision for designated representative of principal for conference on unexcused absences and clarifying responsibility of administrative head or other chief administrator of school for meeting; and making other technical clarifications.

Referred to the Committee on Education.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2709—A Bill to amend and reenact §8-38-9 of the Code of West Virginia, 1931, as amended, relating to the Legislature’s authorizing the City of South Charleston to levy a special district excise tax for the benefit of the South Charleston Park Place Economic Opportunity Development District.

Referred to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2734—A Bill to adding thereto a new section, designated §11-5-15, all relating to authorizing a method for the collection and remittance of property taxes related to dealers’ heavy equipment rental inventory.

Referred to the Committee on Finance.

A message from The Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 2774—A Bill to amend and reenact §11-6H-2 of the Code of West Virginia, 1931, as amended; relating to defining “special aircraft property” to include certain parts, materials or items used in the construction or repair of aircraft, aircraft engines or components of aircraft.

At the request of Senator Ferns, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time and ordered to second reading.

A message from The Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2805—A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof.

Referred to the Committee on Finance.

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 90—Requesting the Joint Committee on Government and Finance authorize a study on the feasibility of light fidelity (“Li-Fi”), a bidirectional, high-speed and fully networked wireless communication technology similar to Wi-Fi, as a possible solution to West Virginia’s broadband access limitation.

Referred to the Committee on Rules.

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 91—Requesting the Department of Highways to name Bridge Number 30-3/5-2.58 (30A012) (37.81677, -82.25903), locally known as Canterbury Box Beam Bridge, carrying County Route 3/5 over Laurel Fork in Mingo County, the “Alleen Ledson 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 92—Requesting the Division of Highways to name that portion of West Virginia Route 16, beginning at mile marker 37.50 and ending at mile marker 40.92, the “U.S. Army SGT Eugene Dawson Memorial Highway”.

Referred to the Committee on Transportation and Infrastructure.

Executive Communications

The Clerk then presented a communication from His Excellency, the Governor, advising that on March 24, 2017, he had approved **Enr. Senate Bill 231**.

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 24th day of March, 2017, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(H. B. 2300), Regulating step therapy protocols.

(Com. Sub. for H. B. 2678), Changing the amounts of prejudgment and post-judgment interest to reflect today’s economic conditions.

And,

(H. B. 2766), Establishing a new special revenue fund, designated the Adult Drug Court Participation Fund.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Roger Hanshaw,
Chair, House Committee.

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 38 (originating in the Committee on Economic Development), 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 Com. Sub. for Senate Bill 38 (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 §11-28-1, §11-28-2 and §11-28-3, all relating to creating five-year tax credit for businesses locating on post coal mine sites; defining terms; setting eligibility requirements for the tax 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 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

Senate Bill 57, Continuing personal income tax adjustment for certain retirees.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 57 (originating in the Committee on Finance)—A Bill to amend and reenact §11-21-12d of the Code

of West Virginia, 1931, as amended, relating to continuing personal income tax adjustment to gross income of certain retirees receiving pensions from defined pension plans that terminated and are being paid a reduced maximum benefit guarantee.

With the recommendation that the 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

Senate Bill 238, Increasing tax credits allowed for rehabilitation of certified historic structures.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 238 (originating in the Committee on Finance)—A Bill to amend and reenact §11-21-8a of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-24-23a of said code, all relating to increasing the tax credits allowed for rehabilitation of certified historic structures from ten percent to twenty-five percent of expenditures made after December 31, 2017.

With the recommendation that the 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 294, Relating to Community Sustainability Investment Pilot Program.

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,

Craig Blair,
Chair.

At the request of Senator Hall, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Government Organization.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 333 (originating in the Committee on Health and Human Resources), Requiring all DHHR-licensed facilities access WV Controlled Substances Monitoring Program Database.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 333 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §60A-9-4, §60A-9-5 and §60A-9-5a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §60A-9-9, all relating to the Controlled Substances Monitoring Program database; requiring reporting instances of an overdose or a suspected overdose to the database; setting out elements to be reported; allowing access to the database

to deans of the state's medical schools or their designees for monitoring prescribing practices of prescribing faculty and residents; allowing access to designated physician reviewers for medical provider employers and hospital chief medical officers; allowing the Board of Pharmacy to require that drugs of concern be reported to the database; exempting reporting requirements for drugs of concern from criminal penalties; allowing agents for the Office of Health Facility Licensure and Certification to access the database; allowing the Board of Pharmacy to develop administrative penalties for not reporting drugs of concern; providing for rulemaking; requiring the licensing boards to report to the Board of Pharmacy when notified of unusual prescribing habits of a licensee; and making technical corrections.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Smith, from the Committee on Energy, Industry and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry and Mining has had under consideration

Senate Bill 369, Permitting surface owners purchase mineral interests when interest becomes tax lien.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 369 (originating in the Committee on Energy, Industry and Mining)—A Bill to amend and reenact §11A-3-19, §11A-3-21, §11A-3-23, §11A-3-52, §11A-3-54 and §11A-3-56 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto four new sections, designated §11A-3-23a, §11A-3-23b, §11A-3-58a and §11A-3-58b; and to amend and reenact §11A-4-4 of said code, all relating to permitting

surface owners to purchase the mineral interests that lay below the property when the mineral interest becomes subject to a tax lien; permitting mineral owners to purchase the surface interest that lies above the mineral interest when the surface tract become subject to establishing procedures; requiring notice; establishing the purchase prices; establishing nonrefundable \$20 administrative fee; providing a procedure if more than one surface owner seeks to purchase the delinquent mineral interest; modifying notices to redeem that are sent to property owners; and providing remedies relating to tax sales.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Randy E. Smith,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 369) contained in the preceding report from the Committee on Energy, Industry and Mining was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on the Judiciary.

At the request of Senator Woelfel, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

Senator Maynard, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 375, Relating to rate and measure of severance taxes on certain natural resources.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 375 (originating in the Committee on Natural Resources)—A Bill to amend and reenact §11-13A-3 of the Code of West Virginia, 1931, as amended, relating to severance tax on certain natural resources; defining “mined aggregates”; changing the severance tax on mined aggregates after certain date; and making technical corrections.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Mark R. Maynard,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 375) contained in the preceding report from the Committee on Natural Resources was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on Finance.

Senator Takubo, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 386, Creating WV Medical Cannabis Act.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 386 (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 article, designated §16-8A-1, §16-8A-2, §16-8A-3, §16-8A-4, §16-8A-5,

§16-8A-6, §16-8A-7, §16-8A-8, §16-8A-9, §16-8A-10, §16-8A-11, §16-8A-12, §16-8A-13, §16-8A-14, §16-8A-15 and §16-8A-16, all relating to creating the West Virginia Medical Cannabis Act; defining terms; creating the West Virginia Medical Cannabis Commission; setting forth members of the West Virginia Medical Cannabis Commission; setting forth responsibilities for the West Virginia Medical Cannabis Commission; creating a special revenue account known as the West Virginia Medical Cannabis Commission Fund; requiring a portion of any profit to be spent for specific programs; detailing the fund's revenue sources and disbursements; detailing requirements of the commission to implement the provisions of the act; setting requirements for becoming a certifying physician; authorizing the commission to approve physician applications for certain medical conditions; requiring reporting to the Controlled Substances monitoring database; setting out conditions for which cannabis may be used; requiring certain annual reports to the Governor and Legislature; authorizing the commission to license medical cannabis growers and grower agents that meet certain requirements; setting forth certain parameters for licensed growers and grower agents; requiring a certain percentage of licenses be granted to persons in veterans agriculture programs; providing an exception for a qualifying patient to grow a specified amount without a license; authorizing the commission to license dispensaries and register dispensary agents; setting forth certain requirements for dispensaries and dispensary agents; authorizing the commission to license medical cannabis processors and register processor agents; authorizing testing laboratories; stating requirements for the commission's registration of independent laboratories; requiring the State Police and commission to enter a memorandum of understanding for criminal records checks and setting forth basic requirements; providing that certain persons licensed, registered and authorized under the act may not be subject to arrest, prosecution or any civil or administrative penalty, including a civil penalty or disciplinary action by a professional licensing board, or be denied any right or privilege, for the medical use of cannabis; creating a new criminal offense of distributing, possessing, manufacturing or using cannabis that has been diverted from an authorized medicinal use; specifically stating conduct related to cannabis that is not protected by the provisions of the act; authorizing state employees to recover

certain counsel fees; empowering the Governor to suspend implementation of the act if the Governor determines certain federal action may occur; and requiring promulgation of emergency rules and the submission of legislative rules for approval by the Legislature.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Tom Takubo,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 386) contained in the preceding report from the Committee on Health and Human Resources was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 402, Relating to covenants not to compete between physicians and hospitals.

And,

Senate Bill 667, Limiting authority of Attorney General to disclose certain information provided by Tax Commissioner.

And reports the same back with the recommendation that they each 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 406, Relating to generic drug products.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 406 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §30-5-12b of the Code of West Virginia, 1931, as amended, relating generally to generic drug products; providing definitions; providing that when a pharmacist substitutes a drug, the patient shall receive the savings which shall be equal to the difference in acquisition cost of the product prescribed and the acquisition cost of the substituted product; providing an exception for covered individuals; and clarifying that the West Virginia Board of Pharmacy has primary responsibility for enforcement.

Senate Bill 515, Relating to parole requirements for hearings and release.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 515 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §62-12-13 and §62-12-23 of the Code of West Virginia, 1931, as amended, all relating generally to parole; eliminating redundant and outdated reporting requirements regarding parolees; and modifying notice requirements to certain persons for parole hearings and inmate release.

Senate Bill 606, Defining seasonal amusement parks workers.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 606 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §21-5C-1 of the Code of West Virginia, 1931, as amended, relating to minimum wage and maximum hour standards for employees; and adding exceptions to the definition of the term “employee” for any person employed as a seasonal employee of an enterprise principally devoted to amusement rides and amusement attractions, any person employed by a traveling enterprise principally devoted to amusement rides or amusement attractions or a traveling carnival, including food concessions, or any person employed by a minor or major league baseball organization; limiting months of operation and receipts; and providing that the exemptions are for a limited purpose.

And,

Senate Bill 637, Relating to private club operations requirements.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 637 (originating in the Committee on the Judiciary)—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 generally to private club operations requirements; defining terms; permitting certain private club licensees that operate tourist destination and resort facilities to obtain one private resort hotel license for the lawful sale and consumption of alcoholic liquors and nonintoxicating beer in designated and approved areas throughout the licensed premises but within the confines of the property; permitting certain private club licensees that operate golf or country clubs to obtain one private golf club license for the lawful sale and consumption of alcoholic liquors and nonintoxicating beer on the premises of the facility; establishing license requirement; permitting patrons seventeen years of age to enter the licensed premises unaccompanied by a parent or legal guardian at private resort hotels and private golf clubs under limited circumstances, subject to

certain conditions, and certain private clubs with designated nonalcohol areas; and establishing license fees.

With the recommendation that the four committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Karnes, from the Select Committee on Tax Reform, submitted the following report, which was received:

Your Select Committee on Tax Reform has had under consideration

Senate Bill 409, Modifying exemptions for consumers sales and service tax.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 409 (originating in the Select Committee on Tax Reform)—A Bill to amend the Code of West Virginia, 1931, as amended, by repealing §11-8-6e; to amend said code by amending and reenacting §11-8-6f; to amend said code by repealing §11-8-6g; to amend said code by adding thereto a new section, designated §11-13A-26; to amend said code by amending and reenacting §11-15-3, §11-15-3a, §11-15-8, §11-15-9, §11-15A-2; to amend said code by adding thereto a new section, designated §11-21-4g; all relating generally to the 2017 Tax Reform Act; to the repeal of certain procedures relating to increased tax assessments; to the prospective balancing of the rate of the severance tax on the production of coal; to the increase of the rate of the consumers sales and service tax; to the elimination of certain exemptions from the consumers sales and service tax; to the increase of the rate of the use tax; to the reduction of the rate of the personal income tax and establishing effective dates with respect thereto.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Robert Karnes,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 409) contained in the preceding report from the Select Committee on Tax Reform was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on Finance.

Senator Blair, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Com. Sub. for Senate Bill 501 (originating in the Committee on Economic Development), Relating to WV Economic Development Authority.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 501 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31-15-5a, relating to creating the Minority Economic Development Advisory Council; providing for composition and duties of the Minority Economic Development Advisory Council; requiring members first appointed be appointed to staggered terms; prohibiting appointed members from serving more than two consecutive terms; providing that an appointed member may continue to serve until his or her successor is appointed; prohibiting members from receiving compensation

other than reimbursement for reasonable expenses; and requiring quarterly meetings.

With the recommendation that the committee substitute for 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

Com. Sub. for Senate Bill 521 (originating in the Committee on the Judiciary), Relating generally to Public Defender Services.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Bill 521 (originating in the Committee on Finance)—A Bill to amend and reenact §29-21-2, §29-21-6, §29-21-8, §29-21-9 and §29-21-13a of the Code of West Virginia, 1931, as amended, all relating generally to Public Defender Services; transferring initial authority to review, approve, reduce or reject panel attorney vouchers from circuit courts to Public Defender Services; providing for resubmission of vouchers previously reduced or rejected; establishing protocol for handling of rejected or reduced vouchers; maintaining final authority over payment vouchers with the appointing courts; authorizing the Executive Director of Public Defender Services, with approval of the Indigent Defense Commission, to establish conflict public defender corporations and establishing criteria therefor; authorizing the Executive Director of Public Defender Services, with approval of the Indigent Defense Commission, to contract for legal services or specialized legal services in any circuit; revising order of preference for the appointment of attorneys; and requiring panel attorneys to maintain time-keeping records on a daily basis.

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 534, Relating to incentives for consolidating local governments.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 534 (originating in the Committee on Government Organization)—A Bill to amend and reenact §7-11B-3, §7-11B-4 and §7-11B-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §7A-2-4 of said code; to amend said code by adding thereto a new section, designated §7A-2-5; and to amend and reenact §31-20-10a of said code, all relating to incentives for consolidating local governments; amending certain terms to include municipalities that successfully consolidated; allowing consolidation of local governments to include public school districts, library districts and fire districts; creating certain incentives for municipalities that consolidate; creating certain incentives for counties that consolidate; creating certain incentives for municipalities and counties that form metro governments by consolidation; and requiring the Division of Corrections to pay for regional jail bills of counties that consolidate from the point of a felony conviction, rather than after sentencing.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
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 588, Relating to reproduction, distribution and sale of tax maps.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 588 (originating in the Committee on Government Organization)—A Bill to amend and reenact §11-1C-2, §11-1C-4 and §11-1C-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §59-1-10 of said code, all relating to the reproduction, distribution and sale of tax maps; defining terms; specifying powers of the Property Valuation Training and Procedures Commission to promulgate rules; specifying duties of county assessors; requiring that sale, reproduction and distribution of certain records be in accordance with specified legislative rules; and specifying certain fees.

With the recommendation that the committee substitute 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 687 (originating in the Committee on Energy, Industry and Mining)—A Bill to amend and reenact §22-3-11, §22-3-13a and §22-3-23 of the Code of West Virginia, 1931, as amended; to amend and reenact §22-6-24 of said code; to amend and reenact §22-11-7b of said code; to amend and reenact §22A-1-2 and §22A-1-5 of said code; to amend and reenact §22A-2-59 of said code; to amend said code by adding thereto a new section, designated §22A-2A-1001; to amend and reenact §22A-6-3, §22A-6-4 and §22A-6-6 of said code; to amend and reenact §22A-7-2, §22A-7-3, §22A-7-5, §22A-7-5a and §22A-7-7 of said code; to amend and reenact §22A-9-1 of said code; to amend and reenact §22A-11-1, §22A-11-2, §22A-11-3 and §22A-11-4 of said code; to amend said code by adding thereto a new section, designated §22A-11-5, all relating generally to coal mining, coal mining safety and environmental protection; providing that moneys be paid from special reclamation water trust fund to assure a reliable source of capital and operating expenses for the treatment of discharges from forfeited sites; modifying notification requirements for preblast surveys for surface mining operations and certain other blasting activities; removing minimum bond requirements related to certain reclamation work; providing for changes to the method of plugging abandoned gas wells where a coal operator intends to mine through the well; removing certain criteria from evaluation for the narrative water quality standard; authorizing the elimination of the Board of Miner Training, Education and Certification, the Mine Inspectors' Examining Board, and the Mine Safety Technology Task Force, and the transfer of duties from those boards and task force to the Board of Coal Mine Health and Safety; providing that an automated external defibrillator unit be required first-aid equipment located in certain areas of an underground coal mine; directing that the Office of Miners' Health, Safety and Training revise state rules related to diesel equipment operating in underground mines; and requiring rulemaking.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Randy E. Smith,
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 688 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §22-15-10 of the Code of West Virginia, 1931, as amended, relating to correcting a technical error within the Solid Waste Management Act.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 689 (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 §17-2A-8d, relating to payment of small claims by the Division of Highways; setting forth findings and a declaration of public purpose; recognizing the need for an efficient process to pay certain claims against the Division of Highways; retaining the state's sovereign immunity; requiring the division to develop a system to investigate and pay certain small claims; establishing minimum requirements for the system to evaluate and pay the claims; specifying information to be submitted by a claimant; limiting types of claims and amount of claims authorized under the system; requiring Division of Highways review each claim and return incomplete claims for correction; allowing claimant thirty calendar days to make corrections and return claim to division; requiring division to submit a report of all claims to the Legislative Auditor for approval; providing Legislative Auditor fifteen calendar days to approve or disapprove claim; authorizing Legislative Auditor to

request additional information on a claim; providing Legislative Auditor ten calendar days to act on claim after receiving requested information; providing that a claimant whose claim has not been approved is not barred from filing a claim with the West Virginia Claims Commission; authorizing the promulgation of rules; requiring division process claims upon receipt of Legislative Auditor's approval; and requiring State Auditor issue warrant for payment.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 690 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §15-2-3 of the Code of West Virginia, 1931, as amended, relating to authorizing the Superintendent of the West Virginia State Police to impose and collect a fee for agencies and entities using the facilities under his or her direction for training purposes.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Joint Resolution 6 (originating in the Committee on Transportation and Infrastructure), Roads to Prosperity Amendment of 2017.

And reports back a committee substitute for same with the following title:

Com. Sub. for Com. Sub. for Senate Joint Resolution 6 (originating in the Committee on the Judiciary)—Proposing an amendment to the Constitution of the State of West Virginia, relating to authorizing the Legislature to issue and sell state bonds not exceeding the aggregate amount of \$1.6 billion to be used for improvement and construction of state roads and bridges; numbering and designating such proposed amendment; authorizing a special election on the ratification or rejection of the amendment to take place in 2017, to be set by the Governor; and providing a summarized statement of the purpose of such proposed amendment.

With the recommendation that the committee substitute for committee substitute be adopted; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the resolution (Com. Sub. for Com. Sub. for S. J. R. 6) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

On motion of Senator Trump, the resolution was referred to the Committee on Finance.

Senator Karnes, from the Select Committee on Tax Reform, submitted the following report, which was received:

Your Select Committee on Tax Reform has had under consideration

Senate Joint Resolution 8, Fair and Simple Tax Reform or FASTR amendment.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Joint Resolution 8 (originating in the Select Committee on Tax Reform)—Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof by repealing sections one, one-a, one-b, one-c, eight, eight-a, ten and eleven; adding thereto a new section, designated section thirteen, relating to fair and simple tax reform; preserving rights, duties and obligations of taxpayers, local taxing authorities and the State for periods prior to ratification of this amendment; repealing the personal property tax; authorizing new classes of real property for the purpose of taxation; authorizing taxing authorities to administer levies and excess levies; creating a State infrastructure and equalization fund; providing for block grants to local schools and governments for education and infrastructure; establishing exemptions to the real property tax; backing bond revenue with the full faith and credit of West Virginia; grandfathering tax benefits earned prior to the ratification of this amendment; providing for the enactment of new benefits; establishing a supremacy clause; providing for general law implementation; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

With the recommendation that the committee substitute be adopted; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Robert Karnes,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the resolution (Com. Sub. for S. J. R. 8) contained in the preceding report from the Select Committee on Tax Reform was taken up for immediate consideration, read a first time, ordered to second reading and, under the original double committee reference, was then referred to the Committee on the Judiciary.

Petitions

Senator Boso presented a petition from Anita Warren and eighty-two Pendleton County residents, requesting funding for the Wildlife Services Predator Control Program.

Referred to the Committee on Natural Resources.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 74, Allowing fire departments to charge fees for service calls.

On third reading, coming up in regular order, was read a third time.

Pending discussion,

At the request of Senator Plymale, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for Senate Bill 428, Relating to partial filling of prescriptions.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, 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: Karnes—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. 428) 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 433, Permitting counties increase excise tax on privilege of transferring real 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, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld, Woelfel and Carmichael (Mr. President)—30.

The nays were: Miller, Romano and Unger—3.

Absent: Karnes—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 433) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Com. Sub. for Senate Bill 477, Increasing State Road Fund by raising DMV fees and motor fuel excise taxes.

On third reading, coming up in regular order, with the right having been granted on yesterday, Friday, March 24, 2017, for amendments to be received on third reading, was reported by the Clerk.

On motion of Senator Boso, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page fifteen, section four, line one hundred fifty-two, by striking out the word “three-b” and inserting in lieu thereof the word “three-c”;

On page nineteen, section ten, line forty-one, after the word “cosmetic” by inserting the word “total”;

On page twenty-one, section ten, lines eighty-three and eighty-four, by striking out the words “or cosmetic total loss title” and inserting in lieu thereof a comma and the words “cosmetic total loss, cosmetic total loss salvage, flood, fire or other brand title”;

And,

On page twenty-seven, section three-c, lines one and two, by striking out the words “hydrogen, natural gas, nonpetrochemical fuels or a combination thereof” and inserting in lieu thereof the words “hydrogen or natural gas”.

There being no further amendments offered,

The bill, as just amended, was ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 477 was then read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 477 pass?”

On the passage of the bill, the yeas were: Beach, Blair, Boso, Clements, Cline, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld and Carmichael (Mr. President)—27.

The nays were: Azinger, Boley, Facemire, Romano, Rucker and Woelfel—6.

Absent: Karnes—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. 477) passed with its title.

Senator Ferns moved that the bill take effect July 1, 2017.

On this question, the yeas were: Beach, Blair, Boso, Clements, Cline, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld and Carmichael (Mr. President)—27.

The nays were: Azinger, Boley, Facemire, Romano, Rucker and Woelfel—6.

Absent: Karnes—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 S. B. 477) takes effect July 1, 2017.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

Thereafter, at the request of Senator Blair, and by unanimous consent, the remarks by Senators Plymale and Clements regarding the passage of Engrossed Committee Substitute for Senate Bill 477 were ordered printed in the Appendix to the Journal.

Eng. Senate Bill 504, Defining “special aircraft property”.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for Senate Bill 602, Creating uniform system of recording and indexing fictitious names used by sole proprietors.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, 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: Karnes—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. 602) 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 622, Relating generally to tax procedures and administration.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, 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: Karnes—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. 622) 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 658, Establishing procedure for retitling mobile and manufactured homes.

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, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, 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: Karnes—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 658) 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 2486, Providing that when a party's health condition is at issue in a civil action, medical records and releases for medical information may be requested and required without court order.

On third reading, coming up in regular order, was read a third time and put upon its passage.

(Senator Blair in the Chair.)

Pending discussion,

(Senator Carmichael, Mr. President, in the Chair.)

Senator Romano then moved that the bill (Eng. Com. Sub. for H. B. 2486) be recommitted to the Committee on the Judiciary.

Following discussion,

The question being on the adoption of Senator Romano's aforestated motion, and on this question, Senator Romano demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Beach, Clements, Facemire, Jeffries, Maroney, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger and Woelfel—15.

The nays were: Blair, Boley, Boso, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maynard, Mullins, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld and Carmichael (Mr. President)—19.

Absent: None.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Romano's aforestated motion had not prevailed.

The question now being "Shall Engrossed Committee Substitute for House Bill 2486 pass?"

On the passage of the bill, the yeas were: Blair, Boley, Boso, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maynard, Mullins, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld, Woelfel and Carmichael (Mr. President)—20.

The nays were: Azinger, Beach, Clements, Facemire, Jeffries, Maroney, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings and Unger—14.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2486) passed.

On motion of Senator Trump, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Com. Sub. for House Bill 2486—A Bill to amend and reenact §33-6F-1 of the Code of West Virginia, 1931, as amended, relating to medical records and medical billing records obtained by insurers in connection with insurance claims or civil litigation; providing that such records shall be confidentially maintained by insurers in accordance with state and federal law, including the provisions of Title 114, Series 57 of the Code of State Rules; prohibiting additional restrictions or conditions on medical records and medical billing records obtained by insurers in connection with insurance claims or civil litigation that contradict or are inconsistent with any applicable policy of insurance or the performance of insurance functions permitted or authorized by state and federal law; requiring the State Insurance Commissioner to review the provisions of Title 114, Series 57 of the Code of State Rules and to propose new rules or modify existing rules to the extent deemed necessary; requiring the State Insurance Commissioner to propose any such new rules or modification to existing rules by December 31, 2017; and setting forth areas to be addressed in any new rules or modified existing rules in the provisions of Title 114, Series 57 of the Code of State Rules.

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 2811, Relating to the definition of above ground storage tanks.

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 2811 pass?”

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda,

Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld, Woelfel and Carmichael (Mr. President)—31.

The nays were: Jeffries, Palumbo and Unger—3.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2811) passed with its title.

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 Com. Sub. for Senate Bill 60, Relating to eligibility and fraud requirements for public assistance.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 69, Creating Sexual Assault Victims' Bill of Rights.

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 167, Relating to DNA evidence.

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 210, Renaming Local Powers Act the County Local Powers Act.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Senate Bill 217, Relating to disclaimers of warranties regarding used manufactured homes.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Com. Sub. for Senate Bill 281, Increasing number of limited video lottery machines allowed at retail location.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 316, Requiring individuals receiving unemployment compensation apply for and accept seasonal employment.

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 376, Relating generally to Sex Offender Registration Act.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 380, Creating 2-year pilot program to allow all-terrain or recreational vehicles in Cabwaylingo State Forest.

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 388, Relating to dangerous weapons.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Sypolt, the following amendment to the bill was reported by the Clerk:

On pages six and seven, by striking out all of section fourteen and inserting in lieu thereof a new section, designated section fourteen, to read as follows:

§61-7-14. Right of certain persons to limit possession of firearms on premises.

(a) As used in this section:

(1) "Parking lot" means any property that is used for parking motor vehicles and is available to customers, employees, or invitees for temporary or long-term parking or storage of motor vehicles.

(2) "Motor vehicle" means any automobile, truck, minivan, sports utility vehicle, motor home, recreational vehicle, motorcycle, motor scooter or any other vehicle operated on the roads of this state and required to be registered under state law.

(3) "Employee" means any person, who is over eighteen years of age, not prohibited from possessing firearms by the provisions of this code or federal law and:

(A) Works for salary, wages or other remuneration;

(B) Is an independent contractor; or

(C) Is a volunteer, intern or other similar individual for an employer.

(4) “Employer” means any business that is a sole proprietorship, partnership, corporation, limited liability company, professional association, cooperative, joint venture, trust, firm, institution or association, or public sector entity, that has employees.

(5) “Invitee” means any business invitee, including a customer or visitor, who is lawfully on the premises of a public or private employer.

(b) Notwithstanding the provisions of this article, any owner, lessee or other person charged with the care, custody and control of real property may prohibit the carrying openly or concealment of any firearm or deadly weapon on property under his or her domain: *Provided*, That for purposes of this section “person” means an individual or any entity which may acquire title to real property.

(c) Any person carrying or possessing a firearm or other deadly weapon on the property of another who refuses to temporarily relinquish possession of the firearm or other deadly weapon, upon being requested to do so, or to leave the premises while in possession of the firearm or other deadly weapon, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or confined in jail not more than six months, or both: *Provided*, That the provisions of this section do not apply to a person as set forth in subdivisions (3) through (7), subsection (a), section six of this article while the person is acting in an official capacity; and to a person as set forth in subdivisions (1) through (8), subsection (b), section six of this article, while the person is acting in his or her official capacity: *Provided, however*, That under no circumstances, except as provided for by the provisions of paragraph (1), subdivision (2), subsection (b), section eleven-a of this article, may any person possess or carry or cause the possession or carrying of any firearm or other deadly weapon on the premises of any primary or secondary educational facility in this state unless

the person is a law-enforcement officer or he or she has the express written permission of the county school superintendent.

(d) Prohibited acts. —

(1) No public or private employer may prohibit any customer, employee or invitee from possessing any legally owned firearm when such firearm is lawfully possessed and locked inside or locked to a private motor vehicle in a parking lot and when the customer, employee or invitee is lawfully in such area.

(2) No public or private employer may violate the privacy rights of a customer, employee or invitee by verbal or written inquiry regarding the presence of a firearm inside or locked to a private motor vehicle in a parking lot or by an actual search of a private motor vehicle in a parking lot to ascertain the presence of a firearm within the vehicle. Further, no public or private employer may take any action against a customer, employee or invitee based upon verbal or written statements of any party concerning possession of a firearm stored inside a private motor vehicle in a parking lot for lawful purposes. A search of a private motor vehicle in the parking lot of a public or private employer to ascertain the presence of a firearm within the vehicle may only be conducted by on-duty law -enforcement personnel, based upon due process and must comply with constitutional protections.

(3) No public or private employer shall condition employment upon either:

(A) The fact that an employee or prospective employee holds or does not hold a license issued pursuant to the provisions of section four or four-a of this article;

(B) Any agreement by an employee or a prospective employee that prohibits an employee from keeping a legal firearm locked inside or locked to a private motor vehicle in a parking lot when such firearm is kept for lawful purposes; or

(4) No public or private employer shall prohibit or attempt to prevent any customer, employee or invitee from entering the parking lot of the employer's place of business because the

customer's, employee's or invitee's private motor vehicle contains a legal firearm being carried for lawful purposes that is out of sight within the customer's, employee's or invitee's private motor vehicle.

(e) Duty of care of public and private employers; immunity from liability.

(1) When subject to the provisions of subsection (d) of this section, a public or private employer has no duty of care related to the actions prohibited under such subsection.

(2) A public or private employer is not liable in a civil action based on actions or inactions taken in compliance with this section. The immunity provided in this subsection does not apply to civil actions based on actions or inactions of public or private employers that are unrelated to compliance with this section.

(3) Nothing contained in this section shall be interpreted to expand any existing duty, or create any additional duty, on the part of a public or private employer, property owner or property owner's agent.

(f) Enforcement. – The Attorney General is authorized to enforce the provisions of this section and may bring a civil action to restrain a public or private employer from violating this section:

(1) For injunctive or other appropriate equitable relief in order to protect the exercise or enjoyment of the rights secured in this section to any customer, employee or invitee of a public or private employer; or

(2) For civil penalties of no more than \$5,000 for each violation of this section and all costs and attorney's fees associated with bringing the action; or

(3) For both equitable relief and civil penalties, including costs and attorney's fees. This action must be brought in the name of the state and instituted in the circuit court of Kanawha County. The Attorney General may negotiate a settlement with any employer in the course of his or her enforcement of this section.

The grant of authority to the Attorney General in this subsection does not affect the right of a person aggrieved under this section to bring a civil action for violation of rights protected under the section in his or her name and instituted in the circuit court for the county where the alleged violator resides or has a principal place of business or where the alleged violation occurred. In any successful action brought by a customer, employee or invitee aggrieved under this section, the court may award injunctive relief and all reasonable personal costs and losses suffered by the aggrieved person as a result of the violation of rights under this section. In any action brought by an aggrieved person pursuant to this section, the court shall award all court costs and attorney's fees to the prevailing party.

On motion of Senator Jeffries, the following amendment to Senator Sypolt's amendment to the bill (Com. Sub. for S. B. 388) was reported by the Clerk:

On page one, section fourteen, subdivision (1), subsection (a), after the word "vehicles" by changing the period to a colon and inserting the following proviso: *Provided*, That for purposes of this section, parking lot does not include the private parking area at a business located at the primary residence of the property owner.

Following discussion,

The question being on the adoption of Senator Jeffries' amendment to Senator Sypolt's amendment to the bill (Com. Sub. for S. B. 388), the same was put and did not prevail.

The question now being on the adoption of Senator Sypolt's amendment to the bill.

Thereafter, at the request of Senator Sypolt, and by unanimous consent, Senator Sypolt's amendment to the bill was withdrawn.

The bill (Com. Sub. for S. B. 388) was then ordered to engrossment and third reading.

Senate Bill 401, Allowing county board of education base employment decisions on individual's qualifications.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 412, Relating to WV Jobs Act reporting requirements.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 416, Relating to Public-Private Transportation Facilities Act.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Senate Bill 417, Removing financial limitations on number of design-build projects undertaken by DOH.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Senate Bill 421, Increasing amount of authorized federal Grant Anticipation Notes for which DOH may apply.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 437, Discontinuing WV Greyhound Breeding Development Fund.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Ferns, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

Com. Sub. for Senate Bill 453, Adding classification and base salaries of certain civilian employees of WV State Police Forensic Laboratory.

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 484, Relating generally to taxation.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Senate Bill 493, Providing increase in compensation for conservation officers.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Natural Resources, was reported by the Clerk and adopted:

On page four, section one-a, line sixty-eight, by striking out "\$52,862" and inserting in lieu thereof "\$55,013".

The bill (S. B. 493), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 539, Relating to regulation and control of financing elections.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Romano, 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:

That §3-8-1a, §3-8-2, §3-8-3, §3-8-4, §3-8-5, §3-8-5a, §3-8-5b, §3-8-7, §3-8-8, §3-8-9, §3-8-10, §3-8-12 and §3-8-14 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto five new sections, designated §3-8-1b, §3-8-1c, §3-8-5c, §3-8-8a and §3-8-9a, all to read as follows:

ARTICLE 8. REGULATION AND CONTROL OF ELECTIONS.

§3-8-1a. Definitions.

As used in this article, the following terms have the following definitions:

(1) “Ballot issue” means a constitutional amendment, special levy, bond issue, local option referendum, municipal charter or revision, an increase or decrease of corporate limits or any other question that is placed before the voters for a binding decision.

(2) “Billboard advertisement” means a commercially available outdoor advertisement, sign or similar display regularly available for lease or rental to advertise a person, place or product.

(3) “Broadcast, cable or satellite communication” means a communication that is publicly distributed by a television station, radio station, cable television system or satellite system.

(4) “Candidate” means an individual who:

(A) Has filed a certificate of announcement under section seven, article five of this chapter or a municipal charter;

(B) Has filed a declaration of candidacy under section twenty-three, article five of this chapter;

(C) Has been named to fill a vacancy on a ballot; or

(D) Has declared a write-in candidacy or otherwise publicly declared his or her intention to seek nomination or election for any state, district, county or municipal office or party office to be filled at any primary, general or special election.

(5) “Candidate’s committee” or “candidate committee” means a political committee established with the approval of or in cooperation with a candidate or a prospective candidate to explore the possibilities of seeking a particular office or to support or aid his or her nomination or election to an office in an election cycle. If a candidate directs or influences the activities of more than one active committee in a current campaign, those committees shall be considered one committee for the purpose of contribution limits.

(6) “Clearly identified” means that the name, nickname, photograph, drawing or other depiction of the candidate appears or the identity of the candidate is otherwise apparent through an unambiguous reference, such as “the Governor”, “your Senator” or “the incumbent” or through an unambiguous reference to his or her status as a candidate, such as “the Democratic candidate for Governor” or “the Republican candidate for ~~Supreme Court of Appeals~~ House of Delegates”.

(7) ~~“Contribution” means a gift, subscription, loan, assessment, payment for services, dues, advance, donation, pledge, contract, agreement, forbearance or promise of money or other tangible thing of value, whether conditional or legally enforceable, or a transfer of money or other tangible thing of value to a person, made for the purpose of influencing the nomination, election or defeat of a candidate. An offer or tender of a contribution is not a contribution if expressly and unconditionally rejected or returned. A contribution does not include volunteer personal services~~

~~provided without compensation: *Provided*, That a nonmonetary contribution is to be considered at fair market value for reporting requirements and contribution limitations.~~

~~(8)~~ (7) “Corporate political action committee” means a political action committee that is a separate segregated fund of a corporation that may only accept contributions from its restricted group as outlined by the rules of the State Election Commission.

~~(9)~~ (8) “Direct costs of purchasing, producing or disseminating electioneering communications” means:

(A) Costs charged by a vendor, including, but not limited to, studio rental time, compensation of staff and employees, costs of video or audio recording media and talent, material and printing costs and postage; or

(B) The cost of air time on broadcast, cable or satellite radio and television stations, the costs of disseminating printed materials, studio time, use of facilities and the charges for a broker to purchase air time.

~~(10)~~ (9) “Disclosure date” means either of the following:

(A) The first date during any calendar year on which any electioneering communication is disseminated after the person paying for the communication has spent a total of \$5,000 or more for the direct costs of purchasing, producing or disseminating electioneering communications; or

(B) Any other date during that calendar year after any previous disclosure date on which the person has made additional expenditures totaling \$5,000 or more for the direct costs of purchasing, producing or disseminating electioneering communications.

~~(11)~~ (10) “Election” means any primary, general or special election conducted under the provisions of this code or under the charter of any municipality at which the voters nominate or elect candidates for public office. For purposes of this article, each primary, general, special or local election constitutes a separate

election. This definition is not intended to modify or abrogate the definition of the term “nomination” as used in this article.

~~(12)~~ (11) (A) “Electioneering communication” means any paid communication made by broadcast, cable or satellite signal, mass mailing, telephone bank, billboard advertisement or published in any newspaper, magazine or other periodical that:

(i) Refers to a clearly identified candidate for Governor, Secretary of State, Attorney General, Treasurer, Auditor, Commissioner of Agriculture, Supreme Court of Appeals or the Legislature;

(ii) Is publicly disseminated within:

(I) Thirty days before a primary election at which the nomination for office sought by the candidate is to be determined; or

(II) Sixty days before a general or special election at which the office sought by the candidate is to be filled; and

(iii) Is targeted to the relevant electorate: ~~Provided, That for purposes of the general election of 2008 the amendments to this article are effective October 1, 2008.~~

(B) “Electioneering communication” does not include:

(i) A news story, commentary or editorial disseminated through the facilities of any broadcast, cable or satellite television or radio station, newspaper, magazine or other periodical publication not owned or controlled by a political party, political committee or candidate: *Provided*, That a news story disseminated through a medium owned or controlled by a political party, political committee or candidate is nevertheless exempt if the news is:

(I) A bona fide news account communicated in a publication of general circulation or through a licensed broadcasting facility; and

(II) Is part of a general pattern of campaign-related news that gives reasonably equal coverage to all opposing candidates in the circulation, viewing or listening area;

(ii) Activity by a candidate committee, party executive committee or political party caucus ~~committee~~, or a political action committee that is required to be reported to the State Election Commission or the Secretary of State as an expenditure pursuant to section five of this article or the rules of the State Election Commission or the Secretary of State promulgated pursuant to such provision: *Provided*, That independent expenditures by a party executive committee or caucus committee or a political action committee required to be reported pursuant to subsection (b), section two of this article are not exempt from the reporting requirements of this section;

(iii) A candidate debate or forum conducted pursuant to rules adopted by the State Election Commission or the Secretary of State or a communication promoting that debate or forum made by or on behalf of its sponsor;

(iv) A communication paid for by any organization operating under section 501(c)(3) of the Internal Revenue Code of 1986;

(v) A communication made while the Legislature is in session which, incidental to promoting or opposing a specific piece of legislation pending before the Legislature, urges the audience to communicate with a member or members of the Legislature concerning that piece of legislation;

(vi) A statement or depiction by a membership organization, in existence prior to the date on which the individual named or depicted became a candidate, made in a newsletter or other communication distributed only to bona fide members of that organization;

(vii) A communication made solely for the purpose of attracting public attention to a product or service offered for sale by a candidate or by a business owned or operated by a candidate

which does not mention an election, the office sought by the candidate or his or her status as a candidate; or

(viii) A communication, such as a voter's guide, which refers to all of the candidates for one or more offices, which contains no appearance of endorsement for or opposition to the nomination or election of any candidate and which is intended as nonpartisan public education focused on issues and voting history.

~~(13)~~ (12) "Expressly advocating" means any communication that:

(A) Uses phrases such as "vote for the Governor", "reelect your Senator", "support the ~~Democratic nominee~~ incumbent candidate for Supreme Court", "cast your ballot for the Republican challenger for House of Delegates", "Smith for House", "Bob Smith in '04", "vote Pro-Life" or "vote Pro-Choice" accompanied by a listing of clearly identified candidates described as pro-life or pro-choice, "vote against Old Hickory", "defeat" accompanied by a picture of one or more candidates, or "reject the incumbent";

(B) Communications of campaign slogans or individual words, that can have no other reasonable meaning than to urge the election or defeat of one or more clearly identified candidates, such as posters, bumper stickers, advertisements, etc., which say "Smith's the One", "Jones '06", "Baker", etc; or

(C) Is susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate.

~~(14)~~ (13) "Financial agent" means any individual acting for and by himself or herself, or any two or more individuals acting together or cooperating in a financial way to aid or take part in the nomination or election of any candidate for public office, or to aid or promote the success or defeat of any political party at any election.

~~(15)~~ (14) "Fundraising event" means an event such as a dinner, reception, testimonial, cocktail party, auction or similar affair through which contributions are solicited or received by such

means as the purchase of a ticket, payment of an attendance fee or by the purchase of goods or services.

~~(16)~~ (15) “Independent expenditure” means an expenditure by a person:

(A) Expressly advocating the election or defeat of a clearly identified candidate; and

(B) That is not made in concert or cooperation with or at the request or suggestion of such candidate, his or her agents, the candidate’s authorized political committee or a political party committee or its agents.

Supporting or opposing the election of a clearly identified candidate includes supporting or opposing the candidates of a political party. An expenditure which does not meet the criteria for an independent expenditure is considered a contribution.

~~(17)~~ (16) “Mass mailing” means a mailing by United States mail, facsimile or electronic mail of more than five hundred pieces of mail matter of an identical or substantially similar nature within any thirty-day period. For purposes of this subdivision “substantially similar” includes communications that contain substantially the same template or language, but vary in nonmaterial respects such as communications customized by the recipient’s name, occupation or geographic location.

~~(18)~~ (17) “Membership organization” means a group that grants bona fide rights and privileges, such as the right to vote, to elect officers or directors and the ability to hold office, to its members and which uses a majority of its membership dues for purposes other than political purposes. “Membership organization” does not include organizations that grant membership upon receiving a contribution.

(18) “Membership organization political action committee” means a political action committee that is a separate segregated fund of a membership organization that may only accept contributions from its restricted group as outlined by the rules of the State Election Commission.

(19) “Name” means the full first name, middle name or initial, if any, and full legal last name of an individual and the full name of any association, corporation, committee or other organization of individuals, making the identity of any person who makes a contribution apparent by unambiguous reference.

(20) “Person” means an individual, corporation, partnership, committee, association and any other organization or group of individuals.

(21) “Political action committee” means a committee organized by one or more persons for the purpose of supporting or opposing the nomination or election of one or more candidates. The following are types of political action committees:

(A) A corporate political action committee, as that term is defined by subdivision ~~(8)~~ (7) of this section;

(B) A membership organization political action committee, as that term is defined by subdivision (18) of this section;

(C) An unaffiliated political action committee, as that term is defined by subdivision (29) of this section.

(22) “Political committee” means any candidate’s committee, political action committee or political party committee, as defined in subdivision (5), (21) or (25) of this section.

(23) “Political party” means a political party as that term is defined by section eight, article one of this chapter or any committee established, financed, maintained or controlled by the party, including any subsidiary, branch or local unit thereof and including national or regional affiliates of the party.

(24) “Political party caucus” means the committees that are established by the Republican and Democrat caucuses of both the West Virginia House of Delegates and the West Virginia State Senate, or by any other political party recognized by the State of West Virginia.

~~(24)~~ (25) “Political party committee” means a committee established by a political party or political party caucus for the purposes of engaging in the influencing of the election, nomination or defeat of a candidate in any election.

~~(25)~~ (26) “Political purposes” means supporting or opposing the nomination, election or defeat of one or more candidates or the passage or defeat of a ballot issue, supporting the retirement of the debt of a candidate or political committee or the administration or activities of an established political party or an organization which has declared itself a political party and determining the advisability of becoming a candidate under the precandidacy financing provisions of this chapter.

~~(26)~~ (27) “Targeted to the relevant electorate” means that a communication ~~which~~ refers to a clearly identified candidate for statewide office or the Legislature and ~~which~~ can be received by one hundred forty thousand or more individuals in the state in the case of a candidacy for statewide office, eight thousand two hundred twenty or more individuals in the district in the case of a candidacy for the State Senate and two thousand four hundred ten or more individuals in the district in the case of a candidacy for the House of Delegates.

~~(27)~~ (28) “Telephone bank” means telephone calls that are targeted to the relevant electorate, other than telephone calls made by volunteer workers, regardless of whether paid professionals designed the telephone bank system, developed calling instructions or trained volunteers.

~~(28)~~ ~~“Two year election cycle” means the twenty four month period that begins the day after a general election and ends on the day of the subsequent general election.~~

(29) “Unaffiliated political action committee” means a political action committee that is not affiliated with a corporation or a membership organization.

§3-8-1b. Political contribution defined.

(a) “Political contribution” means:

(1) Any gift, subscription, loan, advance, deposit of money or payment or anything of value given to any entity that is registered or is required to be registered as a political committee at the time the political contribution is made, or that is given to be used specifically for making political contributions to other recipients or for making political expenditures; or

(2) Any political expenditure, as that term is defined in section one-c of this article, that is made in coordination with a candidate, candidate committee or party committee.

(b) The term “political contribution” does not include:

(1) Any gift, subscription, loan, advance, deposit of money or payment or anything of value made or given as part of a bona fide commercial transaction, including, but not limited to, any loans, refunds, rebates or discounts offered to the general public or similar customers on substantially the same material terms;

(2) The payment by any corporation or membership organization for the costs of establishing, administering, and soliciting contributions from its restricted class to its separate segregated fund;

(3) The payment by any corporation or membership organization for the costs of communicating with its restricted class about any subject;

(4) The appearance of a candidate at any residence or the facilities of any corporation, membership organization, social or civic organization, or educational institution to speak about the candidate’s campaign: *Provided*, That the use of such venue is furnished by the venue’s owner and is not paid for by a third party;

(5) The costs of hosting a debate or candidates’ forum: *Provided*, That at least two opposing candidates with respect to any given office sought are invited with the same or similar advance notice and method of invitation;

(6) The preparation and distribution of voter guides, subject to the following:

(A) The sponsor may include in the voter guide similar biographical information on each featured candidate, such as education, employment positions, offices held and community involvement;

(B) Comparable information shall be provided on each candidate featured in the voter guide for a particular office or each candidate featured shall be provided an equal opportunity to respond to questions;

(C) No featured candidate may receive greater prominence in the voter guide than any other candidate, or substantially more space for descriptions of his or her positions or responses; and

(D) The sponsor of the voter guide shall not include the sponsor's own message meeting the definition of a political expenditure under section one-c of this article;

(7) The value of services provided without compensation by any individual who volunteers on behalf of any candidate, candidate committee, party committee or other political committee, or any unreimbursed payment for expenses related to the volunteer activity;

(8) Any cost incurred for covering or carrying a news story, commentary or editorial by a broadcasting station or cable television operator, Internet website, or newspaper or other periodical publication, including an Internet or other electronic publication: *Provided*, That the cost for the news story, commentary or editorial is not paid for by, and the medium is not owned or controlled by, a candidate, candidate committee, party committee or other political committee; and

(9) The payment for or provision of legal and accounting services rendered to a candidate, candidate committee, party committee or other political committee if the services are solely for the purpose of ensuring compliance with or challenging the constitutional validity or interpretation of the provisions of this chapter;

(c) The term “political contribution” may not be construed to include any transactions not specifically listed in subsection (b) of this section if those contributions do not otherwise meet the definition of “political contribution” as set forth in subsection (a) of this section.

§3-8-1c. Political expenditure defined.

(a) “Political expenditure” means the payment for:

(1) Any communication that constitutes express advocacy or electioneering communications, as those terms are defined in subdivisions (11) and (12), section one-a of this article; or

(2) The republication of campaign materials for any candidate, candidate committee, party committee or political committee, except for:

(A) The republication of materials in a voter guide described under subdivision (6), subsection (b), section one-b of this article;

(B) The republication of campaign materials commenting or explaining a candidate’s position on any issue that does not otherwise in express terms call for the election or defeat of any clearly identified candidate; or

(C) The republication of publicly available photographs or video footage of a candidate that is devoid of any text or audio content in or from the original material.

(b) The term “political expenditure” does not include anything that is excluded from the definition of a “political contribution”, as set forth in subsection (b), section one-b of this article of the definition of “political contribution.”

(c) A “political expenditure” is “made in coordination” or otherwise considered to be coordinated if:

(1) The communication is paid for, in whole or in part, by a person other than a candidate, candidate committee or party committee; and

(2) It satisfies at least one of the following conduct standards:

(A) The political expenditure is created, produced, distributed or undertaken at the request or suggestion of a candidate, candidate committee, party committee; or

(B) The political expenditure is created, produced, distributed or undertaken at the suggestion of a person paying for the expenditure and the candidate, candidate committee or party committee affirmatively assents to the suggestion.

(d) A “political expenditure” is not “made in coordination” or otherwise considered to be coordinated if any of the following occur:

(1) A candidate committee or a political party committee responds to an inquiry about the candidate’s or political party committee’s positions on legislative or policy issues, including substantive discussion of the legislative or policy issues, but not including a discussion of campaign plans, projects, activities, or needs;

(2) Information or materials used in the creation, production, distribution or undertaking of the political expenditure was obtained from a publicly available source;

(3) A candidate endorses another candidate;

(4) A candidate solicits funds for another candidate, a political committee, a party committee or organizations eligible to receive tax-deductible donations under 26 U. S. C. §170 (or any successor provision) and regulations of the U. S. Department of Treasury;

(5) A candidate is clearly identified only in his or her capacity as the owner or operator of a business that existed prior to the candidacy, if the communication does not refer to an election or another candidate who seeks the same office as that candidate; or

(6) A commercial vendor, former employee or political committee has established and implemented a firewall that meets the following requirements: *Provided*, That the communication

does not qualify for this exemption if specific information indicates that, despite the firewall, information about a candidate's, candidate committee's, measure committee's, or party committee's campaign plans, projects, activities or needs that is material to the creation, production or distribution of the political expenditure was used or conveyed to the person paying for the political expenditure:

(A) The firewall must be designed and implemented to prohibit the flow of information between employees or consultants providing services for the person paying for the communication and those employees or consultants currently or previously providing services to a candidate or party committee, or a candidate committee or measure committee supporting or opposing a candidate or measure clearly identified in the political expenditure; and

(B) The firewall must be described in a written policy that is distributed to all relevant employees, consultants and clients affected by the policy.

(e) Political expenditures may only be made in coordination with a candidate or candidate's committee as set forth in section nine-a of this article.

(f) Any political expenditure that is made in coordination with a candidate or candidate's committee must contain a disclaimer that clearly identifies that the expenditure is coordinated.

§3-8-2. Accounts for receipts and expenditures in elections; requirements for reporting independent expenditures.

(a) Except for: (1) Candidates for party committeeman and committeewoman; ~~and~~ (2) federal committees required to file under the provisions of 2 U. S. C. §434; and (3) candidates for delegate to a national convention, all candidates for nomination or election and all persons supporting, aiding or opposing the nomination, election or defeat of any candidate shall keep for a period of six months records of receipts and expenditures which are made for political purposes: *Provided, That any federal committee that makes state level independent expenditures or*

engages in state level electioneering communications is not exempt from the recordkeeping and reporting provisions of this article. All of the receipts and expenditures are subject to regulation by the provisions of this article. Verified financial statements of the records and expenditures shall be made and filed as public records by all candidates and by their financial agents, representatives or any person acting for and on behalf of any candidate and by the treasurers of all political party committees.

(b) ~~(1)~~ In addition to any other reporting required by the provisions of this chapter, any person who makes independent expenditures in an aggregate amount or value in excess of \$1,000 during a calendar year shall file a disclosure statement, on a form prescribed by the Secretary of State, that contains all of the requirements set forth in section eight-a of this article. ~~following information:~~

~~(A) The name of (i) the person making the expenditure; (ii) the name of any person sharing or exercising direction or control over the activities of the person making the expenditure; and (iii) the name of the custodian of the books and accounts of the person making the expenditure;~~

~~(B) If the person making the expenditure is not an individual, the principal place of business of the partnership, corporation, committee, association, organization or group which made the expenditure;~~

~~(C) The amount of each expenditure of more than \$1,000 made during the period covered by the statement and the name of the person to whom the expenditure was made;~~

~~(D) The elections to which the independent expenditure pertain, the names, if known, of the candidates referred to or to be referred to therein, whether the expenditure is intended to support or oppose the identified candidates and the amount of the total expenditure reported pursuant to paragraph (C) of this subdivision spent to support or oppose each of the identified candidates;~~

~~(E) The name and address of any person who contributed a total of more than \$250 between the first day of the preceding calendar year, and the disclosure date, and whose political contributions were made for the purpose of furthering the expenditure.~~

~~(F) With regard to the contributors required to be listed pursuant to paragraph (E) of this subdivision, the statement shall also include:~~

~~(i) The month, day and year that the contributions of any single contributor exceeded \$250;~~

~~(ii) If the contributor is a political action committee, the name and address the political action committee registered with the Secretary of State, county clerk or municipal clerk;~~

~~(iii) If the contributor is an individual, the name and address of the individual, his or her occupation, the name and address of the individual's current employer, if any, or, if the individual is self-employed, the name and address of the individual's business, if any;~~

~~(iv) A description of the contribution, if other than money; and~~

~~(v) The value in dollars and cents of the contribution.~~

~~(G) (1) A certification that such independent expenditure was not "made in coordination" or otherwise a coordinated contribution as defined in section one c of this article.~~

~~(2) Any person who makes a contribution for the purpose of funding an independent expenditure under this subsection shall, at the time the contribution is made, provide his or her name, address, occupation, his or her current employer, if any, or, if the individual is self employed, the name of his or her business, if any, to the recipient of the contribution.~~

~~(3) The Secretary of State shall expeditiously prepare indices setting forth, on a candidate-by-candidate basis, all independent expenditures separately, made by, or on behalf of, or for, or against~~

~~each candidate, as reported under this subsection, and for periodically publishing such indices on a timely preelection basis.~~

~~(c) (1) A person, including a political committee, who makes or contracts to make independent expenditures aggregating \$1,000 or more for any statewide, legislative or multicounty judicial candidate or \$500 or more for any county office, single county judicial candidate, committee supporting or opposing a candidate on the ballot in more than one county, or any municipal candidate on a municipal election ballot, after the fifteenth day, but more than twelve hours, before the date of an election, shall file a report on a form prescribed by the Secretary of State, describing the expenditures within twenty four hours: *Provided*, That a person making expenditures in the amount of \$1,000 or more for any statewide or legislative candidate on or after the fifteenth day but more than twelve hours before the day of any election shall report such expenditures in accordance with section two b of this article and shall not file an additional report as provided herein.~~

~~(2) Any person who files a report under subdivision (1) of this subsection, shall file an additional report within twenty four hours after each time the person makes or contracts to make independent expenditures aggregating an additional \$500 with respect to the same election, for any county office, single county judicial candidate, committee supporting or opposing a candidate on the ballot in more than one county, or any municipal candidate on a municipal election ballot, as that to which the initial report relates.~~

~~(d) (1) A person, including a political committee, who makes or contracts to make independent expenditures aggregating \$10,000 or more at any time up to and including the fifteenth day before the date of an election shall file a report on a form prescribed by the Secretary of State, describing the expenditures within forty-eight hours.~~

~~(2) A person who files a report under subdivision (1) of this subsection, the person shall file an additional report within forty-eight hours after each time the person makes or contracts to make independent expenditures aggregating an additional \$10,000 with~~

~~respect to the same election as that to which the initial report relates.~~

(e) (c) Any communication paid for by an independent expenditure must include a clear and conspicuous public notice that:

(1) Clearly states that the communication is not authorized by the candidate or the candidate's committee; and

(2) Clearly identifies the person making the expenditure, as required by section fourteen of this article; ~~Provided, That if the communication appears on or is disseminated by broadcast, cable or satellite transmission, the statement required by this subsection must be both spoken clearly and appear in clearly readable writing at the end of the communication.~~

(f) (d) Any person who has spent a total of \$5,000 or more for the direct costs of purchasing, producing or disseminating electioneering communications during any calendar year shall maintain all financial records and receipts related to such expenditure for a period of six months following the filing of a disclosure pursuant to subsection (a) of this section and, upon request, shall make such records and receipts available to the Secretary of State or county clerk for the purpose of an audit as provided in section seven of this article.

(g) (e) Any person who willfully fails to comply with this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500, or confined in jail for not more than one year, or both fined and confined.

(h) (f) (1) Any person who is required to file a statement under this section may file the statement by facsimile device or electronic mail, in accordance with such rules as the Secretary of State may promulgate.

(2) The Secretary of State shall make any document filed electronically pursuant to this subsection accessible to the public on the Internet not later than twenty-four hours after the document is received by the secretary.

(3) In promulgating a rule under this subsection, the secretary shall provide methods, other than requiring a signature on the document being filed, for verifying the documents covered by the rule. Any document verified under any of the methods shall be treated for all purposes, including penalties for perjury, in the same manner as a document verified by signature.

(i) (g) This section does not apply to candidates for federal office.

(j) (h) The Secretary of State may promulgate emergency and legislative rules, in accordance with the provisions of chapter twenty-nine-a of this code, to establish guidelines for the administration of this section.

§3-8-3. Committee treasurers; required to receive and disburse funds.

Every political committee shall appoint and retain a treasurer to receive, keep and disburse all sums of money which may be collected or received by such committee, or by any of its members, for election expenses, and, unless such treasurer is first appointed and thereafter retained, it shall be unlawful for any such committee or any of its members to collect, receive or disburse money for any such purposes. All moneys collected or received by any such committee, or by any of its members, for election expenses shall be paid over to, and pass through the hands of, the treasurer, and shall be disbursed by ~~him~~ the treasurer, and it shall be unlawful for any such committee, or any of its members, to disburse any money for election expenses unless such money shall be paid to, and disbursed by, the treasurer. The same person may be designated to act as treasurer for two or more political party committees. This section creates no obligation upon any entity or individual, other than a political committee as defined in this article.

§3-8-4. Treasurers and financial agents; written designation requirements.

(a) No person may act as the treasurer of any political action committee or political party committee supporting, aiding or

opposing the nomination, election or defeat of any candidate for an office encompassing an election district larger than a county unless a written statement of organization, on a form to be prescribed by the Secretary of State, is filed with the Secretary of State at least twenty-eight days before the election at which that person is to act as a treasurer and is received by the Secretary of State before midnight, eastern standard time, of that day or, if mailed, is postmarked before that hour. The form shall include the name of the political action committee or political party committee; the name of the treasurer; the mailing address, telephone number and e-mail address, if applicable, of the committee and of the treasurer if different from the committee information; the chairman of the committee; the affiliate organization, if any; type of committee affiliation, as defined in subdivisions (21) and ~~(24)~~ (25), section one-a of this article, if any; and whether the committee will participate in statewide, county or municipal elections. The form shall be certified as accurate and true and signed by the chairman and the treasurer of the committee: *Provided*, That a change of treasurer or financial agent may be made at any time by filing a written statement with the Secretary of State.

(b) No person may act as the treasurer for any candidate for nomination or election to any statewide office, or to any office encompassing an election district larger than a county or to any legislative office unless a written statement designating that person as the treasurer or financial agent is filed with the Secretary of State at least twenty-eight days before the election at which that person is to act as a treasurer and is received by the Secretary of State before midnight, eastern standard time, of that day or if mailed, is postmarked before that hour: *Provided*, That a change of treasurer or financial agent may be made at any time by filing a written statement with the Secretary of State.

(c) No person may act as treasurer of any committee or as financial agent for any candidate to be nominated or elected by the voters of a county or a district therein, except legislative candidates, or as the financial agent for a candidate for the nomination or election to any other office, unless a written statement designating him or her as the treasurer or financial agent

is filed with the clerk of the county commission at least twenty-eight days before the election at which he or she is to act and is received before midnight, eastern standard time, of that day or if mailed, is postmarked before that hour: *Provided*, That a change of treasurer may be made at any time by filing a written statement with the clerk of the county commission.

(d) Notwithstanding the provisions of subsections (a), (b) and (c) of this section, a filing designating a treasurer for a state or county political executive committee may be made any time before the committee either accepts or spends funds. Once a designation is made by a state or county political executive committee, no additional designations are required under this section until a successor treasurer is designated. A state or county political executive committee may terminate a designation made pursuant to this section by making a written request to terminate the designation and by stating in the request that the committee has no funds remaining in the committee's account. This written request shall be filed with either the Secretary of State or the clerk of the county commission as provided by subsections (a), (b) and (c) of this section.

(e) This section creates no obligation upon any entity or person other than a political action committee, political party committee, candidate, or treasurer or financial agent for any candidate as described in this section.

§3-8-5. Detailed accounts and verified financial statements required.

(a) Every candidate, treasurer, person and association of persons, organization of any kind, including every membership organization or corporation, directly, or by an independent expenditure, supporting a political committee established pursuant to paragraph (C), subdivision (1), subsection ~~(b)~~(c), section eight of this article or engaging in other activities permitted by this section and also including the treasurer or equivalent officer of the association or organization, expressly advocating the election or defeat of a clearly identified candidate for state, district, county or municipal office, and the treasurer of every political committee

shall keep detailed accounts of every sum of money or other thing of value received by him or her, including all loans of money or things of value and of all expenditures and disbursements made, liabilities incurred, by the candidate, financial agent, person, association or organization or political committee, for political purposes, or by any of the officers or members of the committee, or any person acting under its authority or on its behalf.

(b) Every ~~person or association of persons~~ candidate or political committee required to keep detailed accounts under this section shall file with the officers hereinafter prescribed a detailed itemized sworn statement:

(1) Of all financial transactions, whenever the total exceeds \$500, which have taken place before the last Saturday in March, to be filed within six days thereafter and annually whenever the total of all financial transactions ~~relating to an election~~ for each candidate or political committee exceeds \$500;

(2) Of all financial transactions which have taken place before the ~~fifteenth~~ tenth day preceding each primary or other election and subsequent to the previous statement, if any, to be filed within four business days after the ~~fifteenth~~ tenth day;

(3) Of all financial transactions which have taken place before the thirteenth day after each primary or other election and subsequent to the previous statement, if any, to be filed within twenty business days after the thirteenth day; and

(4) Of all financial transactions, whenever the total exceeds \$500 or whenever any loans are outstanding, which have taken place before the forty-third day preceding the general election day, to be filed within four business days after the forty-third day.

(c) Every person who announces as a write-in candidate for any elective office and his or her financial agent or election organization of any kind shall comply with all of the requirements of this section after public announcement of the person's candidacy has been made.

(d) For purposes of this section, the term “financial transactions” includes all political contributions or loans received and all repayments of loans or expenditures made ~~to promote the candidacy of any person~~ by any candidate or ~~any organization advocating or opposing the nomination, election or defeat of any candidate to be voted on~~ political committee.

(e) Candidates for the office of conservation district supervisor elected pursuant to the provisions of article twenty-one-a, chapter nineteen of this code are required to file only the reports required by subdivisions (2) and (3), subsection (b) of this section immediately prior to and after the primary election. *Provided, That during the election in the year 2008, the statements required by this subsection shall be filed immediately prior to and after the general election.*

§3-8-5a. Information required in financial statement.

(a) Each financial statement required by the provisions of this article, other than a disclosure of electioneering communications pursuant to section two-b of this article, shall contain only the following information:

(1) The name, residence and mailing address and telephone number of each candidate, financial agent, treasurer or person and the name, address and telephone number of each association, organization or committee filing a financial statement.

(2) The balance of cash and any other sum of money on hand at the beginning and the end of the period covered by the financial statement.

(3) The name of any person making a political contribution and the amount of the contribution. If the total contributions of any one person in any one election cycle amount to more than \$250, the residence and mailing address of the contributor and, if the contributor is an individual, his or her major business affiliation and occupation shall also be reported. A contribution totaling more than \$50 of currency of the United States or currency of any foreign country by any one contributor is prohibited and a violation of

section five-d of this article. The statement on which contributions are required to be reported by this subdivision may not distinguish between contributions made by individuals and contributions made by partnerships, firms, associations, committees, organizations or groups.

(4) The total amount of political contributions received during the period covered by the financial statement.

(5) The name, residence and mailing address of any individual or the name and mailing address of each lending institution making a loan or of the spouse cosigning a loan, as appropriate, the amount of any loan received, the date and terms of the loan, including the interest and repayment schedule, and a copy of the loan agreement.

(6) The name, residence and mailing address of any individual or the name and mailing address of each partnership, firm, association, committee, organization or group having previously made or cosigned a loan for which payment is made or a balance is outstanding at the end of the period, together with the amount of repayment on the loan made during the period and the balance at the end of the period.

(7) The total outstanding balance of all loans at the end of the period.

(8) The name, residence and mailing address of any person to whom each expenditure was made or liability incurred, including expenditures made on behalf of a candidate or political committee that otherwise are not made directly by the candidate or political committee, together with the amount and purpose of each expenditure or liability incurred and the date of each transaction.

(9) The total expenditure for the nomination, election or defeat of a candidate or any person supporting, aiding or opposing the nomination, election or defeat of any candidate in whose behalf an expenditure was made or a contribution was given for the primary or other election.

(10) The total amount of expenditures made during the period covered by the financial statement.

(b) Any unexpended balance at the time of making the financial statements herein provided for shall be properly accounted for in that financial statement and shall appear as a beginning balance in the next financial statement.

(c) Each financial statement required by this section shall contain a separate section setting forth the following information for each fundraising event held during the period covered by the financial statement:

(1) The type of event, date held and address and name, if any, of the place where the event was held.

(2) All of the information required by subdivision (3), subsection (a) of this section.

(3) The total of all moneys received at the fundraising event.

(4) The expenditures incident to the fundraising event.

(5) The net receipts of the fundraising event.

(d) When any lump sum payment is made to any advertising agency or other disbursing person who does not file a report of detailed accounts and verified financial statements as required in this section, such lump sum expenditures shall be accounted for in the same manner as provided for herein.

(e) Any political contribution or political expenditure made, pursuant to section ten of this article, by or on behalf of a candidate for public office to any other candidate or committee for a candidate for any public office in the same election shall be accounted for in accordance with the provisions of this section.

(f) No person may make any political contribution except from his, her or its own funds, unless such person discloses in writing to the person required to report under this section the name, residence, mailing address, major business affiliation and occupation of the person which furnished the funds to the contributor. All such disclosures shall be included in the statement required by this section.

(g) Any firm, association, committee or fund permitted by section eight of this article to be a political committee shall disclose on the financial statement its corporate or other affiliation.

(h) No political contribution may be made, directly or indirectly, in a fictitious name, anonymously or by one person through an agent, relative or other person so as to conceal the identity of the source of the contribution or in any other manner so as to effect concealment of the contributor's identity.

(i) No person may accept any political contribution for ~~the purpose of influencing the nomination, election or defeat of a~~ any candidate ~~or for the passage or defeat of any ballot issue~~ unless the identity of the donor and the amount of the contribution is known and reported.

(j) When any person receives an anonymous contribution which cannot be returned because the donor cannot be identified, that contribution shall be donated to the General Revenue Fund of the state. Any anonymous contribution shall be recorded as such on the candidate's financial statement, but may not be expended for election expenses. At the time of filing, the financial statement shall include a statement of distribution of anonymous contributions, which total amount shall equal the total of all anonymous contributions received during the period.

(k) Any membership organization which raises funds for political purposes by payroll deduction, assessing them as part of its membership dues or as a separate assessment, may report the amount raised as follows:

(1) If the portion of dues or assessments designated for political purposes equals \$25 or less per member over the course of a calendar year, the total amount raised for political purposes through membership dues or assessments during the period is reported by showing the amount required to be paid by each member and the number of members.

(2) If the total payroll deduction for political purposes of each participating member equals \$25 or less over the course of a

calendar or fiscal year, as specified by the organization, the organization shall report the total amount received for political purposes through payroll deductions during the reporting period and, to the maximum extent possible, the amount of each yearly payroll deduction contribution level and the number of members contributing at each such specified level. The membership organization shall maintain records of the name and yearly payroll deduction amounts of each participating member.

(3) If any member contributes to the membership organization through individual voluntary contributions by means other than payroll deduction, membership dues or assessments as provided in this subsection, the reporting requirements of subdivision (3), subsection (a) of this section shall apply. Funds raised for political purposes must be segregated from the funds for other purposes and listed in its report.

(1) Notwithstanding the provisions of section five of this article or of the provisions of this section to the contrary, an alternative reporting procedure may be followed by a political party committee in filing financial reports for fundraising events if the total profit does not exceed \$5,000 per year. A political party committee may report gross receipts for the sale of food, beverages, services, novelty items, raffle tickets or memorabilia, except that any receipt of more than \$50 from an individual or organization shall be reported as a contribution. A political party committee using this alternative method of reporting shall report:

(i) (1) The name of the committee;

(ii) (2) The type of fund-raising activity undertaken;

(iii) (3) The location where the activity occurred;

(iv) (4) The date of the fundraiser;

(v) (5) The name of any individual who contributed more than \$50 worth of items to be sold;

~~(vi)~~ (6) The name and amount received from any person or organization purchasing more than \$50 worth of food, beverages, services, novelty items, raffle tickets or memorabilia;

~~(vii)~~ (7) The gross receipts of the fundraiser; and

~~(viii)~~ (8) The date, amount, purpose and name and address of each person or organization from whom items with a fair market value of more than \$50 were purchased for resale.

§3-8-5b. Where financial statements shall be filed; filing date prescribed.

~~(a) The financial statements provided for in this article shall be filed, by or on behalf of candidates, with:~~

~~(1) The Secretary of State for legislative offices, circuit judge and family court judge, and for statewide and other offices to be nominated or elected by the voters of a political division greater than a county;~~

~~(2) The clerk of the county commission by candidates for offices to be nominated or elected by the voters of a single county or a political division within a single county except circuit judge and family court judge; or~~

~~(3) The proper municipal officer by candidates for office to be nominated or elected to municipal office.~~

~~(b) The statements may be filed by mail, in person, or by facsimile or other electronic means of transmission: *Provided*, That the financial statements filed by or on behalf of candidates for Governor, Secretary of State, Attorney General, Auditor, Treasurer, Commissioner of Agriculture and Supreme Court of Appeals shall be filed electronically by the means of an Internet program that has been established by the Secretary of State on forms or in a format prescribed by the Secretary of State: *Provided, however*, That after January 1, 2018, unless a committee has been granted an exemption in case of hardship pursuant to subsection (c) of this section, all such statements required to be filed with the Secretary of State, on or behalf of a candidate for any elective~~

~~office, shall be filed electronically by means of the internet program that has been established by the Secretary of State. If through or by no fault of the candidate, the candidate is unable to file the campaign financial statement, the candidate shall then file said statement in person, via facsimile or other electronic means of transmission, or by certified mail postmarked at the first reasonable opportunity.~~

~~(c) Committees required to report electronically may apply to the State Election Commission for an exemption from mandatory electronic filing in the case of hardship. An exemption may be granted at the discretion of the State Election Commission.~~

~~(d) For purposes of this article, the filing date of a financial statement shall, in the case of mailing, be the date of the postmark of the United States Postal Service, and in the case of hand delivery or delivery by facsimile or other electronic means of transmission, the date delivered to the office of the Secretary of State or to the office of the clerk of the county commission, in accordance with the provisions of subsection (a) of this section, during regular business hours of that office.~~

~~(e) The sworn financial statements required to be filed by this section with the Secretary of State shall be posted on the internet by the Secretary of State within ten business days from the date the financial statement is filed.~~

(a) The financial statements provided for in this article shall be filed, by or on behalf of candidates, with:

(1) The Secretary of State for legislative offices, circuit judge, family court judge, and for statewide and other offices to be nominated or elected by the voters of a political division greater than a county;

(2) The clerk of the county commission by candidates for offices to be nominated or elected by the voters of a single county or a political division within a single county, except for legislative offices, circuit judge and family court judge; or

(3) The proper municipal officer by candidates for office to be nominated or elected to municipal office.

(b) Financial statements filed by or on behalf of candidates for Governor, Secretary of State, Attorney General, Auditor, Treasurer, Commissioner of Agriculture, State Senate, House of Delegates, Supreme Court of Appeals, circuit judge and family court judge shall be filed electronically by the means of an Internet program to be established by the Secretary of State. Candidates for House of Delegates, State Senate, circuit judge and family court judge may file financial statements in person, or by facsimile or other electronic means of submission until the total amount of contributions received by the candidate exceeds \$10,000 for the election cycle. The Secretary of State shall charge a \$25 processing fee for any financial statements that are not filed electronically.

(c) Committees required to report electronically may apply to the state Election Commission for an exemption from mandatory electronic filing in the case of hardship. An exemption may be granted at the discretion of the State Election Commission.

(d) Candidates for all other offices than those identified in subsection (b) of this section may file statements by mail, in person or by facsimile or other electronic means of transmission. For purposes of this article, the filing date of a financial statement shall, in the case of mailing, be the date of the postmark of the United States Postal Service, and in the case of hand delivery or delivery by facsimile or other electronic means of transmission, the date delivered to the office of the Secretary of State or to the office of the clerk of the county commission, in accordance with the provisions of subsection (a) of this section, during regular business hours of such office.

(e) The sworn financial statements required to be filed by this section with the Secretary of State shall be posted on the Internet by the Secretary of State within ten business days from the date the financial statement was filed.

(f) The Secretary of State shall maintain an online searchable database accessible to the public on the Secretary of State's

website. The database shall include the ability to search contribution and expenditure data submitted by candidates and political action committees. Information capable of search shall include, but not be limited to, a contributor's first name, last name, city, state, occupation, employer, contribution amount, date, expenditure payee, payer, city state, purpose and amount.

§3-8-5c. Contribution limitations to candidate committees; indexing of candidate's committee thresholds; prohibition against contributions by foreign nationals.

(a) Except as provided in section eight of this article, a person, political party or political action committee may not:

(1) Contribute more than \$2,700, as adjusted pursuant to subsection (c) of this section, directly to a candidate's committee for a candidate seeking nomination; or

(2) Contribute more than \$2,700, as adjusted pursuant to subsection (c) of this section, directly to a candidate's committee for a candidate seeking election: *Provided*, That no candidate may receive contributions for the general election until he or she has been nominated.

(b) The contribution limits contained in subsection (a) of this section apply only to elections to be held after the effective date of this section, and do not apply to candidate committees that were created for elections held prior to the effective date of this section.

(c) Notwithstanding the provisions of subsection (a) of this section to the contrary, an individual may not, directly or indirectly, make contributions to a state party executive committee, or subsidiary thereof, or state party legislative caucus committee which, in the aggregate, exceed the value of \$10,000 in any calendar year: *Provided*, That a person may not earmark or otherwise designate any portion of a contribution made pursuant to this section to be used to support or oppose the election of a particular candidate: *Provided, however*, That any such designation or earmark that accompanies a contribution made pursuant to this

subsection shall not be binding on the entity that receives the contribution.

(d) On the last day of every calendar year in which an election for House of Delegates is held, the Secretary of State shall adjust the dollar values for the fixed dollar amounts for limitations on contributions under this chapter by comparing the percentage increase or decrease in the consumer price index by the corresponding consumer price index since the same date after the last such regular election year, as determined by the most comprehensive index of consumer prices available for West Virginia from the Bureau of Labor Statistics of the United States Department of Labor. The Secretary of State shall multiply these thresholds by that percentage change in the consumer price index, and shall round up each dollar value adjustment made to the nearest \$100. The State Election Commission shall announce the adjustments made under this subsection within thirty days after the relevant index of consumer prices is published.

(e) Prohibition against contributions by foreign nationals. —

(1) It shall be unlawful for:

(A) A foreign national, directly or indirectly, to make:

(i) A contribution or donation of money or other thing of value, or to make an express or implied promise to make a contribution or donation, in connection with a state or local election;

(ii) A contribution or donation to a committee of a political party; or

(iii) A political expenditure, independent expenditure or disbursement for an electioneering communication, as those terms are defined in this article; or

(B) A person to solicit, accept or receive a contribution or donation described in subparagraph (i) or (ii), paragraph (A) of this subdivision.

(2) As used in this section, the term “foreign national” means:

(A) A foreign principal, as such term is defined in 22 U. S. C. § 611(b), which includes:

(i) A government of a foreign country;

(ii) A foreign political party;

(iii) A person outside of the United States, unless it is established that such person:

(I) Is an individual and a citizen of the United States; or

(II) That such person is not an individual and is organized under or created by the laws of the United States or of any state or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; and

(iv) A partnership, association, corporation, organization or other combination of persons organized under the laws of or having its principal place of business in a foreign country; and

(B) An individual who is not a citizen of the United States or a national of the United States, as defined in 8 U. S. C. §1101(a)(22), and who is not lawfully admitted for permanent residence, as defined by 8 U. S. C. §1101(a)(20).

§3-8-7. Failure to file statement; delinquent or incomplete filing; criminal and civil penalties.

(a) Any ~~person,~~ candidate, ~~financial agent~~ or treasurer of a political party committee who fails to file a sworn, itemized statement required by this article within the time limitations specified in this article or who willfully files a grossly incomplete or grossly inaccurate statement shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500, or confined in jail for not more than one year, or both, fined and confined. Sixty days after any primary or other election, the Secretary of State, county clerk or municipal recorder, as the case may be, shall give notice of any failure to file a sworn statement or the filing of any grossly incomplete or grossly inaccurate statement by any person, candidate, financial agent or treasurer of a political

party committee and forward copies of any grossly incomplete or grossly inaccurate statement to the prosecuting attorney of the county where the person, candidate, financial agent, or treasurer resides, is located or has its principal place of business.

(b) (1) Any ~~person, candidate, financial agent~~ or treasurer of a political ~~party~~ committee who fails to file a sworn, itemized statement as required in this article or who files a grossly incomplete or grossly inaccurate statement ~~may~~ shall be assessed a civil penalty by the Secretary of State of ~~\$25~~ \$10 a day for each day after the due date the statement is delinquent, grossly incomplete or grossly inaccurate. Sixty days after any primary or other election, the county clerk shall give notice to the Secretary of State of any failure to file a sworn statement or the filing of any grossly incomplete or grossly inaccurate statement by any person, candidate, financial agent or treasurer of a political ~~party~~ committee and forward copies of such delinquent, incomplete or inaccurate statements to the Secretary of State.

(2) A civil penalty assessed pursuant to this section shall be payable to the state of West Virginia and is collectable as authorized by law for the collection of debts.

(3) The Secretary of State may negotiate and enter into settlement agreements for the payment of civil penalties assessed as a result of the filing of a delinquent, grossly incomplete or inaccurate statement.

(4) The Secretary of State shall publish online a list of all late filing violators for each deadline in an election cycle. This list shall be maintained and be publicly available online to include late activity for the previous five years to the current year.

~~(4)~~ (5) The Secretary of State and county clerk may review and audit any sworn statement required to be filed pursuant to this article. The State Election Commission shall propose legislative rules for promulgation, in accordance with chapter twenty-nine-a of this code, to establish procedures for the assessment of civil penalties as provided in this section.

(c) (1) Any candidate, whether nominated by primary election or appointed by executive committee or executive committee chair, who has failed to file any sworn statement as required by this article, relating to the immediately preceding primary election for any office by the eighty-fourth day before the general election, is disqualified and may not have his or her name appear on the general election ballot. The provisions of subsection (d), section five-b of this article notwithstanding, any sworn statement filed after the deadline required by section five of this article must be received in the office indicated by subsection (a), section five-b of this article by the close of business on the eighty-fourth day before the general election.

(2) It is unlawful to issue a commission or certificate of election, or to administer the oath of office, to any person elected to any public office who has failed to file any sworn statement required by this article and no person may enter upon the duties of his or her office until he or she has filed such statement, nor may he or she receive any salary or emolument for any period prior to the filing of the statement.

(3) The vacancy on the ballot created by the disqualification in this subsection is subject to section nineteen, article five, chapter three of this code.

(d) As used in this section, “grossly” means substantive and material, and specifically includes false or misleading representations and acts of omissions.

(e) The Secretary of State shall provide by rule protocols for written notice via certified mail, return receipt requested, to the person, candidate, financial agent or treasurer of a political party committee that is not in compliance with the requirements of this section. With respect to a violation of subsection (c) of this section, the notice shall be provided sixty days after any primary or other election.

§3-8-8. Corporation and membership organization contributions forbidden; exceptions; penalties; promulgation of rules; additional powers of State Election Commission.

(a) An officer, agent or person acting on behalf of any membership organization or any corporation, whether incorporated under the laws of this or any other state or of a foreign country, may not pay, give, lend or authorize to be paid any money or other thing of value belonging to the corporation to any candidate or candidate's campaign for nomination or election to any statewide office or any other elective office in the state or any of its subdivisions.

(b) A person may not solicit or receive any payment, contribution or other thing from any membership organization or corporation or from any officer, agent or other person acting on behalf of the membership organization or corporation to any candidate or candidate's campaign for nomination or election to any statewide office or any other elective office in the state or any of its subdivisions.

(c) (1) The provisions of this section do not prohibit a membership organization or corporation from soliciting, through any officer, agent or person acting on behalf of the membership organization or corporation, contributions to a separate segregated fund to be used for political purposes. Any separate segregated fund is considered a political action committee for the purpose of this article and is subject to all reporting requirements applicable to political action committees;

(2) It is unlawful for:

(A) A membership organization, corporation or separate segregated fund to make a primary or other election contribution or expenditure by using money or anything of value secured: (i) By physical force, job discrimination or financial reprisal; (ii) by the threat of force, job discrimination or financial reprisal; or (iii) as a condition of employment;

(B) Any person soliciting a membership organization member, stockholder or executive or administrative personnel and members of their families for a contribution to a membership organization, corporation or separate segregated fund to fail to inform the person

solicited of the political purposes of the separate segregated fund at the time of the solicitation;

(C) Any person soliciting any other person for a contribution to a membership organization, corporation or separate segregated fund to fail to inform the person solicited at the time of the solicitation of his or her right to refuse to contribute without any reprisal;

(D) A separate segregated fund established by a membership organization or corporation: (i) To solicit contributions to the fund from any person other than the membership organization's members or the corporation's stockholders, ~~and~~ their families and ~~its~~ their executive or administrative personnel and their families; or (ii) to contribute any membership organization or corporate funds;

(E) A separate segregated fund established by a membership organization or corporation to receive contributions to the fund from any person other than the membership organization's members or corporation's stockholders, ~~and~~ their immediate families and ~~its~~ their executive or administrative personnel and their immediate families;

(F) A membership organization or corporation to engage in job discrimination or to discriminate in job promotion or transfer because of a member's or an employee's failure to make a contribution to the membership organization or corporation or a separate segregated fund;

(G) A separate segregated fund to make any contribution, directly or indirectly, in excess of \$1,000 the amounts permitted in section five-c of this article in connection with or on behalf of any campaign for nomination or election to any elective office in the state or any of its subdivisions, or in connection with or on behalf of any committee or other organization or person engaged in furthering, advancing, supporting or aiding the nomination or election of any candidate for any such office;

(H) A membership organization or corporation to pay, give or lend or to authorize payment, giving or lending of any moneys or

other things of value belonging to the membership organization or corporation to a separate segregated fund for the purpose of making a contribution to a candidate or a candidate's committee. This provision does not prohibit a separate segregated fund from using the property, real or personal, facilities and equipment of a membership organization or corporation solely to establish, administer and solicit contributions to the fund, subject to the rules of the State Election Commission as provided in subsection (d) of this section: *Provided*, That any such membership organization or corporation shall also permit any group of its employees represented by a bona fide political action committee to use the real property of the membership organization or corporation solely to establish, administer and solicit contributions to the fund of the political action committee, subject to the rules of the State Election Commission promulgated in accordance with said subsection.

(3) For the purposes of this section, the term "executive or administrative personnel" means individuals employed by a membership organization or corporation who are paid on a salary rather than hourly basis and who have policy-making, managerial, professional or supervisory responsibilities.

(d) Any person, membership organization or corporation violating any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$10,000. A membership organization or corporation may not reimburse any person the amount of any fine imposed pursuant to this section.

(e) To ensure uniform administration and application of the provisions of this section and of those of the Federal Election Campaign Act Amendments of 1976 relating to membership organization and corporate contributions, the State Election Commission shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code to implement the provisions of this section consistent, insofar as practicable, with the rules and regulations promulgated by the Federal Election Commission to carry out similar or identical provisions of 2 U. S. C. §441b.

(f) In addition to the powers and duties set forth in article one-a of this chapter, the State Election Commission has the following powers and duties:

(1) To investigate, upon complaint or on its own initiative, any alleged violations or irregularities of this article.

(2) To administer oaths and affirmations, issue subpoenas for the attendance of witnesses, issue subpoenas duces tecum to compel the production of books, papers, records and all other evidence necessary to any investigation.

(3) To involve the aid of any circuit court in the execution of its subpoena power.

(4) To report any alleged violations of this article to the appropriate prosecuting attorney having jurisdiction, which prosecuting attorney shall present to the grand jury such alleged violations, together with all evidence relating thereto, no later than the next term of court after receiving the report.

(g) The Attorney General shall, when requested, provide legal and investigative assistance to the State Election Commission.

(h) Any investigation, either upon complaint or initiative, shall be conducted in an executive session of the State Election Commission and shall remain undisclosed except upon an indictment by a grand jury.

(i) Any person who discloses the fact of any complaint, investigation or report or any part thereof, or any proceedings thereon, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$1,000 nor more than \$5,000 and shall be confined in jail not less than six months nor more than one year.

~~(j) The amendments to this section enacted during the second extraordinary session of 2008 are intended to conform to the existing proscription to constitutionally permissible limits and not to create a new offense or offenses.~~

~~(k) The effective date of the amendments to this section enacted during the second extraordinary legislative session of 2008 is October 1, 2008.~~

§3-8-8a. Disclosure requirements for covered organizations.

(a) Disclosure statement. —

(1) Any covered organization that makes political disbursements aggregating more than \$1,000 in a calendar year shall, not later than forty-eight hours after the \$1,000 threshold is met, file a statement with the Secretary of State that contains the information described in subdivision (2) of this subsection. Subsequent reports shall be filed within forty-eight hours of each additional campaign-related political expenditure aggregating more than \$1,000:

(A) In the case of the first statement filed under this subsection, for the period beginning on the first day of the preceding calendar year and ending on the first such disclosure date; and

(B) In the case of any subsequent statement filed under this subsection, for the period beginning on the previous disclosure date and ending on such disclosure date.

(2) The information to be included in the statement required by this subsection is as follows:

(A) The name of the covered organization and the principal place of business of that organization.

(B) The amount of each campaign-related disbursement made by that organization during the period covered by the statement of more than \$1,000.

(C) In the case of a campaign-related disbursement that is not a covered transfer, the election to which the campaign-related disbursement pertains and, if the disbursement is made for a public communication, the name of any candidate identified in that communication and whether that communication is in support of or in opposition to that candidate.

(D) A certification by the chief executive officer or the head of the covered organization that the campaign-related disbursement is not made in cooperation, consultation or concert with or at the request or suggestion of a candidate, authorized committee or agent of a candidate, political party, or agent of a political party.

(E) If the covered organization makes campaign-related disbursements exclusively using funds in a segregated bank account consisting of funds that were contributed, donated, transferred or paid directly to that account by persons other than the covered organization that controls the account, for each contribution, donation, transfer, payment of dues or other payment to the account:

(i) The name and address of each person who made that contribution, donation, transfer, payment of dues or other payment during the period covered by the statement: Provided, That if an individual's contribution is \$250 or less, then the individual's name alone should be reported;

(ii) The date and amount of that contribution, donation, transfer, payment of dues or other payment; and

(iii) The aggregate amount of all those contributions, donations, transfers, payments of dues and other payments made by the person during the period beginning on the first day of the preceding calendar year and ending on the disclosure date.

(F) Subject to subdivision (4) of this subsection, if the covered organization makes campaign-related disbursements using funds other than funds in a segregated bank account described in paragraph (E) of this subdivision, for each contribution, donation, transfer or payment of dues to the covered organization:

(i) The name and address of each person who made that contribution, donation, transfer or payment of dues during the period covered by the statement: Provided, That if an individual's contribution is \$250 or less, then the individual's name alone should be reported;

(ii) The date and amount of that contribution, donation, transfer or payment of dues; and

(iii) The aggregate amount of all those contributions, donations, transfers and payments of dues made by the person during the period beginning on the first day of the preceding calendar year and ending on the disclosure date.

(3) Exceptions. —

(A) The requirement to include in a statement filed under subdivision (1) of this subsection the information described in subdivision (1) of this subsection does not apply to amounts received by the covered organization in the ordinary course of any trade or business conducted by the covered organization or in the form of investments in the covered organization.

(B) Donor restriction on use of funds. — The requirement to include in a statement submitted under subdivision (1) of this subsection the information described in paragraph (F), subdivision (2) of this subsection does not apply if:

(i) The person described in that subdivision prohibited, in writing, the use of the contribution, donation, transfer, payment of dues or other payment made by that person for campaign-related disbursements; and

(ii) The covered organization agreed to follow the prohibition and deposited the contribution, donation, transfer, payment of dues or other payment in an account which is segregated from any account used to make campaign-related disbursements.

(4) Disclosure date. —

(A) Except as provided in paragraph (B) of this subdivision, the term “disclosure date” means:

(i) The first date during any calendar year by which a person has made campaign-related disbursements aggregating more than \$1,000; and

(ii) Each date following the date described in subparagraph (i) of this paragraph during that calendar year by which a person has made campaign-related disbursements aggregating more than \$1,000.

(B) In the case of a statement filed with respect to a campaign-related disbursement which is a covered transfer described in paragraph (E), subdivision (1), subsection (f) of this section, the term “disclosure date” means the date on which the covered organization making that transfer knew or should have known that the recipient of that transfer made campaign-related disbursements in an aggregate amount of \$50,000 or more during the two-year period beginning on the date of the transfer.

(b) Coordination with other provisions. — A segregated bank account referred to in paragraph (E), subdivision (2), subsection (a) of this section may be treated as a separate segregated fund for purposes of section 527(f)(3) of the Internal Revenue Code of 1986.

(c) Filing. — Statements required to be filed under subsection (a) of this section shall be subject to the requirements of subsection (h), section two of this article to the same extent and in the same manner as if those reports had been required under said section.

(d) Campaign-related disbursement defined. — As used in this section, the term “campaign-related disbursement” means a disbursement by a covered organization for any of the following:

(1) An independent expenditure consisting of a public communication, as defined in section two of this article;

(2) An electioneering communication, as defined in section two of this article; or

(3) A covered transfer.

(e) Covered organization defined. — In this section, the term “covered organization” means any of the following:

(1) A membership organization, corporation and any other legal entity, including, but not limited to, a limited liability company, limited liability partnership, cooperative, estate, trust, partnership or other legal entity authorized to exist by the laws of this state, another state or the federal government;

(2) An organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that code;

(3) Any political organization under section 527 of the Internal Revenue Code of 1986, other than a political committee under this article, except as provided in subdivision (4) of this subsection; or

(4) A political committee with an account established for the purpose of accepting donations or contributions that do not comply with the contribution limits or source prohibitions under this article, but only with respect to the accounts established for that purpose.

(f) Covered transfer defined. —

(1) General. — In this section, the term “covered transfer” means any transfer or payment of funds by a covered organization to another person if the covered organization:

(A) Designates, requests or suggests that the amounts be used for:

(i) Campaign-related disbursements other than covered transfers; or

(ii) Making a transfer to another person for the purpose of making or paying for that campaign-related disbursements;

(B) Made that transfer or payment in response to a solicitation or other request for a donation or payment for:

(i) The making of or paying for campaign-related disbursements other than covered transfers; or

(ii) Making a transfer to another person for the purpose of making or paying for those campaign-related disbursements;

(C) Engaged in discussions with the recipient of the transfer or payment regarding:

(i) The making of or paying for campaign-related disbursements other than covered transfers; or

(ii) Donating or transferring any amount of that transfer or payment to another person for the purpose of making or paying for those campaign-related disbursements;

(D) Made campaign-related disbursements other than a covered transfer in an aggregate amount of \$50,000 or more during the two- year period ending on the date of the transfer or payment, or knew or had reason to know that the person receiving the transfer or payment made those disbursements in that an aggregate amount during that two-year period; or

(E) Knew or had reason to know that the person receiving the transfer or payment would make campaign-related disbursements in an aggregate amount of \$50,000 or more during the two-year period beginning on the date of the transfer or payment.

(2) The term “covered transfer” does not include any of the following:

(A) A disbursement made by a covered organization in the ordinary course of any trade or business conducted by the covered organization or in the form of investments made by the covered organization.

(B) A disbursement made by a covered organization if:

(i) The covered organization prohibited, in writing, the use of that disbursement for campaign-related disbursements; and

(ii) The recipient of the disbursement agreed to follow the prohibition and deposited the disbursement in an account which is

segregated from any account used to make campaign-related disbursements.

(3) Exception for certain transfers among affiliates. —

(A) The term “covered transfer” does not include an amount transferred by one covered organization to another covered organization which is treated as a transfer between affiliates under paragraph (B) of this subdivision if the aggregate amount transferred during the year by that covered organization to that same covered organization is equal to or less than \$50,000.

(B) A transfer of amounts from one covered organization to another covered organization shall be treated as a transfer between affiliates if:

(i) One of the organizations is an affiliate of the other organization; or

(ii) Each of the organizations is an affiliate of the same organization; except that the transfer shall not be treated as a transfer between affiliates if one of the organizations is established for the purpose of making campaign-related disbursements.

(C) For purposes of paragraph (B) of this subdivision, a covered organization is an affiliate of another covered organization if:

(i) The governing instrument of the organization requires it to be bound by decisions of the other organization;

(ii) The governing board of the organization includes persons who are specifically designated representatives of the other organization or are members of the governing board, officers or paid executive staff members of the other organization, or whose service on the governing board is contingent upon the approval of the other organization; or

(iii) The organization is chartered by the other organization.

(D) This subdivision applies with respect to an amount transferred by a covered organization to an organization described in paragraph (3), section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of that code in the same manner as this paragraph applies to an amount transferred by a covered organization to another covered organization.

(g) Any person who makes a contribution for the purpose of funding an independent expenditure under this section shall, at the time the contribution is made, provide his or her name, address, occupation, his or her current employer, if any, or, if the individual is self-employed, the name of his or her business, if any, to the recipient of the contribution.

(h) The Secretary of State shall expeditiously prepare indices setting forth, on a candidate-by-candidate basis, all independent expenditures separately, made by, or on behalf of, or for, or against each candidate, as reported under this subsection, and periodically publish such indices on a timely preelection basis.

(i) Any person who willfully fails to comply with this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500, or confined in jail for not more than one year, or both fined and confined.

(j) (1) Any person who is required to file a statement under this section may file the statement by facsimile device or electronic mail, in accordance with such rules as the Secretary of State may promulgate.

(k) The Secretary of State shall make any document filed electronically pursuant to this subsection accessible to the public on the Internet not later than twenty-four hours after the document is received by the secretary.

(l) The Secretary of State may promulgate emergency and legislative rules, in accordance with the provisions of chapter twenty-nine-a of this code, to establish guidelines for the administration of this section. In promulgating a rule under this subsection, the secretary shall provide methods, other than

requiring a signature on the document being filed, for verifying the documents covered by the rule. Any document verified under any of the methods shall be treated for all purposes, including penalties for perjury, in the same manner as a document verified by signature.

§3-8-9. Lawful and unlawful election expenses; public opinion polls and limiting their purposes; limitation upon expenses; use of advertising agencies and reporting requirements; delegation of expenditures.

(a) No financial agent or treasurer of a political committee shall pay, give or lend, either directly or indirectly, any money or other thing of value for any election expenses, except for the following purposes:

(1) For rent, maintenance, office equipment and other furnishing of offices to be used as political headquarters and for the payment of necessary ~~clerks, stenographers, typists, janitors and messengers~~ employees actually employed therein;

(2) In the case of a candidate who does not maintain a headquarters, for reasonable office expenses, including, but not limited to, filing cabinets and other office equipment and furnishings, computers, computer hardware and software, scanners, typewriters, calculators, audio visual equipment, the rental of the use of the same, or for the payment for the shared use of same with the candidate's business and for the payment of necessary ~~clerks, stenographers and typists~~ employees actually employed;

(3) For printing and distributing books, pamphlets, circulars and other printed matter and radio and television broadcasting and painting, printing and posting signs, banners and other advertisements, including contributions to charitable, educational or cultural events, for the promotion of the candidate, or the candidate's name ~~or an issue on the ballot~~;

(4) For renting and decorating halls for public meetings and political conventions, for advertising public meetings and for the

payment of traveling expenses of speakers and musicians at such meetings;

(5) For the necessary traveling and hotel expenses of candidates, political agents and committees and for stationery, postage, telegrams, telephone, express, freight and public messenger service;

(6) For preparing, circulating and filing petitions for nomination of candidates;

(7) For examining the lists of registered voters, securing copies thereof, investigating the right to vote of the persons listed therein and conducting proceedings to prevent unlawful registration or voting;

(8) For conveying voters to and from the polls;

(9) For securing publication in newspapers and by radio and television broadcasting of documents, articles, speeches, arguments and any information relating to any political issue, candidate or question or proposition submitted to a vote;

(10) For conducting public opinion poll or polls. For the purpose of this section, the phrase “conducting of public opinion poll or polls” shall mean and be limited to the gathering, collection, collation and evaluation of information reflecting public opinion, needs and preferences as to any candidate, group of candidates, party, issue or issues. No such poll shall be deceptively designed or intentionally conducted in a manner calculated to advocate the election or defeat of any candidate or group of candidates or calculated to influence any person or persons so polled to vote for or against any candidate, group of candidates, proposition or other matter to be voted on by the public at any election: *Provided*, That nothing herein shall prevent the use of the results of any such poll or polls to further, promote or enhance the election of any candidate or group of candidates or the approval or defeat of any proposition or other matter to be voted on by the public at any election;

(11) For payment for food and drink for campaign-related purposes and for entertaining of campaign volunteers;

(12) For payment for legal and accounting services rendered to a candidate or candidate committee if the services are solely related to the candidacy or campaign;

(13) For the payment of any fees associated with the campaign, except that a candidate may not pay any fines assessed against the candidate or the candidate's committee pursuant to this article;

~~(11)~~ (14) For legitimate advertising agency services, including commissions, in connection with any campaign activity for which payment is authorized by subdivisions (3), (4), (5), (6), (7), (9) and (10) of this subsection;

~~(12)~~ (15) For the purchase of memorials, flowers or citations by political party executive committees or political action committees representing a political party;

~~(13)~~ (16) For the purchase of nominal noncash expressions of appreciation following the close of the polls of an election or within thirty days thereafter;

~~(14)~~ (17) For the payment of dues or subscriptions to any national, state or local committee of any political party without limitation;

(18) For transfers to any national, state or local committee of any political party when that committee is acting in the role of a vendor: *Provided, That no such transfer shall involve any coordination between the candidate and the political party committee;*

~~(15)~~ (19) For contributions to a county party executive committee, state party executive committee or a state party legislative caucus political committee;

(20) For any political expenditure; and

~~(16)~~ (21) For contributions to a candidate committee: *Provided, That a candidate committee may not contribute to another candidate committee except as otherwise provided by section ten of this article.*

(b) A political action committee may not contribute to another political action committee or receive contributions from another political action committee: *Provided*, That a political action committee may receive contributions from its national affiliate, if any.

(c) Every liability incurred and payment made shall be for the fair market value of the services rendered.

(d) Every advertising agency subject to the provisions of this article shall file, in the manner and form required by section five-a of this article, the financial statements required by section five of this article at the times required therein and include therein, in itemized detail, all receipts from and expenditures made on behalf of a candidate, financial agent or treasurer of a political party committee.

(e) Any candidate may designate a financial agent by a writing duly subscribed by ~~him~~ the candidate which shall be in such form and filed in accordance with the provisions of section four of this article.

§3-8-9a. Expenditures by political party committees, political party caucuses and state candidates.

(a) Notwithstanding any other provision of law with respect to limitations on expenditures or limitations on contributions, the state committee of a political party and political party caucus may make expenditures in an amount not to exceed \$20,000 in connection with the general election campaign of candidates for Governor, Attorney General, Auditor, Commissioner of Agriculture, Secretary of State, Treasurer, State Senate and House of Delegates.

(b) For purposes of this section, all communications that are made in coordination with a candidate or candidate's committee must include a statement clearly identifying that the communications were made in coordination with the candidate or candidate's committee.

§3-8-10. Use of excess campaign contributions.

(a) Notwithstanding any provision of this code to the contrary, amounts received by a candidate as contributions that are in excess of any amount necessary to defray his or her expenditures may be:

(1) Used by the candidate to defray any usual and customary expenses incurred in connection with his or her duties as a holder of public office; and

(2) Contributed by the candidate, after the general election, to:

(A) Any charitable organization or subsequent campaign by the same candidate, without limitation;

(B) Any national committee in accordance with federal requirements;

(C) Any state party executive committee or state party legislative caucus committee in an amount not to exceed \$15,000 \$20,000 in a calendar year; or

(D) Any local committee of any political party in an amount not to exceed \$20,000; or

(E) Any other candidate for public office in accordance with the existing limitations on contributions.

(b) The State Election Commission shall promulgate emergency and legislative rules, in accordance with the provisions of chapter twenty-nine-a of this code, to establish guidelines for the administration of this section.

§3-8-12. Additional acts forbidden; circulation of written matter; newspaper advertising; solicitation of contributions; intimidation and coercion of employees; promise of employment or other benefits; public contractors; penalty.

(a) A person may not publish, issue or circulate, or cause to be published, issued or circulated, any anonymous letter, circular, placard, radio or television advertisement or other publication supporting or aiding the election or defeat of a clearly identified candidate.

(b) An owner, publisher, editor or employee of a newspaper or other periodical may not insert, either in its advertising or reading

columns, any matter, paid for or to be paid for, which tends to influence the voting at any election, unless directly designating it as a paid advertisement and stating the name of the person authorizing its publication and the candidate in whose behalf it is published.

(c) A person may not, in any room or building occupied for the discharge of official duties by any officer or employee of the state or a political subdivision of the state, solicit orally or by written communication delivered within the room or building, or in any other manner, any contribution of money or other thing of value for any party or political purpose, from any postmaster or any other officer or employee of the federal government, or officer or employee of the state, or a political subdivision of the state. An officer, agent, clerk or employee of the federal government, or of this state, or any political subdivision of the state, who may have charge or control of any building, office or room, occupied for any official purpose, may not knowingly permit any person to enter any building, office or room, occupied for any official purpose for the purpose of soliciting or receiving any political assessments from, or delivering or giving written solicitations for, or any notice of, any political assessments to, any officer or employee of the state, or a political subdivision of the state.

(d) Except as provided in section eight of this article, a person entering into any contract with the state or its subdivisions, or any department or agency of the state, either for rendition of personal services or furnishing any material, supplies or equipment or selling any land or building to the state, or its subdivisions, or any department or agency of the state, if payment for the performance of the contract or payment for the material, supplies, equipment, land or building is to be made, in whole or in part, from public funds may not, during the period of negotiation for or performance under the contract or furnishing of materials, supplies, equipment, land or buildings, directly or indirectly, make any contribution to any political party, committee or candidate for public office or to any person for political purposes or use; nor may any person or firm solicit any contributions for any purpose during any period.

(e) A person may not, directly or indirectly, promise any employment, position, work, compensation or other benefit provided for, or made possible, in whole or in part, by act of the Legislature, to any person as consideration, favor or reward for any political activity for the support of or opposition to any candidate, or any political party in any election.

(f) Except as provided in section eight of this article, a person may not, directly or indirectly, make any contribution in excess of the ~~value of \$1,000~~ amounts permitted by section five-c of this article in connection with any campaign for nomination or election to or on behalf of any statewide office, in connection with any other campaign for nomination or election to or on behalf of any other elective office in the state or any of its subdivisions, or in connection with or on behalf of any person engaged in furthering, advancing, supporting or aiding the nomination or election of any candidate for any of the offices.

(g) A political organization (as defined in Section 527(e)(1) of the Internal Revenue Code of 1986) may not solicit or accept contributions until it has notified the Secretary of State of its existence and of the purposes for which it was formed. ~~During the two-year election cycle, a political organization (as defined in Section 527(e)(1) of the Internal Revenue Code of 1986) may not accept contributions totaling more than \$1,000 from any one person prior to the primary election and contributions totaling more than \$1,000 from any one person after the primary and before the general election.~~

~~(h) It is unlawful for any person to create, establish or organize more than one political organization (as defined in Section 527(e)(1) of the Internal Revenue Code of 1986) with the intent to avoid or evade the contribution limitations contained in subsection (g) of this section.~~

(i) (h) Notwithstanding the provisions of subsection (f) of this section to the contrary, a person may not, directly or indirectly, make contributions to a state party executive committee or state party legislative caucus committee which, in the aggregate, are in

excess of the amounts permitted by section five-c of this article in any calendar year.

~~(j)~~ (i) The limitations on contributions contained in this section do not apply to transfers between and among a state party executive committee or a state party's legislative caucus political committee from national committees of the same political party: *Provided*, That transfers permitted by this subsection may not exceed \$50,000 in the aggregate in any calendar year to any state party executive committee or state party legislative caucus political committee: *Provided, however*, That the moneys transferred may only be used for voter registration and get-out-the-vote activities of the state committees.

~~(k)~~ (j) A person may not solicit any contribution, other than contributions to a campaign for or against a county or local government ballot issue, from any nonelective salaried employee of the state government or of any of its subdivisions: *Provided*, That in no event may any person acting in a supervisory role solicit a person who is a subordinate employee for any contribution. A person may not coerce or intimidate any nonelective salaried employee into making a contribution. A person may not coerce or intimidate any nonsalaried employee of the state government or any of its subdivisions into engaging in any form of political activity. The provisions of this subsection may not be construed to prevent any employee from making a contribution or from engaging in political activity voluntarily without coercion, intimidation or solicitation.

~~(l)~~ ~~A person may not solicit a contribution from any other person without informing the other person at the time of the solicitation of the amount of any commission, remuneration or other compensation that the solicitor or any other person will receive or expect to receive as a direct result of the contribution being successfully collected. Nothing in this subsection may be construed to apply to solicitations of contributions made by any person serving as an unpaid volunteer.~~

~~(m)~~ (k) A person may not place any letter, circular, flyer, advertisement, election paraphernalia, solicitation material or other

printed or published item tending to influence voting at any election in a roadside receptacle unless it is: (1) Approved for placement into a roadside receptacle by the business or entity owning the receptacle; and (2) contains a written acknowledgment of the approval. This subsection does not apply to any printed material contained in a newspaper or periodical published or distributed by the owner of the receptacle. The term “roadside receptacle” means any container placed by a newspaper or periodical business or entity to facilitate home or personal delivery of a designated newspaper or periodical to its customers.

~~(n)~~ (l) Any person violating any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000, or confined in jail for not more than one year, or both fined and confined.

~~(o)~~ (m) The provisions of subsection (k) of this section permitting contributions to a campaign for or against a county or local government ballot issue shall become operable on and after January 1, 2005.

~~(p)~~ (n) The limitations on contributions established by subsection (g) of this section do not apply to contributions made for the purpose of supporting or opposing a ballot issue, including a constitutional amendment.

§3-8-14. Publication and distribution of statements and solicitations; charge for newspaper or magazine space.

(a) Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing or any other type of general public political advertising, or whenever any person makes a disbursement for a campaign-related disbursement, or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, mailing or any other type of general public political advertising or makes a disbursement for an electioneering communication, that communication:

(1) If paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication has been paid for by that authorized political committee;

(2) If paid for by other persons but authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication is paid for by those other persons and authorized by that authorized political committee; or

(3) If not authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state the name and permanent street address, telephone number or World Wide Web address of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee.

(b) No person who sells space in a newspaper or magazine to a candidate or to the agent of a candidate, for use in connection with that candidate's campaign, may charge any amount for that space which exceeds the amount charged for comparable use of that space for other purposes.

(c) *Specification.* — Any printed communication described in subsection (a) of this section shall:

(1) Be of sufficient type size to be clearly readable by the recipient of the communication;

(2) Be contained in a printed box set apart from the other contents of the communication; and

(3) Be printed with a reasonable degree of color contrast between the background and the printed statement.

(d) *Additional requirements.* —

(1) *Communications by candidates or authorized persons.* —

(A) *By radio.* — Any communication described in subdivision (1) or (2), subsection (a) of this section which is transmitted

through radio shall include, in addition to the requirements of that subdivision, an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

(B) *By television.* — Any communication described in subdivision (1) or (2), subsection (a) of this section which is transmitted through television shall include, in addition to the requirements of that subdivision, a statement that identifies the candidate and states that the candidate has approved the communication. Such statement:

(i) Shall be conveyed by:

(I) An unobscured, full-screen view of the candidate making the statement; or

(II) The candidate in voice-over, accompanied by a clearly identifiable photographic or similar image of the candidate; and

(ii) Shall also appear in writing at the end of the communication in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least four seconds.

(2) *Communications by certain political committees.* — Any communication described in subdivision (3), subsection (a) of this section which, except to the extent provided in the last sentence of this subdivision, is paid for by a political committee, including a political committee of a political party, and which is transmitted through radio or television shall include, in addition to the requirements of that paragraph, in a clearly spoken manner, the following audio statement: “_____ is responsible for the content of this advertising.” The foregoing blank shall be filled in with the name of the political committee paying for the communication and the name of any connected organization of the payor. If transmitted through television, the statement shall be conveyed by an unobscured, full-screen view of a representative of the political committee making the statement, or by a representative of that political committee or other person in voice-over, and shall also

appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least four seconds. This subdivision does not apply to a communication paid for, in whole or in part, with a payment which is treated as a campaign-related disbursement under section eight-a and with respect to which a covered organization files a statement under that section.

(e) Communications by others. —

(1) Any communication described in subdivision (3), subsection (a) of this section which is transmitted through radio or television, other than a communication to which subdivision (2), subsection (d) of this section applies, shall include, in addition to the requirements of that subdivision, the following:

(A) The individual disclosure statement described in paragraph (A), subdivision (2) of this subsection if the person paying for the communication is an individual, or the organizational disclosure statement described in paragraph (B), subdivision (2) of this subsection if the person paying for the communication is not an individual.

(B) If the communication is transmitted through television and is paid for, in whole or in part, with a payment which is treated as a campaign-related disbursement under section eight-a of this article the top five contributors list, if applicable, unless, on the basis of criteria established in rules promulgated by the Secretary of State, the communication is of such short duration that including the top five contributors list in the communication would constitute a hardship to the person paying for the communication by requiring a disproportionate amount of the content of the communication to consist of the top five contributors list.

(C) If the communication is transmitted through radio and is paid for, in whole or in part, with a payment which is treated as a campaign-related disbursement under section eight-a of this section the top two contributors list, if applicable, unless, on the basis of criteria established in rules promulgated by the secretary, the communication is of such short duration that including the top

two contributors list in the communication would constitute a hardship to the person paying for the communication by requiring a disproportionate amount of the content of the communication to consist of the top two contributors list.

(2) Disclosure statements described. —

(A) Individual disclosure statements. — The individual disclosure statement described in this paragraph is the following:

“I am _____, and I approve this message.”
The foregoing blank filled in with the name of the applicable individual.

(B) Organizational disclosure statements. The organizational disclosure statement described in this paragraph is the following:
“I am _____, the _____ of _____, and _____ approves this message.”, with:

(i) The first blank to be filled in with the name of the applicable individual;

(ii) The second blank to be filled in with the title of the applicable individual; and

(iii) The third and fourth blanks each to be filled in with the name of the organization or other person paying for the communication.

(3) Method of conveyance of statement. —

(A) In the case of a communication to which this subsection applies which is transmitted through radio, the disclosure statements required under subdivision (1) of this subsection shall be made by audio by the applicable individual in a clearly spoken manner.

(B) In the case of a communication to which this subsection applies which is transmitted through television, the information required under subdivision (1) of this subsection:

(i) Shall appear in writing at the end of the communication or in a crawl along the bottom of the communication in a clearly readable manner, with a reasonable degree of color contrast between the background and the printed statement, for a period of at least six seconds; and

(ii) Shall also be conveyed by an unobscured, full-screen view of the applicable individual or by the applicable individual making the statement in voice-over accompanied by a clearly identifiable photograph or similar image of the individual, except in the case of a top five contributors list.

(4) Definitions. — In this subsection:

(A) “Applicable individual” means, with respect to a communication to which this subsection applies:

(i) If the communication is paid for by an individual, the individual involved;

(ii) If the communication is paid for by a corporation, the chief executive officer of the corporation or, if the corporation does not have a chief executive officer, the highest ranking official of the corporation; and

(iii) If the communication is paid for by any other person, the highest ranking official of that person.

(B) “Campaign-related disbursement” and “covered organization” have the meanings given them in section eight-a of this article.

(C) “Top five contributors list” means, with respect to a communication paid for, in whole or in part, with a payment which is treated as a campaign-related disbursement under section eight-a, a list of the five persons who provided the largest payments of any type in an aggregate amount equal to or exceeding \$1,000 which are required under subsection (a), section eight-a of this article to be included in the reports filed by a covered organization with respect to that communication during the twelve-month period ending on the date of the disbursement and the amount of

the payments each such person provided. If two or more people provided the fifth largest of those payments, the covered organization involved shall select one of those persons to be included on the top five contributors list.

(D) “Top two contributors list” means, with respect to a communication paid for, in whole or in part, with a payment which is treated as a campaign related disbursement under section eight-a of this article a list of the persons who provided the largest and the second largest payments of any type in an aggregate amount equal to or exceeding \$1,000 which are required under subsection (a) of that section to be included in the reports filed by a covered organization with respect to that communication during the twelve-month period ending on the date of the disbursement and the amount of the payments each such person provided. If two or more persons provided the second largest of those payments, the covered organization involved shall select one of those persons to be included on the top two contributors list.

Following discussion,

The question being on the adoption of Senator Romano's amendment to the bill, and on this question, Senator Romano demanded the yeas and nays.

The roll being taken, the yeas were: Beach, Facemire, Jeffries, Miller, Ojeda, Palumbo, Prezioso, Romano, Stollings and Woelfel—10.

The nays were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Plymale, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Unger, Weld and Carmichael (Mr. President)—24.

Absent: None.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Romano's amendment to the bill rejected.

On motion of Senator Palumbo, the following amendments to the bill (Com. Sub. for S. B. 539) were next reported by the Clerk and considered simultaneously:

On pages five through seven, by striking out all of section one and inserting in lieu thereof a new section, designated section one, to read as follows:

§3-8-1. Provisions to regulate and control elections.

(a) The Legislature finds that:

~~(1) West Virginia's population is 1,808,344, ranking 37th among the fifty states.~~

~~(2) State Senate districts have a population of approximately one hundred six thousand three hundred seventy three, and the average Delegate district has a population of approximately thirty one thousand, one hundred seventy eight. The size of these districts is substantially smaller than the United States Senatorial and Congressional Districts.~~

(3) When the relatively small size of the state's legislative and other voting districts is combined with the economics and typical uses of various forms of electioneering communication, history shows that nonbroadcast media is and will continue to be a widely used means of making campaign related communications to target relevant audiences. Consequently, nonbroadcast communications are prevalent during elections.

(4) Disclosure provisions are appropriate legislative weapons against the reality or appearance of improper influence stemming from the dependence of candidates on large campaign contributions, and the ceilings imposed accordingly serve the basic governmental interest in safeguarding the integrity of the electoral process without directly impinging upon the rights of individual citizens and candidates to engage in political debate and discussion.

(5) When narrowly tailored to minimize any infringement on the right to free speech guaranteed by the United States and West Virginia Constitutions, or upon the rights to engage in political

debate and discussion, disclosure of contributions and expenditures by entities that engage in electoral advocacy is an appropriate means to safeguard the electoral process against the appearance of improper influence from large campaign expenditures.

~~(5)~~ (6) Disclosure of expenditures ~~serve~~ serves a substantial governmental interest in informing the electorate and preventing the corruption of or appearance of corruption in the political process.

~~(6)~~ (7) Disclosure by persons and entities that make expenditures for communications that expressly advocate the election or defeat of clearly identified candidates or perform its functional equivalent, is a reasonable and minimally restrictive method of furthering First Amendment values by public exposure of the state election system.

~~(7)~~ (8) Failing to regulate nonbroadcast media messages would permit those desiring to influence elections to avoid the principles and policies that are embodied in existing state law.

~~(8)~~ (9) The regulation of the various types of nonbroadcast media in addition to broadcast media, is tailored to meet the circumstances found in the State of West Virginia.

~~(9)~~ (10) Nonbroadcast media such as newspapers, magazines or other periodicals have proven to be effective means of election communication in West Virginia. Broadcast, satellite and nonbroadcast media have all been used to influence election outcomes.

~~(10)~~ (11) Certain nonbroadcast communications, such as newspaper inserts, can be more effective campaign methods than broadcast media because such communications can be targeted to registered voters or historical voters in the particular district. In contrast, broadcasted messages reach all of the general public, including person ineligible to vote in the district.

~~(11)~~ (12) Nonbroadcast media communications in the final days of a campaign can be particularly damaging to the public's

confidence in the election process because they reduce or make impossible an effective response.

(12) (13) Identifying those funding nonbroadcast media campaigns in the final days of a campaign may at least permit voters to evaluate the credibility of the message.

(13) (14) In West Virginia, contributions up to the amounts specified in this article allow contributors to express their opinions, level of support and their affiliations.

(14) (15) In West Virginia, campaign expenditures by entities and persons who are not candidates have been increasing. Public confidence is eroded when substantial amounts of such money, the source of which is hidden or disguised, is expended. This is particularly true during the final days of a campaign.

(15) (16) In West Virginia, contributions to political organizations, defined in Section 527(e)(1) of the Internal Revenue Code of 1986, substantially larger than the amounts permitted to be received by a candidate's political committee have been recorded and are considered by the Legislature to be large contributions.

(16) (17) Independent expenditures intended to influence candidates' campaigns in the state are increasingly utilizing nonbroadcast media to support or defeat candidates.

(17) (18) Identification of persons or entities funding ~~political advertisements~~ electoral advocacy assists in enforcement of the contribution and expenditure limitations established by this article and ~~simply~~ informs voters of the actual identities of persons or entities advocating the election or defeat of candidates.

(18) (19) Identification of persons or entities funding ~~political advertisements~~ electoral advocacy allows voters to evaluate the credibility of the message contained in the advertisement.

(19) (20) Disclosure of the identity of persons or entities funding ~~political communications regarding candidates~~ electoral advocacy bolsters the right of listeners to be fully informed.

(b) Political campaign contributions, receipts and expenditures of money, advertising, influence and control of employees, and other economic, political and social control factors incident to primary, special and general elections shall be regulated and controlled by the provisions of this article and other applicable provisions of this chapter.;

And,

On pages eleven through fourteen, section one-a, by striking out all of subdivisions (14) and (15) and inserting in lieu thereof two new subdivisions, designated subdivisions (14) and (15), to read as follows:

~~(12)~~ (14) *Electioneering communication.* —

(A) “Electioneering communication” means any paid communication made by broadcast, cable or satellite signal, mass mailing, telephone bank, billboard advertisement or published in any newspaper, magazine or other periodical that:

(i) Refers to a clearly identified candidate for Governor, Secretary of State, Attorney General, Treasurer, Auditor, Commissioner of Agriculture, Supreme Court of Appeals, ~~or the Legislature, circuit judge, family court judge, magistrate or any county office;~~

(ii) Is publicly disseminated within:

(I) Thirty days before a the primary election day at which the nomination for office sought by the candidate is to be determined; or

(II) Sixty days before a the general or special election day at which the office sought by the candidate is to be filled; and

(iii) Is targeted to the relevant electorate. ~~Provided, That for purposes of the general election of 2008 the amendments to this article are effective October 1, 2008~~

(B) “Electioneering communication” does not include:

(i) A news story, commentary or editorial disseminated through the facilities of any broadcast, cable or satellite television or radio station, newspaper, magazine or other periodical publication not owned or controlled by a political party, political committee or candidate: *Provided*, That a news story disseminated through a medium owned or controlled by a political party, political committee or candidate is nevertheless exempt if the news is:

(I) A bona fide news account communicated in a publication of general circulation or through a licensed broadcasting facility; and

(II) ~~Is part~~ of a general pattern of campaign-related news that gives reasonably equal coverage to all opposing candidates in the circulation, viewing or listening area;

(ii) Activity by a candidate committee, party executive committee or caucus committee, or a political action committee that is required to be reported to the State Election Commission or the Secretary of State as an expenditure pursuant to section five of this article or the rules of the State Election Commission or the Secretary of State promulgated pursuant to such provision: *Provided*, That independent expenditures by a party executive committee or caucus committee or a political action committee required to be reported pursuant to subsection (b), section two of this article are not exempt from the reporting requirements of this section;

(iii) A candidate debate or forum conducted pursuant to rules adopted by the State Election Commission or the Secretary of State or a communication promoting that debate or forum made by or on behalf of its sponsor;

(iv) A communication paid for by any organization operating under Section 501(c)(3) of the Internal Revenue Code of 1986;

(v) A communication made while the Legislature is in session which, incidental to promoting or opposing a specific piece of legislation pending before the Legislature, urges the audience to communicate with a member or members of the Legislature concerning that piece of legislation;

(vi) A statement or depiction by by a membership organization in existence prior to the date on which the individual named or depicted became a candidate, made in a newsletter or other communication distributed only to bona fide members of that organization;

(vii) A communication made solely for the purpose of attracting public attention to a product or service offered for sale by a candidate or by a business owned or operated by a candidate which does not mention an election, the office sought by the candidate or his or her status as a candidate; or

(viii) A communication, such as a voter's guide, which refers to all of the candidates for one or more offices, which contains no appearance of endorsement for or opposition to the nomination or election of any candidate and which is intended as nonpartisan public education focused on issues and voting history;

~~(13)~~ (15) "Expressly advocating" means any communication that:

(A) Uses phrases such as "vote for the Governor", "re-elect your Senator", "support the Democratic nominee for ~~Supreme Court~~ House of Delegates", "cast your ballot for the Republican challenger for House of Delegates", "Smith for House", "Bob Smith in '04", "vote Pro-Life" or "vote Pro-Choice" accompanied by a listing of clearly identified candidates described as pro-life or pro-choice, "vote against Old Hickory", "defeat" accompanied by a picture of one or more candidates, "reject the incumbent";

(B) Communications of campaign slogans or individual words, that can have no other reasonable meaning than to urge the election or defeat of one or more clearly identified candidates, such as posters, bumper stickers, advertisements, etc., which say "Smith's the One", "Jones '06", "Baker", etc.; or

(C) Is susceptible of no reasonable interpretation other than as an appeal to vote for or against a specific candidate.

Following discussion,

The question being on the adoption of Senator Palumbo's amendments to the bill, the same was put and prevailed.

On motion of Senator Miller, the following amendments to the bill (Com. Sub. for S. B. 539) were next reported by the Clerk and considered simultaneously:

On page nine, section one-a, line forty-nine, after the word "expenses" by inserting the words "paid by the volunteer";

On page fifteen, section one-a, lines one hundred ninety-eight and one hundred ninety-nine, by striking out the words "total contributions or political expenditures of more than the threshold amount during any calendar year and the major purpose of which is the making of";

On page fifteen, section one-a, line two hundred, by striking out the words "which are made";

On pages fifteen and sixteen, section one-a, lines two hundred one through two hundred twenty-three, by striking out all of paragraphs (A), (B), (C) and (D) and inserting in lieu thereof the following:

The following are types of political action committees:

(A) A corporate political action committee, ~~as that term is defined by subdivision (8) of this section;~~

(B) A political action committee that is a separate segregated fund of a membership organization, as that term is defined by subdivision (18) of this section, and that organization may only accept contributions from its restricted group as outlined by the rules of the State Election Commission;

(C) An unaffiliated political action committee, ~~as that term is defined by subdivision (29) of this section; and~~

(D) A caucus campaign committee.;

On page seventeen, section one-a, line two hundred thirty-seven, after the word "candidate;" by inserting the word "and";

On page seventeen, section one-a, line two hundred thirty-nine, after the word “material” by changing the semicolon to a period and striking out the remainder of the subdivision;

On page thirty-six, section five-d, line three, after the word “contribution” by changing the colon to a period and striking out the proviso;

On page forty-six, section nine, lines sixty-seven through seventy, by striking out all of subsection (b) and inserting in lieu thereof a new subsection, designated subsection (b), to read as follows:

(b) A political action committee may not contribute to another political action committee or receive contributions from another political action committee: *Provided*, That a political action committee may receive contributions from its national affiliate, if any.;

On page forty-nine, section eleven, lines twenty-three through thirty-one, by striking out all of subsection (d) and inserting in lieu thereof a new subsection, designated subsection (d), to read as follows:

(d) Any person who shall pay any owner, publisher, editor or employee or any newspaper or other periodical, to advocate or oppose editorially, any candidate for nomination or election, or any political party, or any measure to be submitted to the vote of the people or any owner, publisher, editor or employee, who shall solicit or accept such payment, is guilty of a misdemeanor and, on conviction thereof, shall be fined not more than \$10,000, or confined in jail for not more than one year or, in the discretion of the court, shall be subject to both such fine and imprisonment.;

And,

On page fifty-two, section twelve, lines sixty-nine and seventy, by striking out the words “other than another independent expenditure-only political action committee”.

Following discussion and a point of inquiry to the President,

At the request of Senator Trump, unanimous consent being granted, the bill (Com. Sub. for S. B. 539) was advanced to third reading with Senator Miller's amendments pending and the right reserved to consider other amendments to the bill on that reading.

At the request of Senator Ferns, and by unanimous consent, the remarks by Senator Karnes relating to Senator Romano's amendment to Committee Substitute for Senate Bill 539 were ordered printed in the Appendix to the Journal.

At the request of Senator Woelfel, unanimous consent being granted, the remarks by Senator Hall relating to Senator Miller's amendments to Committee Substitute for Senate Bill 539 were ordered printed in the Appendix to the Journal.

Senate Bill 566, Claims against state.

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 576, Providing exception to waste for certain oil and gas development.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Ferns, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

Senate Bill 578, Relating generally to copies of health care records furnished to patients.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 586, Changing fees for custom slaughters from annual to triennial.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Com. Sub. for Com. Sub. for Senate Bill 601, Relating to requirements for making consumer loans.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Senate Bill 614, Relating to expansion of broadband service.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 621, Providing certain rules inapplicable after county board of education notifies state board of possible closing or consolidations.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Com. Sub. for Senate Bill 628, Relating to providing funding for Statewide Interoperable Radio Network.

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 630, Establishing Accessibility and Equity in Public Education Enhancement Act.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 631, Prosecuting violations of municipal building code.

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 634, Relating generally to certain agreements between DHHR and two largest state universities.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 647, Relating generally to additional county excise taxes on real property transfer.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 671, Relating to WV Anatomical Board.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 685, Creating a one-day special license for charitable events sell nonintoxicating beer.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 686, Exempting facilities governed by DHHR that provide direct patient care.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Senate Joint Resolution 10, Eliminating Office of Surveyor of Lands Amendment.

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 2001, Relating to ethics and transparency in government.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Ferns, and by unanimous consent, the bill was advanced to third reading with the unreported Judiciary committee amendment pending and the right for further amendments to be considered on that reading.

Eng. Com. Sub. for House Bill 2506, Relating to the permit limit calculations and allowing overlapping mixing zones for calculating permit limits for drinking water criteria.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for House Bill 2868, Relating generally to Uniform Unclaimed Property Act.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

The Senate proceeded to the eleventh order of business and the introduction of guests.

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senators Ojeda, Woelfel and Romano.

Thereafter, at the request of Senator Woelfel, and by unanimous consent, the remarks by Senator Ojeda were ordered printed in the Appendix to the Journal.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, the Senate adjourned until Monday, March 27, 2017, at 11 a.m.

MONDAY, MARCH 27, 2017

The Senate met at 11 a.m.

(Senator Carmichael, Mr. President, in the Chair.)

Prayer was offered by the Reverend Frank Miller, Director of Operations, West Virginia Baptist Conference in Ripley, West Virginia, and Interim Pastor, Big Chimney Baptist Church, Big Chimney, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Gregory L. Boso, a senator from the eleventh district.

