

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE  
REGULAR SESSION, 2017  
SIXTEENTH DAY

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Charleston, West Virginia, 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 its 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.

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## **SENATE CALENDAR**

**Friday, February 24, 2017  
11:00 AM**

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### **SPECIAL ORDER OF BUSINESS Thursday, March 09, 2017 – 11:00 AM**

Consideration of executive nominations

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### **UNFINISHED BUSINESS**

- S. C. R. 20 - Curtis 'Pap' and Millie 'Mammie' Asbury Bridge
- S. C. R. 21 - US Army CPL Daniel Frederick Mehringer Memorial Bridge
- S. R. 19 - Expressing support for confirmation of Judge Neil M. Gorsuch to US Supreme Court

### **THIRD READING**

- Eng. S. B. 41 - Extending time person may be subject to probation (original similar to HB2607)
- Eng. Com. Sub. for S. B. 113 - Authorizing DEP promulgate legislative rules (original similar to HB2229)
- Eng. S. B. 325 - Relating to crossbow hunting (original similar to HB2696)

### **SECOND READING**

- Com. Sub. for S. B. 9 - Regulating unmanned aircraft systems (original similar to SB218)
- Com. Sub. for S. B. 80 - Equalizing criminal penalty for entering without breaking regardless of time of day
- S. B. 164 - Relating to traffic regulations and special load limits
- Com. Sub. for S. B. 204 - Requiring persons appointed to fill vacancy by Governor have same qualifications for vacated office and receive same compensation and expenses (original similar to SB205)
- S. B. 231 - Relating to State Board of Education and Medicaid-eligible children (original similar to HB2420)
- Com. Sub. for S. B. 236 - Relating to damages for medical monitoring (original similar to HB2580)
- S. B. 330 - Relating to WV Workplace Freedom Act

S. B. 349 - Repealing outdated code related to Division of Corrections

**FIRST READING**

Com. Sub. for S. B. 125 - Authorizing Health Care Authority promulgate rule relating to hospital assistance grant program (original similar to HB2261)

Com. Sub. for S. B. 214 - Adopting Uniform Electronic Legal Material Act

S. B. 321 - Reporting requirements of employee information to CPRB (original similar to HB2604)

S. B. 426 - Repealing DNR legislative rule on litter control grant program



**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2017**

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**Friday, February 24, 2017**

10 a.m.	Confirmations	(Room 208W)
1 p.m.	Select Committee on Tax Reform	(Room 451M)