

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE
REGULAR SESSION, 2016
THIRD DAY

Charleston, W. Va., Friday, January 15, 2016

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Dick Corbin, Director of Church Relations, Union Mission of 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 Thursday, January 14, 2016,

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.

The Clerk presented a communication from the Board of Accountancy, submitting its annual report as required by §30-1-12 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Board of Acupuncture, submitting its annual report, in accordance with §30-1-12 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Board of Architects, submitting its annual report as required by §30-1-12 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Board of Barbers and Cosmetologists, submitting its annual report, in accordance with §30-1-12 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Children's Health Insurance Program, submitting its annual report as required by §5-16B-3 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Board of Chiropractic, submitting its annual report, in accordance with §30-1-12 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Board of Dentistry, submitting its annual report as required by §30-1-12 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Board of Licensed Dietitians, submitting its annual report as required by §30-1-12 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the State Board of Registration for Professional Engineers, submitting its annual report as required by §30-1-12 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Division of Forestry, submitting its annual Outdoor Heritage Conservation Fund report, in accordance with §5B-2G-6 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Hearing Aid Dealers Licensure Board, submitting its annual report as required by §30-1-12 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Department of Health and Human Resources, submitting its annual nursing homes and assisted living facilities report, in accordance with §16-5C-3 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Board of Landscape Architects, submitting its annual report as required by §30-1-12 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Board of Examiners for Licensed Practical Nurses, submitting its annual report, in accordance with §30-1-12 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Massage Therapy Licensure Board, submitting its annual report as required by §30-1-12 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Medical Imaging and Radiation Therapy Technology Board of Examiners, submitting its annual report, in accordance with §30-1-12 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Board of Medicine, submitting its annual report as required by §30-1-12 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Division of Natural Resources, submitting its annual report, in accordance with §20-1-7 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Nursing Home Administrators Licensing Board, submitting its annual report as required by §30-1-12 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Board of Occupational Therapy, submitting its annual report, in accordance with §30-1-12 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Board of Optometry, submitting its annual report as required by §30-1-12 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Board of Osteopathic Medicine, submitting its annual report, in accordance with §30-1-12 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Division of Personnel, submitting its annual report as required by §29-6-7 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Board of Physical Therapy, submitting its annual report, in accordance with §30-1-12 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Board of Examiners of Psychologists, submitting its annual report as required by §30-1-12 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Real Estate Appraiser Licensing and Certification Board, submitting its annual report, in accordance with §30-1-12 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Real Estate Commission, submitting its annual report as required by §30-1-12 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Board of Examiners for Registered Professional Nurses, submitting its annual report, in accordance with §30-1-12 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Board of Respiratory Care, submitting its annual report as required by §30-1-12 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Board of Sanitarians, submitting its annual report, in accordance with §30-1-12 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Board of Social Work, submitting its annual report as required by §30-1-12 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Board of Examiners for Speech-Language Pathology and Audiology, submitting its annual report, in accordance with §30-1-12 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the State Police, submitting its annual report on its effectiveness in recruiting females and other minorities as required by §15-2-7 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Board of Professional Surveyors, submitting its annual report, in accordance with §30-1-12 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Board of Veterinary Medicine, submitting its annual report as required by §30-1-12 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Water Development Authority, submitting its annual report, in accordance with §22C-1-17 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

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 253, Exempting drug treatment and drug recovery facilities from county and municipal ordinances.

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 263, Allowing travel and other expense reimbursement for members of Municipal Home Rule Board.

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

Com. Sub. for Senate Bill 263 (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 the Municipal Home Rule Pilot Program; and allowing for members of the Municipal Home Rule Board, with the exception of ex officio nonvoting members, to be reimbursed for travel and other reasonable expenses.

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 265, Allowing library volunteers necessary access to user records.

And has amended same.

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

Respectfully submitted,

Craig Blair,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with an amendment from the Committee on Government Organization pending.

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, Gaunch, Mullins and Boso:

Senate Bill 296—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-30; and to amend and reenact §57-5-4j of said code, all 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 Walters, Boso, Plymale and Miller:

Senate Bill 297—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-4-17e, relating to installation of conduit for fiber optic cable on state highway construction projects.

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

By Senator Walters:

Senate Bill 298—A Bill to amend and reenact §11-16-18 of the Code of West Virginia, 1931, as amended; to amend and reenact §60-3A-18 of said code; to amend and reenact §60-7-12 of said code; and to amend and reenact §60-8-34 of said code, all relating to allowing restaurants, private clubs and wineries to sell 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 Plymale, Laird and Miller:

Senate Bill 299—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 Education; and then to the Committee on Finance.

By Senators Trump, Takubo and Gaunch:

Senate Bill 300—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-6-6c, relating to additional dedicated fee for 911.

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

By Senators Ferns, Gaunch, Mullins and Takubo:

Senate Bill 301—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 prejudgment and post-judgment interest.

Referred to the Committee on the Judiciary.

By Senators Ferns, Mullins and Takubo:

Senate Bill 302—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-30, all relating to product liability actions; limitation of 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 Blair, Walters, Boso, Gaunch, Maynard, Palumbo, Snyder and Woelfel:

Senate Bill 303—A Bill to amend and reenact §20-2-35 of the Code of West Virginia, 1931, as amended, relating to wildlife resources; and providing that all hunting and fishing licenses are valid for one year from the date issued.

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

By Senators Ferns, Takubo, Ashley, Karnes, Laird, Leonhardt, Palumbo, Plymale, Prezioso, Stollings, Trump, Unger, Walters, Woelfel, Miller and Boso:

Senate Bill 304—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-4m; to amend said code by adding thereto a new section, designated §33-16-3y; to amend said code by adding thereto a new section, designated §33-24-7n; to amend said code by adding thereto a new section, designated §33-25-8k; and to amend said code by adding thereto a new section, designated §33-25A-8m, all relating to abuse-deterrent opioid analgesic drugs; providing insurance cover abuse-deterrent opioid analgesic drugs; providing direct health care services cover abuse-deterrent opioid analgesic drugs; providing certain contracts cover abuse-deterrent opioid analgesic drugs; defining terms; providing an effective date; providing for cost sharing; providing for cost tier location; and allowing cost containment measures.

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

By Senator Boso:

Senate Bill 305—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 Senator Blair:

Senate Bill 306—A Bill to amend and reenact §7-3-3 of the Code of West Virginia, 1931, as amended, relating to sale of county or district property; permitting property be sold at an on-site public auction or by utilizing an Internet-based service; and requiring notice of sale include notice of the time, terms, manner and place of sale or the Internet-based service to be utilized.

Referred to the Committee on Government Organization.

By Senator Beach:

Senate Bill 307—A Bill to amend and reenact §11-16-18 of the Code of West Virginia, 1931, as amended; to amend and reenact §60-4-3a and §60-4-3b; to amend and reenact §60-7-11 and §60-7-12 of said code; and to amend and reenact §60-8-34 of said code, all relating to allowing restaurants, private clubs and wineries to sell alcohol at 10:00 a.m. on Sundays; sale of alcohol by licensed manufacturers; authorizing licensed wineries, farm wineries, distilleries and mini-distilleries

to make retail sales of wine and alcoholic liquors manufactured by the winery, farm-winery, distillery or mini-distillery for consumption off the premises on Sundays beginning at 10:00 a.m.; authorizing licensed wineries, farm wineries, distilleries and mini-distilleries to offer complimentary samples for consumption on the premises on Sundays beginning at 10:00 a.m.; authorizing distilleries and mini-distilleries which manufacture less than fifty thousand gallons of alcoholic liquor per year to seek and hold a separate license to operate a private club on the premises of the distillery or mini-distillery; and allowing for the sale of products manufactured on the premises of the distillery or mini-distillery, other than in sealed packages, for consumption on the premises of any such private club.

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

By Senator Blair:

Senate Bill 308—A Bill to amend and reenact §30-40-6 of the Code of West Virginia, 1931, as amended, relating to terms of appointed members of the Real Estate Commission.

Referred to the Committee on Government Organization.

By Senator Blair:

Senate Bill 309—A Bill to amend and reenact §49-2-113 of the Code of West Virginia, 1931, as amended, relating to child-care center licensing requirements; and exempting county parks and recreation commissions from licensure.

Referred to the Committee on Government Organization.

By Senator Trump:

Senate Bill 310—A Bill to amend and reenact §29B-1-4 of the Code of West Virginia, 1931, as amended, relating to exempting from disclosure by state officials certain personal information relating to active and retired law-enforcement officers, judges, prosecuting attorneys, members of the Legislature and elected officials, and their spouses and children, as protection against false claims and suits brought by members of Sovereign Citizens.

Referred to the Committee on the Judiciary.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Walters.

The Senate proceeded to the thirteenth order of business.

Senator Cole (Mr. President) announced the replacement of Senator Trump as Vice Chair of the Committee on Agriculture and Rural Development with Senator Leonhardt.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Carmichael, the Senate adjourned until Monday, January 18, 2016, at 11 a.m.

SENATE CALENDAR

**Monday, January 18, 2016
11:00 AM**

FIRST READING

S. B. No. 253 - Exempting drug treatment and drug recovery facilities from county and municipal ordinances.

Com. Sub. for S. B. No. 263 - Allowing travel and other expense reimbursement for members of Municipal Home Rule Board.

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2016

Monday, January 18, 2016

1 p.m.

Agriculture & Rural Development

(Room No. 451M)