

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

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REGULAR SESSION, 2016
THIRTIETH DAY

Charleston, W. Va., Thursday, February 11, 2016

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Matthew Santen, River Ridge Church, Charleston, 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 10, 2016,

At the request of Senator Boso, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2444—A Bill to amend and reenact §5B-2-5 of the Code of West Virginia, 1931, as amended, relating to providing assistance to small businesses; requiring that the director of the West Virginia Development Office report biennially and offer recommendations for reducing the burdens imposed on small businesses; and further identifying the report's contents.

Referred to the Committee on Economic Development.

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 10th day of February, 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 S. B. 342), Decreasing appropriations from State Fund, General Revenue, to DHHR, Division of Human Services and Bureau of Senior Services.

(S. B. 357), Supplemental appropriation from Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund.

And,

(S. B. 360), Supplemental appropriation to Division of Human Services.

Respectfully submitted,

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

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 11th day of February, 2016, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

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

Respectfully submitted,

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

Senator Karnes, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 126, Increasing natural resources police officer compensation.

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

Com. Sub. for Senate Bill 126 (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-7-1 of the Code of West Virginia, 1931, as amended, relating to natural resources police officers; and providing increase in monthly subsistence allowance.

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

Respectfully submitted,

Robert Karnes,
Chair.

The bill (Com. Sub. for S. B. 126), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration

Senate Bill 147, Providing consumers sales and service tax and use tax exemption for certain services and tangible personal property sold for repair, remodeling and maintenance of aircraft.

And has amended same.

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

Respectfully submitted,

Mike Hall,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 272, Allowing investigators from Attorney General's office to carry concealed weapons.

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

Com. Sub. for Senate Bill 272 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-3-6, relating to Attorney General's investigators; and allowing duly authorized investigators to carry concealed weapons under certain circumstances.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Takubo, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill 293, Neighborhood Investment Program Act.

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

Respectfully submitted,

Tom Takubo,
Chair.

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

Senator Takubo, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill 298, Allowing restaurants, private clubs and wineries sell alcoholic beverages on Sundays.

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

Com. Sub. for Senate Bill 298 (originating in the Committee on Economic Development)—A Bill to amend and reenact §11-16-18 of the Code of West Virginia, 1931, as amended; to amend and reenact §60-4-3a and §60-4-3b of said code; to amend and reenact §60-7-12 of said code; and to amend and reenact §60-8-34 of said code, all relating to allowing restaurants, private clubs, distilleries, mini-distilleries and wineries to sell and serve alcohol beginning at 10:00 a.m. on Sundays.

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

Respectfully submitted,

Tom Takubo,
Chair.

At the request of Senator Trump, as chair of the Committee on the Judiciary, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Economic Development.

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 328, Creating West Virginia Veterans Program Fund.

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

Com. Sub. for Senate Bill 328 (originating in the Committee on the Judiciary)—A Bill to repeal §11-12-86 of the Code of West Virginia, 1931, as amended; to repeal §29-3-23, §29-3-24, §29-3-25 and §29-3-26 of said code; to amend said code by adding thereto a new section, designated §9A-1-11b; to amend said code by adding thereto a new article, designated §29-3E-1, §29-3E-2, §29-3E-3, §29-3E-4, §29-3E-5, §29-3E-6, §29-3E-7, §29-3E-8, §29-3E-9, §29-3E-10, §29-3E-11, §29-3E-12, §29-3E-13 and §29-3E-14; and to amend and reenact §61-3E-1 and §61-3E-11 of said code, all relating to the regulation of fireworks generally; relocating certain existing provisions relating to sparkling devices, novelties and toy guns including penalties for certain violations, in a new article; raising funds for veterans' facilities and volunteer fire departments; creating West Virginia Veterans Program Fund; authorizing sale of consumer fireworks on and after June 1, 2016; defining "consumer fireworks"; establishing regulatory framework for sale of fireworks; defining terms; requiring certificate; establishing fees; requiring permit; dedicating certain fees to Veterans Program Fund and Fire Protection Fund; establishing rule-making authority; creating criminal violations related to fireworks; penalties; enforcement; defining terms; exemptions; reporting requirements; and establishing internal effective dates for certain provisions.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Hall, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on the Judiciary.

At the request of Senator Carmichael, and by unanimous consent, the bill (Com. Sub. for S. B. 328) 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

Senate Bill 396, Preventing waste of oil and gas.

And reports the same back without recommendation as to passage; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Gregory L. Boso,
Chair.

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

Senator Walters, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 397, Maintaining status quo in event bond indebtedness to Parkways Authority is eliminated.

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

Com. Sub. for Senate Bill 397 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17-16A-18 of the Code of West Virginia, 1931, as amended, relating to Parkways Authority and maintaining status quo in the event bond indebtedness relative to Parkways Authority is eliminated; continuing tolls; maintaining projects with Parkways Authority; and specifying that certain toll revenues are to be placed into a special revenue account to be used for road projects in counties where the West Virginia Turnpike is located.

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,

Chris Walters,
Chair.

The bill (Com. Sub. for S. B. 397), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration

Senate Bill 423, Providing for disposition of unclaimed and unredeemed savings bond.

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

Respectfully submitted,

Mike Hall,
Chair.

Senator Leonhardt, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

Senate Bill 484, Creating Service Member's Employment Protection Act.

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

Com. Sub. for Senate Bill 484 (originating in the Committee on Military)—A Bill to amend and reenact §15-1F-8 of the Code of West Virginia, 1931, as amended, relating to the reemployment rights of military personnel.

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

Respectfully submitted,

Kent Leonhardt,
Chair.

The bill (Com. Sub. for S. B. 484), under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 493, Allowing creation of self-settled spendthrift trusts.

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

Com. Sub. for Senate Bill 493 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto three new sections, designated §44D-5-503a, §44D-5-503b and §44D-5-503c; and to amend and reenact §44D-5-505 of said code, all relating to allowing the creation of self-settled spendthrift trusts; permitting a grantor to transfer assets into a qualified self-settled spendthrift trust and retain an interest in that trust; excluding applicability of certain provisions of code to that qualified interest; clarifying applicability of self-settled spendthrift trust provisions when certain interests are not qualified interests; prohibiting inference of

intent to delay, hinder or defraud creditors solely based on grantor's establishment of or transfer to a self-settled spendthrift trust; permitting transfer to trust to be set aside under certain circumstances; providing for the payment of expenses associated with defending the trust to be paid from transfer; permitting creditors to bring actions against transfer of trust assets within four years after date of grantor's transfer; limiting creditor rights to grantor's transfer; prohibiting credit claims or causes of action against certain other persons or entities; providing applicability of provisions governing creditor's actions to avoid transfers to situations involving multiple transfers; setting statute of limitations for self-settled spendthrift trust moved to this state for four years from date assets moved to the state; defining terms; providing for filling of vacancies in office of qualified trustee or independent qualified trustee; permitting certain terms to be included in self-settled spendthrift trust without deeming trust irrevocable; requiring treatment of beneficiary with right to withdraw entire beneficial interest be treated as grantor once right to withdraw has lapsed, been released or otherwise expired; and exempting self-settled spendthrift trusts from being subject to claims of the grantor's creditors.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Finance has had under consideration

Senate Bill 510, Establishing Adult Drug Court Participation Fund.

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

Com. Sub. for Senate Bill 510 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-15-9a, relating to establishing a new special revenue fund, designated the Adult Drug Court Participation Fund, for the purpose of collecting and remitting moneys to the State Treasury for participation in an adult drug court program administered by the Supreme Court of Appeals.

And,

Senate Bill 511, Establishing Court Advanced Technology Subscription Fund.

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

Com. Sub. for Senate Bill 511 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-1-22, relating to establishing a new special revenue fund, designated the Court Advanced Technology Subscription Fund, for the purpose of collecting and remitting moneys to the State Treasury for the use of certain advanced technology systems provided by the Supreme Court of Appeals.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Mike Hall,
Chair.

Senator Leonhardt, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

Senate Bill 516, Relating to registration for selective service.

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

Respectfully submitted,

Kent Leonhardt,
Chair.

At the request of Senator Blair, as chair of the Committee on Government Organization, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Military.

The Senate proceeded to the sixth order of business.

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

By Senators Boso, Ashley, Blair, Gaunch, Karnes, Kirkendoll, Maynard, Miller, Mullins, Romano, Williams, Stollings and Plymale:

Senate Bill 578—A Bill to amend and reenact §61-2-10b of the Code of West Virginia, 1931, as amended, relating to protection of utility workers from crimes against the person; defining “utility worker”; and establishing penalties.

Referred to the Committee on the Judiciary.

By Senators Plymale and Prezioso:

Senate Bill 579—A Bill to repeal §11-24-43a of the Code of West Virginia, 1931, as amended; to repeal §17-16B-1, §17-16B-2, §17-16B-3, §17-16B-6, §17-16B-7a, §17-16B-7b, §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 said code; and to amend and reenact §17-16B-5, §17-16B-7 and §17-16B-8 of said code, all relating to eliminating the West Virginia Public Port Authority.

Referred to the Committee on Finance.

By Senators Sypolt and Trump:

Senate Bill 580—A Bill to repeal §11-6A-5a of the Code of West Virginia, 1931, as amended, relating to wind power projects.

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

By Senators Maynard, Ashley, Laird, Kessler, Palumbo, Woelfel, Romano and Stollings:

Senate Bill 581—A Bill to amend and reenact §48-27-301 of the Code of West Virginia, 1931, as amended, relating to eliminating the sunset provision terminating the pilot domestic violence court program; and continuing and expanding the domestic violence court initiative designed to prevent domestic violence.

Referred to the Committee on the Judiciary.

By Senators Plymale and Woelfel:

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; and requiring a proportionate disbursement if claims exceed the cap.

Referred to the Committee on Finance.

Senators Leonhardt and Stollings offered the following resolution:

Senate Concurrent Resolution 32—Requesting Division of Highways to name bridge along 119/2 Hemlock Road off Route 47 that crosses Leading Creek at latitude 39.01564, longitude -80.74842, near Troy, bridge number 11-119/2-4.34 (11A140), currently known as the Hemlock Road Girder, the “CW2 Robert D. Taylor Memorial Bridge”.

Whereas, Robert Taylor grew up on Hemlock Road with his parents, Dale and Alice Taylor, and brother Richard; and

Whereas, Robert was a positive young man who had a big heart. He was active in his community, attended church and always helped neighbors and friends; and

Whereas, Robert always dreamed of being a pilot and he enlisted in the United States Army; and

Whereas, Robert was assigned the rank of Chief Warrant Officer 2 while serving in the U. S. Army; and

Whereas, After serving eight years, CW2 Robert D. Taylor was tragically killed in a helicopter crash along the demilitarized zone between North and South Korea; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is requested to name the bridge along 119/2 Hemlock Road off Route 47 that crosses Leading Creek at latitude 39.01564, longitude -80.74842, near Troy, bridge number 11-119/2-4.34 (11A140), currently known as the Hemlock Road Girder, the “CW2 Robert D. Taylor Memorial Bridge”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signed identifying the “CW2 Robert D. Taylor Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways and to Jim Bailey at 102 Sleeth Run Road, Linn, West Virginia, 26384.

Which, under the rules, lies over one day.

Senators Snyder, Boso and Stollings offered the following resolution:

Senate Concurrent Resolution 33—Requesting the West Virginia Infrastructure and Jobs Development Council to study and report on the issue of consolidation, regarding public water and sewer utilities.

Whereas, The Legislature is concerned that over five hundred municipal and public service district water and sewer utilities are providing service to customers. The capital cost associated with the repair or replacement of existing infrastructure that serves current customers and the construction of

upgrades to existing facilities or new facilities to serve new customers is far greater than available public funding sources and the ability of the utilities to raise money from existing rate-payers; and

Whereas, In its 1994 regular session, the Legislature created the West Virginia Infrastructure and Jobs Development Council (IJDC) in article fifteen-a, chapter thirty-one of the Code of West Virginia, 1931, as amended. Among other things, section four of the 1994 legislation requires the IJDC to develop guidelines for evaluating requests by project sponsors for funding assistance that include “the degree to which the project or infrastructure project encourages effective and efficient consolidation of water or sewage treatment systems consistent with the comprehensive plan developed pursuant to section six of the legislation.” Section six of the 1994 legislation contains subsection (c) that provides “the council shall study the viability of the consolidation of public service districts throughout the state” and report their findings and conclusions on or before January 16, 1995, to the Governor, Speaker of the House and President of the Senate; and

Whereas, Section six (b) of the 1994 act requires an assessment of water and sewer infrastructure to be filed by IJDC every three years that includes, among other things, an assessment to identify “obstacles, issues and problems which prevent or inhibit development of adequate infrastructure throughout the state including financial, governmental, physical, or geographical factors and make recommendations as the council considers appropriate regarding the obstacles, issues or problems identified.” In reviewing proposed projects, the IJDC consolidation committee, upon the request of another IJDC committee or the council itself, will review the project and determine the potential for consolidation; and

Whereas, The Legislature believes that potential economies of scale and efficiencies in providing public water and sewer service could be realized through consolidation, regional planning and cooperation between municipal and county governments; therefore, be it

Resolved by the Legislature of West Virginia:

That the West Virginia Infrastructure and Jobs Development Council study and report on the issue of consolidation, regarding public water and sewer utilities; and, be it

Further Resolved, That the Legislature hereby requests that the IJDC refer every proposed public water and sewer project to its consolidation committee to consider the issues related to potential consolidation or other measures that could result in efficiencies and more productive use of public moneys; and, be it

Further Resolved, That the IJDC submit a report to the Legislature at the beginning of its 2017 regular session that identifies the potential for consolidation; the IJDC’s treatment of that issue through its funding decisions; the problems that exist with the issue including barriers that may impede cooperation between municipals and public service districts in obtaining the desired result of providing quality water and sewer service to the residents of West Virginia at the lowest possible cost.

Which, under the rules, lies over one day.

Senators Ashley, Stollings, Plymale and Williams offered the following resolution:

Senate Resolution 33—Congratulating the Wirt County Ladies Volleyball team for winning the 2015 Class A Volleyball State Championship.

Whereas, The Wirt County Ladies Volleyball team had a spectacular year, in which they finished with a 32-13-2 record and claimed their 10th volleyball state championship in school history; and

Whereas, Led by head coach Janet Frazier, the Wirt County Ladies Volleyball team consists of players: Allie Bailey, Loden Campbell, Alexis Petrovsky, Katie Tichnell, Haley Moore, Katie Frazier, Emily Cottrell, Mahala Greenleaf, Taylor Anderson and Morgan Wagner; and

Whereas, The Wirt County Ladies Volleyball team displayed their strong will and determination for an entire season and will be remembered as one of the best teams ever assembled in West Virginia girls' volleyball history; and

Whereas, The Wirt County Ladies Volleyball team is a shining example to all West Virginians of what can be accomplished with teamwork, dedication and spirit; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates the Wirt County Ladies Volleyball team for winning the 2015 Class A Volleyball State Championship; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Wirt County Ladies volleyball team.

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

On motion of Senator Carmichael, the Senate recessed for one minute.

Upon expiration of the recess, the Senate reconvened and, at the request of Senator Carmichael, and by unanimous consent, returned to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 583 (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, §64-12-2, §64-12-3, §64-12-4 and §64-12-5, all relating generally to repealing certain legislative, procedural or interpretive rules promulgated by certain agencies, boards and commissions which are no longer authorized or are obsolete; authorizing certain agencies and commissions under the Department of Administration to repeal certain legislative and procedural rules; repealing the Department of Administration legislative rule relating to the availability of state surplus buildings and equipment to charity food banks; repealing the State Building Commission procedural rule relating to procedural rules for meetings; repealing the Ethics Commission legislative rule relating to advisory opinions; repealing the Ethics Commission legislative rule relating to guidelines and standards for determining the existence of disqualifying financial interests; repealing the Ethics Commission legislative rule relating to contributions; repealing the Public Employees Insurance Agency procedural rules relating to procedural rules for the Public Employees Insurance Agency Advisory Board; and repealing the Board of Risk and Insurance Management legislative rule relating to the discontinuation of professional malpractice insurance.

Senate Bill 584 (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, §64-12-2, §64-12-3, §64-12-4, §64-12-5, §64-12-6 and §64-12-7, all relating generally to repealing certain legislative, procedural or interpretive rules promulgated by certain agencies, boards and commissions which are no longer authorized or are obsolete; repealing certain legislative, procedural and interpretive rules promulgated by certain agencies and boards under the Department of Environmental Protection; repealing the Department of Environmental Protection legislative rule relating to requiring the submission of emission statements for volatile organic compound emissions and oxides; repealing the Department of Environmental Protection legislative rule relating to bona fide future use; repealing the Department of Environmental Protection legislative rule relating to

abandoned wells; repealing the Department of Environmental Protection legislative rule relating to the Environmental Excellence Program; repealing the Department of Environmental Protection legislative rule relating to oil and gas operations – solid waste; repealing the Department of Environmental Protection legislative rule relating to the Recycling Assistance Fund Grant Program; repealing the Department of Environmental Protection legislative rule relating to commercial hazardous waste management facility siting fees; repealing the Department of Environmental Protection legislative rule relating to groundwater protection standards; repealing the Department of Environmental Protection legislative rule relating to Underground Storage Tank Insurance Trust Fund; repealing the Department of Environmental Protection legislative rule relating to hazardous waste management; repealing the Department of Environmental Protection legislative rule relating to solid waste management; repealing the Department of Environmental Protection legislative rule relating to waste tire management; repealing the Department of Environmental Protection legislative rule relating to sewage sludge management; repealing the Department of Environmental Protection legislative rule relating to hazardous waste emergency response fund regulations; repealing the Department of Environmental Protection interpretive rule relating to initial inspection, certification and spill prevention response plan requirements; repealing the Department of Environmental Protection legislative rule relating to the Office of the Environmental Advocate; repealing the Department of Environmental Protection legislative rule relating to coal refuse; repealing the Department of Environmental Protection procedural rule relating to administrative procedures and civil administrative penalty assessment – Water Resources Protection Act; repealing the Department of Environmental Protection procedural rule relating to procedures and practice before the Department of Energy; repealing the Commercial Hazardous Waste Management Facility Siting Board legislative rule relating to certification requirements; repealing the Environmental Quality Board legislative rule relating to requirements governing water quality standards; repealing the Environmental Quality Board procedural rule relating to requests for information; repealing the Environmental Quality Board procedural rule relating to rules governing the notice of open meetings under the Open Governments Proceedings Act; repealing the Miner Training, Education and Certification Board legislative rule relating to certification of blasters for surface coal mines and surface areas of underground mines; repealing the Miner Training, Education and Certification Board legislative rule relating to standards for certification of blasters for surface coal mines and surface areas of underground mines; repealing the Water Resources Board legislative rule relating to the State National Pollutant Discharge Elimination System Program; repealing the Water Resources Board legislative rule relating to requirements governing the State National Pollutant Discharge Elimination System; repealing the Air Quality Board procedural rule relating to requests for information; repealing the Oil and Gas Inspectors Examining Board procedural rule relating to matters pertaining to the rules and regulations dealing with the Oil and Gas Inspectors Examining Board; and repealing the Board of Miner Training, Education and Certification procedural rule relating to temporary suspension of certificates issued to persons pending full hearing before the board of appeals.

Senate Bill 585 (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 and §64-12-2, all relating generally to repealing certain legislative, procedural or interpretive rules promulgated by certain agencies and boards which are no longer authorized or are obsolete; repealing certain legislative, procedural and interpretive rules promulgated by certain agencies under the Department of Health and Human Resources; repealing the Department of Health and Human Resources legislative rule relating to preliminary requirement for approval by the West Virginia Department of Health of a laboratory for a specified technique; repealing the Department of Health and Human Resources legislative rule relating to ice cream and frozen milk; repealing the Department of Health and Human Resources legislative rule relating to the establishment of a controlled substances therapeutic research program and the certification of patients, practitioners and hospital pharmacies; repealing the Department of Health and Human Resources legislative rule relating to instillation of medication in the eyes of the newborn and the dissemination of advice and information concerning

the dangers of inflammation of the eyes of the newborn; repealing the Department of Health and Human Resources legislative rule relating to hazardous materials treatment information repository; repealing the Department of Health and Human Resources legislative rule relating to immunization criteria for transfer students; repealing the Department of Health and Human Resources legislative rule relating to specialized health procedures in public schools; repealing the Department of Health and Human Resources legislative rule relating to incorporation of the handicapped children services manual; repealing the Department of Health and Human Resources legislative rule relating to termination of income withholding; repealing the Department of Health and Human Resources legislative rule relating to obtaining support from federal and state income tax refunds; repealing the Department of Health and Human Resources legislative rule relating to interstate income withholding; repealing the Department of Health and Human Resources legislative rule relating to providing information to credit reporting agencies; repealing the Department of Health and Human Resources interpretive rule relating to the health facilities plan for the fiscal years 1985-89; repealing the Department of Health and Human Resources interpretive rule relating to the design, information and procedural manual for mobile home parks; repealing the Department of Health and Human Resources interpretive rule relating to pertussis guidelines; repealing the Department of Health and Human Resources procedural rule relating to procedural rules for the advisory Committee for the Omnibus Health Care Act; repealing the Health Care Authority legislative rule relating to a freeze on hospital rates and granting of temporary rate increases; repealing the Health Care Authority legislative rule relating to utilization review and quality assurance program – phase 1; repealing the Health Care Authority legislative rule relating to limitation on hospital gross patient revenue; and repealing the Health Care Authority legislative rule relating to exemption for rural primary care hospitals.

Senate Bill 586 (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 and §64-12-2, all relating generally to repealing certain legislative, procedural or interpretive rules promulgated by certain agencies, commissions and boards which are no longer authorized or are obsolete; repealing certain legislative rules by certain agencies and commissions under the Department of Military Affairs and Public Safety; repealing the Division of Corrections legislative rule relating to a furlough program for adult inmates; repealing the Division of Corrections legislative rule relating to employment of displaced correctional employees; repealing the Division of Corrections legislative rule relating to parole supervision; repealing the Division of Corrections legislative rule relating to recording of inmate phone calls; repealing the Division of Corrections legislative rule relating to monitoring inmate mail; repealing the Division of Corrections interpretive rule relating to charges assessed against inmates for services provided by state medical co-payment; repealing the Division of Corrections procedural rule relating to inmate grievance procedures; and repealing the Jails and Prison Standards Commission legislative rule relating to minimum standards for construction, operation and management of holding facilities.

Senate Bill 587 (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, §64-12-2 and §64-12-3, all relating generally to repealing certain legislative, procedural or interpretive rules promulgated by certain agencies and boards which are no longer authorized or are obsolete; repealing certain legislative and procedural rule promulgated by certain agencies and boards under the Department of Revenue; repealing the Tax Division legislative rule relating to listing of interests in natural resources for purposes of first state-wide appraisal; repealing the Tax Division legislative rule relating to guidelines for assessors to assure fair and uniform non-utility personal property values; repealing the Tax Division legislative rule relating to review by circuit court on certiorari; repealing the Tax Division legislative rule relating to review of appraisals by the county commission sitting as an administrative appraisal review board; repealing the Tax Division legislative rule relating to additional review and implementation of property appraisals; repealing the Tax Division legislative rule relating to review by circuit court on certiorari; repealing the Tax Division legislative rule relating to revision of

levy estimates; repealing the Tax Division legislative rule relating to inheritance and transfer tax; repealing the Tax Division legislative rule relating to annual tax on incomes of certain carriers; repealing the Tax Division legislative rule relating to the telecommunications tax; repealing the Tax Division legislative rule relating to tax credit for employing former members of Colin Anderson Center; repealing the Tax Division legislative rule relating to tax credits for new value-added wood manufacturing facilities; repealing the Tax Division legislative rule relating to tax credits for new steel, aluminum and polymer manufacturing operations; repealing the Tax Division legislative rule relating to the business investment and jobs expansion tax credit, corporation headquarters relocation tax credit, small business tax credit; repealing the Tax Division legislative rule relating to appraisal of property for periodic statewide reappraisals for ad valorem property tax purposes; repealing the Banking Commissioner legislative rule relating to the West Virginia Consumer Credit and Protection Act; repealing the Banking Commissioner procedural rule relating to West Virginia Board of Banking and Financial Institutions; repealing the Office of the Insurance Commissioner legislative rule relating to utilization management; and repealing the Office of the Insurance Commissioner legislative rule relating to Medicare supplement insurance coverage.

Senate Bill 588 (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 generally to repealing certain legislative, procedural or interpretive rules promulgated by certain agencies, boards and commissions which are no longer authorized or are obsolete; repealing certain legislative, procedural and interpretive rules promulgated by certain agencies under the Department of Transportation; repealing the Division of Motor Vehicles legislative rule relating to rules and regulations; repealing the Division of Motor Vehicles legislative rule relating to special permits; repealing the Division of Motor Vehicles legislative rule relating to a safety and treatment program; repealing the Division of Motor Vehicles procedural rule relating to dealer and financial institution applicant or licensee administrative hearings; repealing the Division of Motor Vehicles legislative rule relating to seizure of driver's license, issuance of the temporary driver's license; repealing the Division of Motor Vehicles legislative rule relating to the federal safety standards inspection program; and repealing the Division of Motor Vehicles interpretive rule relating to dealer issuance of temporary registration plates.

Senate Bill 589 (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, §64-12-2, §64-12-3, §64-12-4, §64-12-5, §64-12-6, §64-12-7, §64-12-8, §64-12-9, §64-12-10 and §64-12-11, all relating generally to repealing certain legislative, legislative exempt, procedural or interpretive rules promulgated by certain miscellaneous agencies, boards and commissions which are no longer authorized or are obsolete; repealing the Department of Agriculture legislative rule relating to tobacco; repealing the Department of Agriculture legislative rule relating to the conduct of beef industry self-improvement assessment program referendums; repealing the Department of Agriculture legislative rule relating to the conduct of beef self-improvement assessment program referendums; repealing the Department of Agriculture legislative rule relating to West Virginia seal of quality; repealing the Department of Agriculture legislative rule relating to aquaculture farm rules; repealing the Department of Agriculture procedural rule relating to the conduct of tree fruit industries self-improvement assessment program referendums; repealing the Cable TV Advisory Board legislative rule relating to franchising procedures; repealing the Cable TV Advisory Board legislative rule relating to implementing regulations; repealing the Cable TV Advisory Board legislative rule relating to calculation and collection of late fee; repealing the Cable TV Advisory Board procedural rule relating to administrative procedures for consumer complaint resolution under the West Virginia Cable TV Systems Act; repealing the Cable TV Advisory Board procedural rule relating to rate regulation procedures; repealing the Cable TV Advisory Board procedural rule relating to form and service of notice under W.Va. Code §5-18A-8; repealing the Contractor Licensing Board legislative rule relating to consumer complaints; repealing the Secretary of State legislative rule relating to matters relating to corporations and other business entity filing; repealing the Secretary of State legislative rule

relating to matters relating to official election forms and vendor authorization; repealing the Respiratory Care Board legislative rule relating to the procedure for licensure applications; repealing the Attorney General procedural rule relating to freedom of information; repealing the Municipal Bond Commission procedural rule relating to rules of procedure covering board and executive committee meetings of the Municipal Bond Commission; repealing the Housing Development Fund legislative rule relating to refiling of administrative rules pertaining to administration of single-family mortgage loans; repealing the Public Service Commission legislative exempt rule relating to rules and regulations for carrier access to the lines and facilities of other carriers; repealing the Public Service Commission legislative exempt rule relating to rules and regulations for shipper access to the lines and facilities of rail carriers; repealing the Infrastructure and Jobs Development Council procedural rule relating to establishing procedures to provide public notice of date, time, place, agenda and purpose of meetings of the WV Infrastructure and Jobs Development Council and manner in which meetings are to be conducted; and repealing the Water Development Authority procedural rule new procedures in relation to providing public notice of date, time, place and purpose of meetings of the W.V. Water Development Authority and manner in which meetings are to be conducted.

And,

Senate Bill 590 (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, §64-12-2, §64-12-3, §64-12-4, §64-12-5 and §64-12-6, all relating generally to repealing certain legislative, procedural and interpretive rules promulgated by certain agencies, boards and commissions which are no longer authorized or are obsolete; repealing certain legislative and procedural rules of certain agencies and boards of the Department of Commerce; repealing the Commercial Whitewater Advisory Board legislative rule relating to commercial whitewater outfitters; repealing the Commercial Whitewater Advisory Board procedural rule relating to regulations for open governmental proceedings; repealing the Commissioner of Employment Security legislative rule relating to regulations of the Commissioner of Employment Security; repealing the Commissioner of Employment Security legislative rule relating to implementation of a pilot employment supplemental matching program; repealing the Division of Forestry procedural rule relating to Freedom of Information Act requests; repealing the Division of Labor legislative rule relating to the West Virginia safety code for aerial passenger tramways, lifts, and tows; repealing the Division of Labor legislative rule relating to the West Virginia Prevailing Wage Act; repealing the Minimum Wage Rate Board legislative rule relating to the West Virginia Prevailing Wage Act; repealing the Division of Natural Resources legislative rule relating to shoreline camping of government owned reservoir areas in West Virginia; repealing the Division of Natural Resources legislative rule relating to special bear hunting; and repealing the Division of Natural Resources procedural rule relating rules for open governmental proceedings.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Karnes, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Concurrent Resolution 34 (originating in the Committee on Natural Resources)—Requesting the Joint Committee on Government and Finance study simplifying the hunting, fishing and trapping licenses for West Virginia residents and nonresidents.

Whereas, A great number of West Virginia residents and visitors enjoy participating in the recreational activities of hunting, fishing and trapping; and

Whereas, West Virginia residents' participation in these activities has a large impact on the West Virginia economy; and

Whereas, There are more than forty hunting and fishing licenses and stamps that make it difficult for residents and nonresidents to understand and abide by the rules and regulations; and

Whereas, A decreased number of licenses and stamps would make it easier for residents and nonresidents alike to purchase licenses and stamps, and may spur the purchase of more hunting, fishing and trapping licenses; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study simplifying the hunting, fishing and trapping licenses for West Virginia residents and nonresidents; 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 any drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Robert Karnes,
Chair.

On motion of Senator Carmichael, the resolution (S. C. R. 34) contained in the foregoing report from the Committee on Natural Resources was then referred to the Committee on Rules.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 29, US Army SSG Landon Clair Ray and US Army SPC4 Garry Dwight Haynes Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 30, Lester W. and Ida C. Ellis Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 31, US Air Force Staff Sgt Bethel Howard McNeely and U.S. Marine Staff Sgt Clyde Elmo Bryant Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 7, Establishing wrongful conduct rule prohibiting recovery of damages in certain circumstances.

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, 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 present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 7) passed with its title.

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

Eng. Senate Bill 341, Expiring funds from Insurance Commissioner, Examination Revolving Fund and Insurance Commission Fund to State Fund, General Revenue.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: 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. S. B. 341) 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. S. B. 341) takes effect from passage.

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

Eng. Com. Sub. for Senate Bill 378, Relating to truancy intervention.

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, 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 present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 378) passed with its title.

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

Eng. Senate Bill 419, Terminating taxes imposed under Workers' Compensation Debt Reduction Act of 2005.

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, 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 present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 419) passed.

On motion of Senator Karnes, the following amendment to the title of the bill was reported by the Clerk and adopted:

Eng. Senate Bill 419—A Bill to amend and reenact §4-11A-18 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-13V-4 of said code; and to amend and reenact §11-21-96 of said code, all relating to termination of Workers' Compensation Debt Reduction Act; specifying effective date of termination; authorizing sooner termination by Executive Order; reallocating deposits of revenues with relation to the Old Fund; authorizing redirection of deposits, by Executive Order, of specified revenues into the General Fund for a limited time period if budget shortfall exceeds specified amount; eliminating language relating to actuarial determination and executive certification of specified conditions; specifying effective dates; and specifying dedication of revenues.

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. S. B. 419) takes effect from passage.

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

Eng. Senate Bill 437, Updating and clarifying code relating to rules governing mixed martial arts.

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, 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 present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 437) passed with its title.

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

Eng. Senate Bill 449, Supplemental appropriation from State Fund, General Revenue to Department of Administration, Public Defender Services.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: 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. S. B. 449) 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. S. B. 449) takes effect from passage.

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

Eng. Senate Bill 450, Supplemental appropriation from State Fund, General Revenue to DHHR, Division of Health.

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, 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. S. B. 450) 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. S. B. 450) takes effect from passage.

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

Eng. Senate Bill 451, Supplemental appropriation from State Fund, General Revenue to Department of Military Affairs.

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, 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. S. B. 451) 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. S. B. 451) takes effect from passage.

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

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

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, 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, Walters, Woelfel, Yost and Cole (Mr. President)—31.

The nays were: Beach, Unger and Williams—3.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 509) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 73, Creating felony crime of knowingly leaving scene of crash resulting in serious bodily injury.

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 116, Increasing number of limited video lottery terminals allowed at retail location.

On second reading, coming up in regular order, was reported by the Clerk.

On motion of Senator Trump, the bill was referred to the Committee on Finance.

Com. Sub. for Senate Bill 429, Adopting two National Association of Insurance Commissioners' models to protect enrollees and general public and permit greater oversight.

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 465, Allowing professional employer insure certain risks through pure insurance captive.

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

Senate Bill 469, Clarifying what personal funds are exempt from levy following judgment.

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 501, Relating to trusts.

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 517, Clarifying PEIA plans that are exempt from regulation by Insurance Commissioner.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Carmichael, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 524, Rewriting Board of Barbers and Cosmetologists article.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Carmichael, 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.

Senate Bill 299, Creating Library Facilities Improvement Fund.

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

Senate Bill 403, Relating to cooperative extension workers.

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

Com. Sub. for Senate Bill 404, Removing prohibition on billing persons for testing for HIV and sexually transmitted diseases.

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

Senate Bill 459, Requiring county board of education to pay tuition to Mountaineer Challenge Academy.

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

Senate Bill 483, Marshall County LSIC waiver.

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

Com. Sub. for Senate Bill 522, Relating to public service districts.

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

On motion of Senator Carmichael, the bill was referred to the Committee on Rules.

Senate Bill 558, Maintaining solvency of Unemployment Compensation Fund.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Carmichael.

The Senate then proceeded to the thirteenth order of business.

At the request of Senator Maynard, the name of Senator Maynard was removed as a sponsor of **Senate Bill 383** (*Promoting efficient extraction of oil and gas resources*).

At the request of Senator Plymale, the name of Senator Plymale was removed as a sponsor of **Senate Bill 546** (*Relating generally to Public Defender Services*).

Pending announcement of meetings of standing committees of the Senate, including a minority party caucus,

On motion of Senator Carmichael, the Senate adjourned until tomorrow, Friday, February 12, 2016, at 11 a.m.

SENATE CALENDAR

**Friday, February 12, 2016
11:00 AM**

UNFINISHED BUSINESS

- S. C. R. 32 - CW2 Robert D. Taylor Memorial Bridge.
- S. C. R. 33 - Requesting WV Infrastructure and Jobs Development Council study and report on consolidation regarding public water and sewer utilities.

THIRD READING

- Eng. Com. Sub. for S. B. 73 - Creating felony crime of knowingly leaving scene of crash resulting in serious bodily injury.
- Eng. Com. Sub. for S. B. 429 - Adopting two National Association of Insurance Commissioners' models to protect enrollees and general public and permit greater oversight.
- Eng. Com. Sub. for S. B. 465 - Allowing professional employer insure certain risks through pure insurance captive.
- Eng. S. B. 469 - Clarifying what personal funds are exempt from levy following judgment.
- Eng. Com. Sub. for S. B. 501 - Relating to trusts.

SECOND READING

- S. B. 299 - Creating Library Facilities Improvement Fund.
- Com. Sub. for S. B. 328 - Creating West Virginia Veterans Program Fund.
- S. B. 403 - Relating to cooperative extension workers.
- Com. Sub. for S. B. 404 - Removing prohibition on billing persons for testing for HIV and sexually transmitted diseases.
- S. B. 459 - Requiring county board of education to pay tuition to Mountaineer Challenge Academy.
- S. B. 483 - Marshall County LSIC waiver.
- Com. Sub. for S. B. 517 - Clarifying PEIA plans that are exempt from regulation by Insurance Commissioner.
- Com. Sub. for S. B. 524 - Rewriting Board of Barbers and Cosmetologists article.
- S. B. 558 - Maintaining solvency of Unemployment Compensation Fund.

FIRST READING

- S. B. 147 - Providing consumers sales and service tax and use tax exemption for certain services and tangible personal property sold for repair, remodeling and maintenance of aircraft - (Com. amends. pending).
- Com. Sub. for S. B. 272 - Allowing investigators from Attorney General's office to carry concealed weapons .
- Com. Sub. for S. B. 298 - Allowing restaurants, private clubs and wineries sell alcoholic beverages on Sundays.
- S. B. 423 - Providing for disposition of unclaimed and unredeemed savings bond.
- Com. Sub. for S. B. 493 - Allowing creation of self-settled spendthrift trusts.
- Com. Sub. for S. B. 510 - Establishing Adult Drug Court Participation Fund.
- Com. Sub. for S. B. 511 - Establishing Court Advanced Technology Subscription Fund.
- S. B. 516 - Relating to registration for selective service.
- S. B. 583 - Repealing certain obsolete legislative rules by Department of Administration.
- S. B. 584 - Repealing certain obsolete legislative rules by DEP.
- S. B. 585 - Repealing certain obsolete legislative rules by DHHR.
- S. B. 586 - Repealing certain obsolete legislative rules by Department of Military Affairs and Public Safety.
- S. B. 587 - Repealing certain obsolete legislative rules by Department of Revenue.
- S. B. 588 - Repealing certain obsolete legislative rules by Department of Transportation.
- S. B. 589 - Repealing certain obsolete legislative rules by miscellaneous agencies and boards.
- S. B. 590 - Repealing certain obsolete legislative rules by Department of Commerce.

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2016

Friday, February 12, 2016

10 a.m.

Finance

(Room 451M)