

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE
REGULAR SESSION, 2016
FIFTY-THIRD DAY

Charleston, W. Va., Saturday, March 5, 2016

The Senate met at 9 a.m.

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

Prayer was offered by the Honorable Charles S. Trump IV, a senator from the fifteenth district.

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 Friday, March 4, 2016,

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 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, and requested the concurrence of the Senate in the House of Delegates amendments, as to

Eng. Com. Sub. for Senate Bill 13, Increasing penalties for overtaking and passing stopped school buses.

On motion of Senator Carmichael, 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 12. SPECIAL STOPS REQUIRED.**§17C-12-7. Overtaking and passing school bus; penalties; signs and warning lights upon buses; requirements for sale of buses; mounting of cameras; educational information campaign; limitation on idling.**

(a) This law shall be known as Haven's Law.

(b) The driver of a vehicle, upon meeting or overtaking from either direction any school bus which has stopped for the purpose of receiving or discharging any school children, shall stop the vehicle before reaching the school bus when there is in operation on the school bus flashing warning signal lights, as referred to in section eight of this article, and the driver may not proceed until the school bus resumes motion, or is signaled by the school bus driver to proceed or the visual signals are no longer actuated. This section applies wherever the school bus is receiving or discharging children including, but not limited to, any street, highway, parking lot, private road or driveway: *Provided*, That the driver of a vehicle upon a controlled access highway need not stop upon meeting or passing a school bus which is on a different roadway or adjacent to the highway and where pedestrians are not permitted to cross the roadway.

~~(b) (c)(1) Where the actual identity of the operator of a motor vehicle operated in violation of subsection (a) of this section is known Any driver acting in violation of subsection (a) of this section then that driver is guilty of a misdemeanor and, upon conviction for a first offense, shall be fined not less than \$150 or more than \$500, or confined not less than two days nor more than six months and shall be fined not less than \$200 nor more than \$2,500: *Provided*, That such jail term shall include actual confinement of not less than twenty-four hours: *Provided, however*, That a person sentenced pursuant to this subsection shall receive credit for any period of actual confinement he or she served upon arrest for the subject offense. Upon conviction of a second violation of subsection (a), the driver shall be fined \$500, or confined in jail not more than six months, or both fined and confined in jail for not more than one week nor more than one year, and shall be fined not less than \$2,500 nor more than \$5,000. Upon conviction of a third or subsequent violation of subsection (a), the driver shall be fined \$500, and confined not less than twenty-four hours in jail but not more than six months is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than two nor more than five years and the court may, in its discretion, impose a fine of not less than \$5,000 nor more than \$10,000.~~

~~(2) In addition to the penalties prescribed in subdivision (1) of this subsection, the Commissioner of Motor Vehicles shall, upon conviction, suspend the driver's license of the person so convicted:~~

~~(1) Of a first offense under subdivision (1) of this subsection, for a period of thirty days;~~

~~(2) Of a second offense under subdivision (1) of this subsection, for a period of ninety days; or~~

~~(3) Of a third or subsequent offense under subdivision (1) of this subsection, for a period of one hundred eighty days.~~

~~(c) (d) In addition to the penalties prescribed in subsections (b) of this section, the Commissioner of Motor Vehicles shall, upon conviction, suspend the driver's license of the person so convicted:~~

~~(1) Of a first offense under subsection (b) of this section, for a period of thirty days;~~

~~(2) Of a second offense under subsection (b) of this section, for a period of ninety days; or~~

~~(3) Of a third or subsequent offense under subsection (b) of this section, for a period of one hundred and eighty days.~~

Where the actual identity of the operator of a motor vehicle operated in violation of subsection (a) of this section is unknown but the license plate number of the motor vehicle is known, it may be inferred that the operator was an owner or lessee of the motor vehicle, and the Commissioner of Motor Vehicles shall

(1) For a first offense under subsection (b) of this section, assess fees of not less than \$200 nor more than \$2,500;

(2) For a second offense under subsection (b) of this section, assess fees of not less than \$2,500 nor more than \$5,000; and

(3) For a third or subsequent offense under subsection (b) of this section, assess fees of not less than \$5,000 nor more than \$10,000.

Where there is more than one registered owner or lessee, the inference created by this subsection shall apply to the first listed owner or lessee as found on the motor vehicle registration.

~~(d)~~ (e) Any driver of a vehicle who willfully violates the provisions of subsection (a) of this section and the violation causes serious bodily injury to any person other than the driver, is guilty of a felony and, upon conviction, shall be confined in a state correctional facility not less than ~~one~~ two years nor more than ~~three~~ ten years and fined not less than ~~\$500~~ \$2,000 nor more than ~~\$2,000~~ \$15,000. Any driver of a vehicle who willfully violates the provisions of subsection (a) of this section and the violation causes a bodily injury to any person other than himself or herself, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than one week nor more than one year, or fined not less than \$1,000 nor more than \$5,000, or both.

~~(e)~~ (f) Any driver of a vehicle who willfully violates the provisions of subsection (a) of this section, and the violation causes death, is guilty of a felony and, upon conviction, shall be confined in a state correctional facility not less than ~~one~~ three years nor more than ~~ten~~ fifteen years and fined not less than ~~\$1,000~~ \$5,000 nor more than ~~\$3,000~~ \$20,000. *Provided, That any death charged under this subsection must occur within one year of the offense.*

~~(f)~~ (g) Every bus used for the transportation of school children shall bear upon the front and rear of the bus a plainly visible sign containing the words "school bus" in letters not less than eight inches in height. When a contract school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school, all markings on the contract school bus indicating "school bus" shall be covered or concealed. Any school bus sold or transferred to another owner by a county board of education, agency or individual shall have all flashing warning lights disconnected and all lettering removed or permanently obscured, except when sold or transferred for the transportation of school children.

~~(g)~~ (h) Every county board of education is hereby authorized to mount a camera on any school bus for the purpose of enforcing this section or for any other lawful purpose.

~~(h)~~ (i) To the extent that state, federal or other funds are available, the State Police shall conduct an information campaign to educate drivers concerning the provisions of this section and the importance of school bus safety.

~~(i)~~ (j) The State Board of Education shall promulgate a rule in accordance with the provisions of article three-b, chapter twenty-nine-a of this code governing the idling of school buses.;

And,

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

Eng. Com. Sub. for Senate Bill 13—A Bill to amend and reenact §17C-12-7 of the Code of West Virginia, 1931, as amended, relating to the offense of overtaking and passing school bus stopped for the purpose of receiving and discharging children; designated as “Haven’s Law”; increasing criminal penalties for the offense where the identity of the driver is known; providing for license suspension for the offense where the identity of the driver is known; providing for assessment of administrative fees against the registered owner or lessee in the event that the driver of the passing vehicle cannot be ascertained at time of alleged offense; and increasing penalties for persons convicted of the offense where bodily injury or serious bodily injury occur as a result of the offense.

On motion of Senator Carmichael, the Senate refused to concur in the foregoing House amendments to the bill (Eng. Com. Sub. for S. B. 13) and requested the House of Delegates to recede therefrom.

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 amendment by that body to the title of the bill, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

Eng. Com. Sub. for Com. Sub. for Senate Bill 27, Permitting county commissions hire outside attorneys for collection of taxes through courts.

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

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 27—A Bill to amend and reenact §7-5-24 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11A-2-2 of said code, all relating to permitting county commissions to hire outside attorneys to prosecute actions or defend the county’s interest in any proceeding before any United States Bankruptcy Court; providing for outside attorney to be reimbursed for actual expenses directly incurred in the representation; providing that engagements of outside counsel be in writing; requiring that hourly engagements with outside attorneys contain a cumulative cap of any hourly fees charged on a per-case basis; requiring that contingency fee agreements with outside attorneys contain a percentage cap on money or things of value recovered; and requiring attorney fees or costs be paid prior to distribution to taxing units.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendment to the title of the bill.

Engrossed Committee Substitute for Committee Substitute for Senate Bill 27, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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 Com. Sub. for S. B. 27) 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 amendment by that body, passage as amended, 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 254, Not allowing county park commissions to prohibit firearms in facilities.

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

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

On page one, section five, line twelve, by striking out the word “court” and inserting in lieu thereof the word “commission”;

And,

On page one, section five, line thirteen, by striking out the word “court” and inserting in lieu thereof the word “commission”.

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

Engrossed (Eng. Com. Sub. for S. B. 254), as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 254) passed with its title.

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 254) 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 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. Com. Sub. for Senate Bill 283, Creating crime when fire is caused by operation of a clandestine drug laboratory.

On motion of Senator Carmichael, 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 clause and inserting in lieu thereof the following:

That §60A-4-411 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

§60A-4-411. Operating or attempting to operate clandestine drug laboratories; offenses; penalties.

(a) Any person who operates or attempts to operate a clandestine drug laboratory is guilty of a felony and, upon conviction, shall be confined in a state correctional facility for not less than two years nor more than ten years or fined not less than \$5,000 nor more than \$25,000, or both.

(b) Any person who operates or attempts to operate a clandestine drug laboratory and who as a result of, or in the course of doing so, causes to be burned any dwelling, outbuilding, building or structure of any class or character is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than two nor more than ten years or fined not less than \$1,000 nor more than \$5,000, or both imprisoned and fined.

~~(b)~~ (c) For purposes of this section, a “clandestine drug laboratory” means any property, real or personal, on or in which a person assembles any chemicals or equipment or combination thereof for the purpose of manufacturing methamphetamine, methylenedioxymethamphetamine or lysergic acid diethylamide in violation of the provisions of section four hundred one of this article.

(d) The offenses in subsections (a) and (b) of this section are separate and distinct offenses, and shall not be construed to be a lesser included offense of each other.

(e) For purposes of W.Va. Code §61-2-1, both subsection (a) and (b) of this section shall be deemed qualifying felony offenses of manufacturing and delivery of a controlled substance.

~~(e)~~ (f) Any person convicted of a violation of subsection (a) or (b) of this section shall be responsible for all reasonable costs, if any, associated with remediation of the site of the clandestine drug laboratory.;

And,

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

Eng. Com. Sub. for Senate Bill 283—A Bill to amend and reenact §60A-4-411 of the Code of West Virginia, 1931, as amended, relating to creating a crime of causing the burning of a dwelling, outbuilding, building or other structure while operating or attempting to operate a clandestine drug laboratory; establishing criminal penalties; clarifying the offense as a separate and distinct offense from operation or attempted operation of a clandestine drug laboratory; making clear that operation or attempted operation of a clandestine drug lab is not a lesser included offense; providing that the offenses are qualifying felony offenses of manufacturing and delivery of a controlled substance for

purposes of first degree murder; and providing for payment of all reasonable costs, if any, associated with remediation of the site of the clandestine drug laboratory upon conviction.

On motion of Senator Carmichael, the Senate refused to concur in the foregoing House amendments to the bill (Eng. Com. Sub. for S. B. 283) and requested the House of Delegates to recede therefrom.

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 passage of, to take effect from passage, of

Eng. Senate Bill 379, Relating to candidate filing fees.

A message from The Clerk of the House of Delegates announced the concurrence by that body in the adoption of the committee of conference report, passage as amended by the conference report with its conference amended title, of

Eng. Senate Bill 509, Removing 10-day requirement Division of Labor has to inspect amusement rides and attractions.

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

Eng. Com. Sub. for Senate Bill 582, Providing refundable tax credit for motor fuel sold for use or consumed in railroad diesel locomotives.

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

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

Eng. Com. Sub. for Senate Bill 582—A Bill to amend and reenact §11-14C-9 of the Code of West Virginia, 1931, as amended, relating to providing a refundable exemption from the flat rate component of the state motor fuel excise tax on all gallons of motor fuel sold for use or consumed in railroad diesel locomotives; setting a cap on the exemption per year; requiring a proportionate disbursement if claims exceed the cap; and allowing the Tax Commissioner to propose legislative rules to administer this exemption.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendment to the title of the bill.

Engrossed Committee Substitute for Senate Bill 582, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 582) 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 amended title, passage as amended, of

Enr. Com. Sub. for House Bill 2800, Adding law-enforcement officers' contact information and names of family members to the list of exemptions from public records requests.

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, to take effect July 1, 2016, 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 4228, Relating to transportation network companies.

On motion of Senator Carmichael, 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:

On page eight, section ten, by striking out all of subsection (c) and inserting in lieu thereof a new subsection, designated subsection (c), to read as follows:

(c) In a claims coverage investigation, transportation network companies and any insurer providing coverage under section eight of this article shall cooperate to facilitate the exchange of relevant information with directly involved parties and any insurer of the transportation network company driver if applicable, including the precise times that a transportation network company driver logged on and off of the transportation network company's digital network in the twelve hour period immediately preceding and in the twelve hour period immediately following the accident and disclose to one another a clear description of the coverage, exclusions and limits provided under any automobile insurance maintained under section eight of this article.

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

Engrossed Committee Substitute for House Bill 4228, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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 H. B. 4228) passed with its Senate amended title.

Senator Carmichael moved that the bill take effect July 1, 2016.

On this question, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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 H. B. 4228) takes effect July 1, 2016.

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

Executive Communications

Senator Cole (Mr. President) laid before the Senate the following communication from His Excellency, the Governor, which was read by the Clerk:

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

March 3, 2016

VIA HAND DELIVERY

The Honorable Tim Armstead
Speaker, West Virginia House of Delegates
Room 228M, Building 1
State Capitol Complex
1900 Kanawha Blvd., East
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for House Bill 4145

Dear Speaker Armstead:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return the Enrolled Committee Substitute for House Bill 4145. This bill authorizes, among other things, United States citizens or legal residents of at least twenty-one years of age to carry a concealed deadly weapon without a license, provided they are not otherwise prohibited from possessing a firearm under state or federal law. Law enforcement officers throughout West Virginia have voiced overwhelming opposition to this bill. In light of their concerns and in the interest of public safety, the exercise of my veto power is appropriate.

Further, I wish to point out that the tax credit provision in § 61-7-4(r) is ill-advised and unclear. See p. 9, lines 165-168. Not only will the tax credit have a negative fiscal impact on the state's budget, it will be difficult for the State Tax Department to administer. For example, the tax credit provision fails to identify the tax to which it applies, whether the credit is refundable, and whether it is a one-time credit or may be claimed in subsequent years.

In view of the foregoing, I hereby disapprove and return the Enrolled Committee Substitute for House Bill 4145.

Sincerely,

Earl Ray Tomblin
Governor

cc: The Hon. William P. Cole III
President of the Senate
The Hon. Natalie E. Tennant
Secretary of State

A message from The Clerk of the House of Delegates announced the reconsideration and passage of a bill disapproved and returned by the Governor with his objections, and requested the concurrence of the Senate in the passage, of

Enr. Com. Sub. for House Bill 4145, Relating to carry or use of a handgun or deadly weapon.

Senator Carmichael moved that in accordance with Section 14, Article VII of the Constitution of the State of West Virginia, the Senate proceed to reconsider

Enr. Com. Sub. for House Bill 4145, Relating to carry or use of a handgun or deadly weapon.

Heretofore disapproved and returned by His Excellency, the Governor, with his objections.

The question being on the adoption of Senator Carmichael's motion that the Senate reconsider Enrolled Committee Substitute for House Bill 4145, the same was put and prevailed.

The question now being on the passage of the bill, disapproved by the Governor.

Pending discussion,

On the passage of the bill, the yeas were: Blair, Boley, Boso, Carmichael, Cline, Ferns, Gaunch, Karnes, Kessler, Kirkendoll, Leonhardt, Maynard, Mullins, Plymale, Prezioso, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams and Cole (Mr. President)—23.

The nays were: Ashley, Beach, Facemire, Hall, Laird, Miller, Palumbo, Romano, Snyder, Woelfel and Yost—11.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Enr. Com. Sub. for H. B. 4145) passed with its title, as a result of the objections of the Governor.

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

The Clerk then presented a communication from His Excellency, the Governor, advising that on March 4, 2016, he had approved **Enr. Committee Substitute for House Bill 3019**.

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 4th day of March, 2016, 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. 2800), Adding law-enforcement officers' contact information and names of family members to the list of exemptions from public records requests.

(Second Enrollment Com. Sub. for H. B. 4007), Relating generally to appointment of attorneys to assist the Attorney General.

And,

(Com. Sub. for H. B. 4163), Providing the authority and procedure for municipalities to give notice to, and publish the names of, entities delinquent in paying business and occupation taxes.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
John B. McCuskey,
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

Eng. Com. Sub. for House Bill 2588, Relating to the filing of financial statements with the Secretary of State.

And has amended same.

Eng. Com. Sub. for House Bill 4587, Relating to violations associated with absent voters' ballots.

And has amended same.

And,

Eng. House Bill 4725, Relating to providing the procedures for the filling of vacancies in the offices of justices of the Supreme Court of Appeals, circuit judge, family court judge or magistrate and making certain clarifications.

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.

At the request of Senator Trump, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 2588 and 4587 and Eng. H. B. 4725) 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

Eng. Com. Sub. for House Bill 2615, West Virginia Small Business Capital Act.

And,

Eng. Com. Sub. for House Bill 4188, Relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Mike Hall,
Chair.

At the request of Senator Hall, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 2615 and 4188) 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 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 2801, Permitting county commissions and municipalities to designate areas of special interest which will not affect the use of property in those areas.

Eng. Com. Sub. for House Bill 4225, Relating to patriotic displays at public buildings.

And,

Eng. Com. Sub. for House Bill 4319, Including in the definition of "veteran" active members of the Guard and Reserve in order to exempt them from fees charged by the Secretary of State.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Craig Blair,
Chair.

At the request of Senator Blair, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 2801, 4225 and 4319) contained in the preceding report from the Committee on Government Organization were each taken up for immediate consideration, read a first time and ordered to second reading.

On motion of Senator Blair, Engrossed Committee Substitute for House Bill 4319 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

Eng. Com. Sub. for House Bill 2823, Eliminating the street and interurban and electric railways tax.

And,

Eng. Com. Sub. for House Bill 4377, Eliminating exemption from hotel occupancy taxes on rental of hotel and motel rooms for thirty or more consecutive days.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Mike Hall,
Chair.

At the request of Senator Hall, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 2823 and 4377) 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

Eng. Com. Sub. for House Bill 4209, Relating generally to health care provider taxes.

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

Respectfully submitted,

Mike Hall,
Chair.

At the request of Senator Hall, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 4209) 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

Eng. Com. Sub. for House Bill 4213, Uniform Deployed Parents Custody and Visitation Act.

And has amended same.

And,

Eng. House Bill 4489, Relating generally to human trafficking.

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.

At the request of Senator Trump, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 4213 and Eng. H. B. 4489) 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 Sypolt, 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 4295, Relating to the School Innovation Zones 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 Finance.

Respectfully submitted,

Dave Sypolt,
Chair.

At the request of Senator Hall, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 4295) was taken up for immediate consideration, second committee reference dispensed with, read a first time and ordered to second reading.

Senator Sypolt, 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 4322, Expanding the Learn and Earn Program.

And,

Eng. House Bill 4617, Authorizing legislative rules of the Higher Education Policy Commission regarding the Underwood-Smith Teacher Scholarship Program and Nursing Scholarship Program.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Dave Sypolt,
Chair.

At the request of Senator Sypolt, unanimous consent being granted, the bills (Eng. Com. Sub. for H. B. 4322 and Eng. H. B. 4617) contained in the preceding report from the Committee on Education 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

Eng. Com. Sub. for House Bill 4433, Allowing an adjustment to gross income for calculating the personal income tax liability of certain retirees.

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

Respectfully submitted,

Mike Hall,
Chair.

At the request of Senator Hall, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 4433) 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

Eng. Com. Sub. for House Bill 4520, Clarifying that certain hospitals have only one governing body whose meetings shall be open to the public.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Trump, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 4520) 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 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 4561, Creating a special hiring process for West Virginia Division of Highways employees.

And has amended same.

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

Respectfully submitted,

Craig Blair,
Chair.

At the request of Senator Blair, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 4561) 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 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 4612, Relating generally to tax increment financing and economic opportunity development districts.

And has amended same.

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

Respectfully submitted,

Mike Hall,
Chair.

At the request of Senator Hall, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 4612) 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

Eng. House Bill 4705, Relating to adding an additional type of West Virginia source income of nonresident individual.

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

Respectfully submitted,

Mike Hall,
Chair.

At the request of Senator Hall, unanimous consent being granted, the bill (Eng. H. B. 4705) 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 Boso, 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. House Bill 4726, Relating to coal mining generally.

And has amended same.

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

Respectfully submitted,

Gregory L. Boso,
Chair.

At the request of Senator Boso, unanimous consent being granted, the bill (Eng. H. B. 4726) contained in the preceding report from the Committee on Energy, Industry and Mining was taken up for immediate consideration, read a first time and ordered to second reading.

The Senate proceeded to the sixth order of business.

Senators Boley, Unger, Stollings and Ashley offered the following resolution:

Senate Concurrent Resolution 63—Requesting the Joint Committee on Government and Finance study the demand for, and shortage of, teachers throughout West Virginia.

Whereas, The West Virginia State Superintendent of Schools has stated that there are approximately six hundred classroom vacancies for educational personnel; and

Whereas, The Nationwide Listing of Teacher Shortage Areas produced by the United States Department of Education recognizes critical shortages of teachers in nearly every county of the state and in most disciplines in the curriculum from prekindergarten to grade twelve; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study the demand for, and shortage of, teachers throughout West Virginia; and, be it

Further Resolved, That the areas to be investigated should include, but not be limited to, the following matters: The shortage of teachers, by subject, in the elementary grades, middle grades and high school grades based upon posted position openings; the number of teachers licensed or certified in West Virginia by subject in elementary, middle school and high school education for the past ten years; the number of students graduating from a West Virginia institution of higher education with an undergraduate degree in education for the past ten years; the number of teachers currently teaching outside their area of specialty, broken down by county and by elementary, middle and high school; and the current methods and requirements for teacher certification that exist for elementary and secondary education teachers in this state; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2017, 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.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for House Bill 4146, Providing insurance cover abuse-deterrent opioid analgesic drugs.

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: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. 4146) 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 4235, Relating to the publication requirements of the administration of 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: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. H. B. 4235) passed.

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

Eng. House Bill 4235—A Bill to amend and reenact §44-3A-4, §44-3A-4a and §44-3A-32 of the Code of West Virginia, 1931, as amended, all relating to notice requirements for claims against an estate; requiring claims against estates to be filed within sixty days of publication of Class II legal advertisement; modifying language of advertisement to reflect sixty-day deadline for exhibiting claims against estate of decedent; authorizing fiduciary supervisor to proceed with supervision of estates following expiration of sixty-day deadline; permitting closure after sixty days following publication by short form settlements of estates; and barring recovery for claims against an estate not presented within specified time period except under certain circumstances.

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

Eng. House Bill 4362, Establishing a felony offense of strangulation.

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: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (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. H. B. 4362) passed.

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

Eng. House Bill 4362—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-9d, relating to crimes against the person; establishing the felony offense of strangulation; defining terms; and providing penalties.

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 427, Transferring funds from State Excess Lottery Fund to Department of Revenue.

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 2122, Making it illegal for first responders to photograph a corpse; Jonathan'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 clause and inserting in lieu thereof the following:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §61-8-30, to read as follows:

ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY AND DECENCY.

§61-8-30. Photography of a corpse or person being provided medical care or assistance; prohibitions; exceptions; Jonathan's Law.

(a) As used in this section:

(1) "Disclose" means to sell, manufacture, give, provide, lend, trade, mail, deliver, transfer, publish, distribute, circulate, disseminate, present, exhibit, advertise, offer or otherwise make available or make known to any third party.

(2) "First responder" means law-enforcement officers, firefighters, emergency medical services personnel and other similar individuals authorized to respond to calls for public safety services or emergency medical assistance.

(b)(1) A first responder who is or present at a motor vehicle accident or other emergency situation for the purpose of providing public safety services or medical care or assistance shall not photograph, film, videotape, record or otherwise reproduce in any manner the image of a human corpse or a person being provided medical care or assistance, except for a legitimate law-enforcement purpose, public safety purpose, health care purpose, insurance purpose, legal investigation or legal proceeding involving an injured or deceased person or pursuant to a court order.

(2) A first responder shall not knowingly disclose any photograph, film, videotape, record or other reproduction of the image of a human corpse or a person being provided medical care or assistance at the scene of a motor vehicle accident or other emergency situation without prior written consent of the injured person, the person's next-of-kin if the injured person cannot provide consent, or personal representative under law of a deceased person, unless that disclosure is for a legitimate law enforcement purpose, public safety purpose, health care purpose, insurance purpose, legal investigation or legal proceeding involving an injured or deceased person or pursuant to a court order.

(3) Any person who violates subdivision (1) or (2) of this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 nor more than \$500. For a second offense, the person is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for twenty-four hours and shall be fined not less than \$100 nor more than \$750. For a third or subsequent offense, the person is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than twenty-four hours nor more than six months and shall be fined not less than \$1,000 nor more than \$5,000.

(c) This section shall be known as "Jonathan's Law".

The bill (Eng. Com. Sub. for H. B. 2122), as amended, was then ordered to third reading.

Eng. House Bill 2796, Providing paid leave for certain state officers and employees during a declared state of emergency.

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

Eng. House Bill 4157, Supplementing, amending, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways.

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

Eng. House Bill 4159, Making a supplementary appropriation to the Public Services Commission – Motor Carrier Division.

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

Eng. House Bill 4160, Making a supplementary appropriation to the Department of Revenue, Tax Division.

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

Eng. Com. Sub. for House Bill 4279, Relating to disposition of seized firearms.

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

Eng. Com. Sub. for House Bill 4310, Relating to the West Virginia University Institute of Technology.

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

The following amendments to the bill, from the Committee on Education, were reported by the Clerk, considered simultaneously, and adopted:

On page two, section one, line twenty-seven, after the words “Virginia University” by inserting the word “Institute”;

On page three, section one, line fifty-two, by striking out “Collegeand” and inserting in lieu thereof the words “College and”;

On page four, section one, line sixty-four, after “(2)” by striking out the words “among West Virginia University Institute of Technology, West Virginia University, the County Commission of Kanawha County, the County Commission of Fayette, and the City of Smithers” and inserting in lieu thereof the words “among West Virginia University Institute of Technology, West Virginia University, the County Commission of Kanawha County, the County Commission of Fayette County, the City of Smithers, and the City of Montgomery, should it elect to do so”;

On page four, section one, line seventy-one, after the word “among” by striking out the words “West Virginia University Institute of Technology, West Virginia University, Marshall University, Concord University, and Bluefield State College” and inserting in lieu thereof the words “West Virginia

University Institute of Technology, West Virginia University, Marshall University, Concord University, Bluefield State College and the West Virginia School of Osteopathic Medicine”;

And,

On page six, section two, line thirty-seven, after the word “with” by striking out the words “the County Commission of Kanawha County, the County Commission of Fayette County, and the City of Smithers” and inserting in lieu thereof the words “the County Commission of Kanawha County, the County Commission of Fayette County, the City of Smithers and the City of Montgomery, should it elect to do so”.

On motion of Senator Plymale, the following amendment to the bill (Eng. Com. Sub. for H. B. 4310) was next reported by the Clerk and adopted:

On page four, section one, line seventy, after the word “Collaboration” by inserting the words “in engineering and other appropriate programs”.

The bill (Eng. Com. Sub. for H. B. 4310), as amended, was then ordered to third reading.

Eng. House Bill 4324, Authorizing information sharing by Workforce West Virginia.

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

Eng. Com. Sub. for House Bill 4330, Relating to make unlawful to take a fish, water animal or other aquatic organism from state waters to stock a commercial pond or lake.

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

Eng. House Bill 4346, Relating to bear hunting and offenses and penalties.

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, considered simultaneously, and adopted:

On page four, section twenty-two-a, lines seventy through seventy-three, after the word “wildlife.” by striking out the remainder of the paragraph;

And,

On page four, section twenty-two-a, line eighty, after the word “article” by changing the period to a colon and inserting the following proviso: Provided, That the claimant shall submit accurate information as to whether he or she is insured for the damages caused by the acts of bear on forms prescribed by the director, and all damage claims shall first be made by the claimant against any insurance policies before payment may be approved from the Bear Damage Fund. Claims for an award of compensation from the Bear Damage Fund shall be reduced or denied in the amount the claimant is actually reimbursed by insurance for the economic loss upon which the claim is based.

The bill (Eng. H. B. 4346), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 4505, Allowing powerball winners to remain anonymous.

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

Eng. Com. Sub. for House Bill 4540, Removing prohibition of disposal of certain electronics in landfills.

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

Eng. House Bill 4558, Relating to victim notification and designation of additional individuals to receive notice of an offender's release.

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 11A. VICTIM PROTECTION ACT OF 1984.

§61-11A-8. Notification to victim of offender's release, placement, or escape from custody.

(a) At the time a criminal prosecution is commenced by the filing of a complaint, if the complaint charges a person with committing an offense described in subsection (e) of this section, then ~~in such case~~ the prosecuting attorney is required to provide notice, in writing or by telephone, to the victim or a family member that he or she may request that they be notified prior to or at the time of any release of the accused from custody pending judicial proceedings.

(b) If a person is convicted of an offense described in subsection (e) of this section, the prosecuting attorney is required to provide notice, in writing or by telephone, to the victim or a family member that he or she may request that they be notified prior to or at the time of sentencing if the convicted person will be placed on work release, home confinement or probation.

(c) If a person is convicted of an offense described in subsection (e) of this section and is imprisoned in a state correctional facility or confined in a county or regional jail, the commissioner of corrections, the regional jail supervisor or the sheriff, as the case may be, is required to provide notice, in writing or by telephone, to the victim or a family member that he or she may request that they be notified prior to or at the time of:

- (1) Releasing the convicted person from imprisonment in any correctional facility;
- (2) Releasing the convicted person from confinement in any ~~county or regional~~ jail;
- (3) Placing the convicted person in a halfway house or other nonsecure facility to complete his or her sentence; or
- (4) Any escape by the convicted person from a state correctional facility or a ~~county or regional~~ jail.

(d) The notice shall include instructions for the victim or the victim's family member on how to request the notification.

(e) Offenses which are subject to the provisions of this section are as follows:

- (1) Murder;
- (2) Aggravated robbery;

- (3) Sexual assault in the first degree;
- (4) Kidnapping;
- (5) Arson;
- (6) Any sexual offense against a minor; or
- (7) Any violent crime against a person.

(f) The Commissioner of Corrections, a regional jail supervisor, a sheriff or a prosecuting attorney who receives a written request for notification shall provide notice, in writing or by telephone, to the last known address or addresses or telephone number or numbers provided by the victim or a member of the victim's family, or in the case of a minor child, to the custodial parent, guardian or custodian of the child, in accordance with the provisions of this section. In case of escape, notification shall be by telephone, if possible.

(g) If one or more family members of a victim request notification and if the victim is an adult and is alive and competent, notification shall be sent to the victim, if possible, notwithstanding that ~~the victim~~ he or she did not request the notification. If the victim is deceased or an adult who is alive but not competent, the notice shall be sent to the first family member requesting notice in conformity with this section.

(h) If notification by telephone to a victim is attempted, notification is not complete unless it is given directly to the person requesting notification and after that person's identity has been verified. An attempted notification made to a voice mail or another recording device or to another member of the household is insufficient.

(i) For the purposes of this section, the following words or phrases defined in this subsection have the meanings ascribed to them. These definitions are applicable unless a different meaning clearly appears from the context.

(1) "Filing of a complaint" means the filing of a complaint in accordance with the ~~requirements of rules~~ West Virginia Rules of Criminal Procedure promulgated by the Supreme Court of Appeals or the provisions of this code.

(2) "Victim" means a victim of a crime listed in subsection (e) of this section who is alive and competent.

(3) "Victim's family member" means a member of the family of a victim of a crime listed in subsection (e) of this section who is not alive and competent.

(j) In addition to those persons required to be notified under this section, a victim may designate an additional adult individual to receive notice provided for by this section: *Provided*, That the obligation to notify the additional individuals under this section only arises if the additional adult individual's contact information is provided in writing by the victim to the appropriate notifying entity.

The bill (Eng. H. B. 4558), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 4604, Relating to violations of the Ethics Act.

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:

On page three, section four, lines forty-seven through forty-nine, by striking out all of subsection (e) and inserting in lieu thereof a new subsection, designated subsection (e), to read as follows:

(e) Unless consented to by both the respondent and complainant or unless the commission makes a good cause determination in writing the investigation and a determination as to probable cause shall not exceed eighteen months.

The bill (Eng. Com. Sub. for H. B. 4604), as amended, was then ordered to third reading.

Eng. House Bill 4644, Relating to jury fees.

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

Eng. House Bill 4654, Relating to the Executive Secretary of the Board of Registered Professional Nurses.

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

Eng. Com. Sub. for House Bill 4673, Providing for a crime for the theft, damage or release of deer from private game farms.

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:

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

That §19-2H-11 of the Code of West Virginia, 1931, as amended, be amended and reenacted, to read as follows:

ARTICLE 2H. CAPTIVE CERVID FARMING ACT.

§19-2H-11. Prohibited conduct; criminal penalties.

(a) A person may not release or permit the release of any captive cervids from a captive cervid farming facility.

(b) A person may not cause the entry or introduction of wild cervids into a captive cervid farming facility.

(c) An owner may not cease operation of or abandon a captive cervid farming facility without complying with the requirements and rules promulgated under this article.

(d) Any person who violates subsection (a) or (b) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than ninety days, or fined not more than \$300, or both fined and confined for a first offense. Any person who violates subsection (a) or (b) of this section for a second or subsequent offense is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not more than one year, or fined not more than \$1,000, or both fined and confined.

(e) Any person who intentionally or knowingly violates subsection (a), (b) or (c) of this section is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility not less than one nor more than three years, or fined not more than \$1,000, or both fined and imprisoned.

(f) A person may not kill, injure, take or release any captive cervid that is the property of another. A person who violates this subsection is guilty of a misdemeanor and, upon conviction thereof, may be fined not more than \$500 and pay restitution pursuant to sections four and five, article eleven-a, chapter sixty-one of this code.

The bill (Eng. Com. Sub. for H. B. 4673), as amended, was then ordered to third reading.

Eng. House Bill 4674, Relating to motor vehicle back-up lamps.

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

Eng. House Bill 4735, Relating to the definition of health care provider, and clarifying that speech-language pathologists and audiologists are two separate providers.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Miller.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Carmichael, the Senate adjourned until Monday, March 7, 2016, at 11 a.m.

SENATE CALENDAR

**Monday, March 07, 2016
11:00 AM**

SPECIAL ORDER OF BUSINESS

Thursday, March 10, 2016 - 11:00 A.M.

Consideration of executive nominations

UNFINISHED BUSINESS

S. C. R. 63 - Requesting study of demand for and shortage of teachers in WV.

THIRD READING

Eng. S. B. 427 - Transferring funds from State Excess Lottery Fund to Department of Revenue (original similar to HB4156).

Eng. Com. Sub. for H. B. 2122 - Making it illegal for first responders to photograph a corpse; Jonathan's Law - (Com. title amend. pending).

Eng. H. B. 2796 - Providing paid leave for certain state officers and employees during a declared state of emergency.

Eng. H. B. 4157 - Supplementing, amending, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways (original similar to SB441).

Eng. H. B. 4159 - Making a supplementary appropriation to the Public Services Commission – Motor Carrier Division (original similar to SB442).

Eng. H. B. 4160 - Making a supplementary appropriation to the Department of Revenue, Tax Division (original similar to SB448).

Eng. Com. Sub. for H. B. 4279 - Relating to disposition of seized firearms.

Eng. Com. Sub. for H. B. 4310 - Relating to the West Virginia University Institute of Technology (original similar to SB386).

Eng. H. B. 4324 - Authorizing information sharing by Workforce West Virginia (original similar to SB457).

Eng. Com. Sub. for H. B. 4330 - Relating to make unlawful to take a fish, water animal or other aquatic organism from state waters to stock a commercial pond or lake.

- Eng. H. B. 4346 - Relating to bear hunting and offenses and penalties - (Com. title amend. pending) (original similar to SB389).
- Eng. Com. Sub. for H. B. 4505 - Allowing powerball winners to remain anonymous.
- Eng. Com. Sub. for H. B. 4540 - Removing prohibition of disposal of certain electronics in landfills (original similar to SB473).
- Eng. H. B. 4558 - Relating to victim notification and designation of additional individuals to receive notice of an offender's release - (Com. title amend. pending).
- Eng. Com. Sub. for H. B. 4604 - Relating to violations of the Ethics Act - (Com. title amend. pending).
- Eng. H. B. 4644 - Relating to jury fees.
- Eng. H. B. 4654 - Relating to the Executive Secretary of the Board of Registered Professional Nurses - (Com. title amend. pending).
- Eng. Com. Sub. for H. B. 4673 - Providing for a crime for the theft, damage or release of deer from private game farms - (Com. title amend. pending).
- Eng. H. B. 4674 - Relating to motor vehicle back-up lamps.
- Eng. H. B. 4735 - Relating to the definition of health care provider, and clarifying that speech-language pathologists and audiologists are two separate providers.

SECOND READING

- Eng. Com. Sub. for H. B. 2588 - Relating to the filing of financial statements with the Secretary of State - (Com. amend. and title amend. pending).
- Eng. Com. Sub. for H. B. 2615 - West Virginia Small Business Capital Act.
- Eng. Com. Sub. for H. B. 2801 - Permitting county commissions and municipalities to designate areas of special interest which will not affect the use of property in those areas.
- Eng. Com. Sub. for H. B. 2823 - Eliminating the street and interurban and electric railways tax.
- Eng. Com. Sub. for H. B. 4188 - Relating to the development and implementation of a program to facilitate commercial sponsorship of rest areas.
- Eng. Com. Sub. for H. B. 4209 - Relating generally to health care provider taxes.
- Eng. Com. Sub. for H. B. 4213 - Uniform Deployed Parents Custody and Visitation Act - (Com. amend. and title amend. pending) (original similar to SB422).
- Eng. Com. Sub. for H. B. 4225 - Relating to patriotic displays at public buildings.
- Eng. Com. Sub. for H. B. 4295 - Relating to the School Innovation Zones Act - (Com. amend. and title amend. pending) (original similar to SB458).
- Eng. Com. Sub. for H. B. 4322 - Expanding the Learn and Earn Program (original similar to SB440).

- Eng. Com. Sub. for H. B. 4377 - Eliminating exemption from hotel occupancy taxes on rental of hotel and motel rooms for thirty or more consecutive days - (Com. amend. pending) (original similar to HB4430, SB521).
- Eng. Com. Sub. for H. B. 4433 - Allowing an adjustment to gross income for calculating the personal income tax liability of certain retirees.
- Eng. H. B. 4489 - Relating generally to human trafficking - (Com. amend. and title amend. pending).
- Eng. Com. Sub. for H. B. 4520 - Clarifying that certain hospitals have only one governing body whose meetings shall be open to the public (original similar to SB50).
- Eng. Com. Sub. for H. B. 4561 - Creating a special hiring process for West Virginia Division of Highways employees - (Com. amends. and title amend. pending).
- Eng. Com. Sub. for H. B. 4587 - Relating to violations associated with absent voters' ballots - (Com. amend. and title amend. pending).
- Eng. Com. Sub. for H. B. 4612 - Relating generally to tax increment financing and economic opportunity development districts - (Com. amend. and title amend. pending).
- Eng. H. B. 4617 - Authorizing legislative rules of the Higher Education Policy Commission regarding the Underwood-Smith Teacher Scholarship Program and Nursing Scholarship Program.
- Eng. H. B. 4705 - Relating to adding an additional type of West Virginia source income of nonresident individual.
- Eng. H. B. 4725 - Relating to providing the procedures for the filling of vacancies in the offices of justices of the Supreme Court of Appeals, circuit judge, family court judge or magistrate and making certain clarifications - (Com. title amend. pending).
- Eng. H. B. 4726 - Relating to coal mining generally - (Com. amend. pending).

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2016

Monday, March 7, 2016

8 a.m.	Education	(Room 451M)
1 p.m.	Military	(Room 451M)
2 p.m.	Banking & Insurance	(Room 208W)
3 p.m.	Finance	(Room 451M)