

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE
REGULAR SESSION, 2017
SIXTH DAY

Charleston, West Virginia, Monday, February 13, 2017

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Lisa Unger, Word of Deliverance Church, Berkeley Springs, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Gregory L. Boso, a senator from the eleventh district.

Pending the reading of the Journal of Friday, February 10, 2017,

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

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

The Senate then proceeded to the third order of business.

Senator Carmichael (Mr. President) laid before the Senate the following communication from His Excellency, the Governor:

JIM JUSTICE
GOVERNOR OF WEST VIRGINIA

February 10, 2017

**Senate Executive Message No. 2
Regular Session 2017**

TO: The Honorable Members of the
West Virginia Senate

Ladies and Gentlemen:

I respectfully request that the following correction be made to Senate Executive Message No. 3-T, Regular Session 2017, submitted by The Honorable Earl Ray Tomblin on January 13, 2017 correcting the county of residence from Cabell County to Wayne County.

- 55. For Member, Mountwest Community and Technical College Board of Governors, Rodney Wiles, Huntington, Wayne County, for the term ending June 30, 2020.

Thank you for correcting your records.

Sincerely,

Jim Justice
Governor

Cc: Secretary of State
Senate Clerk

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

The Senate proceeded to the sixth order of business.

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

By Senator Blair:

Senate Bill 262—A Bill to amend and reenact §17-19-1 of the Code of West Virginia, 1931, as amended, relating to allowing signs drawing attention to a candidate for public office be permitted on right-of-way of a public road or highway during specified period; and increasing criminal penalties for allowing signs to remain in right-of-way outside permissible period.

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

By Senator Blair:

Senate Bill 263—A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating to creating an exemption from certain contract and common carrier laws for motor vehicles used by contract carriers exclusively for the transportation of railroad personnel.

Referred to the Committee on Transportation and Infrastructure.

By Senator Blair:

Senate Bill 264—A Bill to amend and reenact §5B-1-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §6-7-2a of said code; to amend and reenact §17A-2-6 of said code; and to amend and reenact §29-21-5 of said code, all relating to the salaries of appointed officers being fixed by the Governor.

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

By Senator Cline:

Senate Bill 265—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-15-51, relating to requiring motor vehicles, trailers or semitrailers having a hydraulically operated bed to have a warning device that will alert the operator when the vehicle is in motion and the bed is in an upward position; and requiring rulemaking.

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

By Senators Blair, Gaunch, Boso, Ferns, Maynard, Stollings, Cline and Maroney:

Senate Bill 266—A Bill to repeal §5A-3-49 of the Code of West Virginia, 1931, as amended; to amend and reenact §5A-1-2 of said code; to amend and reenact §5A-3-52 of said code; to amend said code by adding thereto a new article, designated §5A-12-1, §5A-12-2, §5A-12-3, §5A-12-4, §5A-12-5, §5A-12-6, §5A-12-7, §5A-12-8, §5A-12-9, §5A-12-10 and §5A-12-11; to amend and reenact §17A-3-23 of said code; to amend said code by adding thereto three new sections, designated §17A-3-25, §17A-3-26 and §17A-3-27; to amend said code by adding thereto a new section, designated §29-12-15; and to amend and reenact §29B-1-4 of said code, all relating to creating and maintaining a centralized state vehicle inventory system; establishing the Fleet Management Office within the Department of Administration; creating the state Vehicle Title, Registration and Relicensing Project of 2017; requiring reporting by spending units utilizing state vehicles; providing the new article's scope and establishing exemptions; providing for new officers and establishing their powers, duties and responsibilities; defining terms; continuing the Fleet Management Office Fund; requiring the Fleet Management Office to coordinate with other agencies; providing for annual reports of vehicle use by spending units; requiring annual reports to the Governor and the Joint Committee on Government and Finance; establishing operator requirements and training; providing for enforcement; providing for notice; requiring legislative compliance audits; providing a deadline date for the expiration of current state vehicle license plates; creating new state vehicle license plates; providing for notice to spending units regarding the expiration of titles, registrations and license plates; requiring a standardized naming convention for the title, registration and licensing of all state vehicles; requiring annual renewal of the state vehicle registrations; providing exemptions from reporting for certain undercover vehicles; requiring insurance cards in state vehicles; and authorizing rulemaking and emergency rulemaking.

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

By Senators Blair, Gaunch, Boso, Ferns, Maynard, Palumbo, Plymale, Cline and Maroney:

Senate Bill 267—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5F-1-5, relating to requiring agencies listed in the online state phone directory to update certain employee information by July 1, 2017, or provide that information to the Office of Technology; requiring agencies to update directory information within thirty days of a personnel action or event, or provide that information to the Office of Technology; and requiring the Office of Technology to update directory information within thirty days of receipt of information from an agency.

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

By Senators Blair, Gaunch, Boso, Ferns, Maynard, Plymale and Cline:

Senate Bill 268—A Bill to amend and reenact §7-1-3rr of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §8-39-1, all relating to requiring county commissions to maintain websites with specific information; requiring county commissions to provide website information to the Secretary of State; requiring Class I and Class II municipalities to maintain websites with specific information; and to allow Class III and IV municipalities to maintain websites provided they contain specific information.

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

By Senators Blair, Gaunch, Ferns, Maynard, Palumbo, Plymale, Boso and Cline:

Senate Bill 269—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5F-1-5, relating to the requirement that all executive branch agencies maintain a website that contains specific information.

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

By Senators Mullins and Cline:

Senate Bill 270—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-7K-1, §55-7K-2 and §55-7K-3, all relating to standards of proof in civil actions where the corporate, limited liability company or other business structure is alleged to be insufficient to the point it should be disregarded.

Referred to the Committee on the Judiciary.

By Senators Boley, Boso, Rucker, Cline and Blair:

Senate Bill 271—A Bill to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, relating generally to process for improving education; removing reference to No Child Left Behind Act; adding digital literacy to list of areas that State Board of Education is required to adopt high-quality education standards in; making findings with respect to Legislature's constitutional authority; defining "academic standards"; recognizing state board's adoption and renaming of certain standards; establishing academic standards evaluation panel; establishing membership of panel; establishing duties of panel; requiring withdrawal from memorandum of agreement relating to adoption of Common Core State Standards; requiring withdrawal as governing state in Smarter Balanced Assessment Consortium; establishing criteria for any academic standards adopted by state board; requiring Legislative Oversight Commission on Education Accountability to review any proposed rules relating to academic standards; removing requirement for state board rule establishing comprehensive statewide student assessment program; removing requirement that assessment be aligned with certain standards and associated alternative; removing state board authority to require ACT EXPLORE and ACT PLAN or other comparable assessments; requiring state board to review and approve summative assessment for certain grade levels to assess in certain subject areas; requiring summative assessment include students as required by certain federal laws; requiring that summative assessment meet certain requirements; requiring state board to review and approve college readiness assessment for students in eleventh grade; requiring college readiness assessment to be administered at least once to each eleventh-grade student; requiring college readiness assessment meet certain requirements; requiring state board to review and approve career-readiness assessments and assessment-based credentials; providing that career-readiness assessment is voluntary for students; requiring that assessment-based credentials be available

to any student that achieves at required level on the required assessments; requiring career-readiness assessments meet certain requirements; prohibiting implementation of any assessment or test items developed specifically to align with Common Core State Standards; requiring online assessment preparation for any online assessment; requiring state board to develop plan and make recommendations regarding end-of-course assessments and student accountability measures; establishing reporting requirements; establishing maximum percentage of instructional time for summative assessment; and removing required report to Legislative Oversight Commission on Education Accountability pertaining to on-site review finding appeals.

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

By Senator Boso:

Senate Bill 272—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-3E-1, §21-3E-2, §21-3E-3, §21-3E-4, §21-3E-5, §21-3E-6, §21-3E-7, §21-3E-8, §21-3E-9, §21-3E-10, §21-3E-11, §21-3E-12, §21-3E-13, §21-3E-14, §21-3E-15 and §21-3E-16, all relating to creating West Virginia Safer Workplaces Act; permitting employers to test employees and prospective employees for drugs and alcohol; providing a short title; defining terms; declaring public policy; clarifying exceptions to the applicability of the West Virginia Safer Workplaces Act for employers covered by other drug and alcohol testing statutes; determining a collection of samples, scheduling of tests and testing procedures; providing for ability to request split sample be tested to challenge a positive test result; establishing responsibility for cost of split sample testing; setting forth testing policy requirements; providing for disciplinary procedures; providing for sensitive employees; providing for preemption; providing protection from liability; establishing causes of action; providing exceptions; providing for confidentiality; providing for termination of employment; providing for forfeiture of certain benefits; clarifying that the drug and alcohol testing provisions of the West Virginia Safer Workplace Act cannot be used to show intoxication pursuant to section two, article four, chapter twenty-three of this code; and requiring employers to have drug and alcohol testing policies and procedures when implementing drug and alcohol testing.

Referred to the Committee on the Workforce; and then to the Committee on the Judiciary.

By Senators Karnes, Rucker, Cline and Blair:

Senate Bill 273—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25; and to amend said code by adding thereto a new article, designated §18-31-1, §18-31-2, §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7 and §18-31-8, all relating to establishing an education expenses tax credit; enacting an Educational Savings Account Program; providing a short title and definitions; qualifying for an educational savings account; amount of the account; responsibilities of the Treasurer; eligibility requirements for participating entities; responsibilities of resident school districts; and legal proceedings.

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

By Senators Blair and Maroney:

Senate Bill 274—A Bill to repeal §18B-7-9 and §18B-7-11 of the Code of West Virginia, 1931, as amended; to repeal §18B-9-1, §18B-9-2, §18B-9-3 and §18B-9-4 of said code; to repeal §18B-9A-3 and §18B-9A-8 of said code; to amend and reenact §18B-1B-5 of said code; to amend and reenact §18B-4-1 and §18B-4-2a of said code; to amend and reenact §18B-7-1, §18B-7-2, §18B-7-3, §18B-7-6 and §18B-7-8 of said code; to amend said code by adding thereto a new section, designated §18B-8-7; to amend and reenact §18B-9A-2, §18B-9A-5, §18B-9A-6 and §18B-9A-7 of said code; and to amend said code by adding thereto a new article, designated §18B-9B-1, all

relating to public higher education personnel generally; clarifying roles of Higher Education Policy Commission, Council for Community and Technical College Education and state organizations of higher education; eliminating certain human resources review by Higher Education Policy Commission and Council for Community and Technical College Education; eliminating specific references to the Vice Chancellor for Human Resources; eliminating outdated and redundant reporting requirements; eliminating requirement for Higher Education Policy Commission to create certain positions that report to Vice Chancellor for Human Resources; eliminating certain higher education organization employment ratios and requirements; eliminating higher education organization classified employee salary schedule, outdated associated requirements and definitions; eliminating certain requirements related to exercising flexibility in human resources for higher education organizations; eliminating outline of steps for implementation of classification and compensation system by Higher Education Policy Commission and Council for Community and Technical College Education; providing legislative purposes and intent for higher education personnel; defining terms; providing and revising rules relating to reductions in workforce and hiring preferences; providing for continuing education and professional development; providing for evaluation and reviews of organizations for certain human resource deficiencies, best practices and compliance with state higher education personnel laws; providing for content of certain reports from Higher Education Policy Commission and Council for Community and Technical College Education to Legislative Oversight Commission on Education Accountability; authorizing organizations to adopt rules relating to employment policies and practices for staff and faculty; providing for preemption of Higher Education Policy Commission and Council for Community and Technical College Education rules conflicting with a governing board rule on faculty; defining “classified” and “nonclassified” employees; clarifying powers and duties of the Compensation Planning and Review Committee; providing that the Higher Education Policy Commission shall develop a model minimum salary schedule using West Virginia Workforce and other relevant data that organizations shall follow except in certain instances; providing that the Higher Education Policy Commission develop classification and compensation rules; providing state organizations of higher education with the ability to propose and implement approved legislative rules relating to classification and compensation with certain exceptions; and requiring any rule proposed by a state organization of higher education incorporate best human resources practices, address areas of accountability, employee classification and compensation and performance evaluation.

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

By Senator Blair:

Senate Bill 275—A Bill to amend and reenact §11-21-51 of the Code of West Virginia, 1931, as amended, relating to requiring the Tax Commissioner to include on West Virginia personal income tax return a short survey asking taxpayer the top three preferences where taxpayer’s taxes should be spent and the bottom three least preferred preferences where taxpayer’s tax dollars are spent.

Referred to the Committee on Finance.

By Senator Miller:

Senate Bill 276—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-4o; to amend said code by adding thereto a new section, designated §33-16-3aa; to amend said code by adding thereto a new section, designated §33-24-7p; to amend said code by adding thereto a new section, designated §33-25-8m; and to amend said code by adding thereto a new section, designated §33-25A-8o, all relating to collection of air ambulance fees for emergency treatment or air transportation rendered to persons

covered by certain insurance plans; allowing providers of air ambulance services not under contract with certain insurance plans to collect an amount up to the equivalent paid for federal reimbursement for services rendered to covered employees or dependents; and requiring providers of air ambulance services that enter into a subscription service agreement with employees or dependents covered by certain insurance plans to accept the subscription fee as payment in full for services rendered.

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

By Senators Blair and Rucker:

Senate Bill 277—A Bill to amend and reenact §3-1-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-4A-11a of said code; to amend said code by adding thereto a new section, designated §3-5-6e; to amend and reenact §3-5-7 and §3-5-13 of said code; to amend and reenact §3-10-3 and §3-10-3a of said code; to amend and reenact §6-5-1 of said code; to amend said code by adding thereto a new article, designated §51-1B-1, §51-1B-2, §51-1B-3, §51-1B-4, §51-1B-5, §51-1B-6, §51-1B-7, §51-1B-8, §51-1B-9, §51-1B-10, §51-1B-11 and §51-1B-12; and to amend and reenact §58-5-1 of said code, all relating to creating a new court to be known as West Virginia Intermediate Court of Appeals; requiring election of judges of the intermediate court of appeals be on nonpartisan basis; requiring elections be on a division basis when more than one judge is to be elected; providing for timing and frequency of election; providing for commencement of terms of office; establishing ballot design and printing; providing that elections be held on same date as primary election; requiring nonpartisan ballots; establishing filing announcement of candidacies, including timing, location and necessary information; providing for order of appearance of offices on the ballot; establishing ballot content; providing procedures for filling of vacancies; providing occasions for special elections to be held to fill vacancies; requiring intermediate court of appeals be operational by July 1, 2018; establishing northern and southern districts; providing three judges for each district; establishing qualifications for judges; establishing court jurisdiction; providing for defective review; providing West Virginia Supreme Court of Appeals will either keep an appeal or transfer it to intermediate court; designating the clerk of the supreme court as the clerk of the intermediate court of appeals; providing that certain appeals to be reviewed as a matter of right and those matters in which the appeals are discretionary; providing appeals in certain administrative cases are discretionary; authorizing appeals from intermediate court to supreme court; authorizing Governor make initial appointments by July 1, 2017; creating staggered terms; providing for elections for ten-year terms after initial appointments; authorizing a chief judge; authorizing staff for court and judges; providing for compensation and expenses of judges and staff; providing for temporary assignment of circuit court judges; authorizing supreme court to provide facilities, furniture, fixtures and equipment for intermediate court; establishing precedential effect of intermediate court orders and decisions; providing budget of intermediate court be part of supreme court budget; and providing for severability.

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

By Senators Jeffries, Beach, Boso, Cline, Gaunch, Ojeda, Romano, Smith, Stollings, Takubo, Weld, Woelfel, Plymale, Maroney and Blair:

Senate Bill 278—A Bill amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to Sunday hunting laws; removing certain restrictions on hunting; eliminating the need for ballot measures pertaining to Sunday hunting; voiding the results of any ballot measure prohibiting Sunday hunting; and permitting Sunday hunting on private property throughout the state with written consent of the landowner.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

Senators Mullins, Boso, Cline, Plymale, Beach, Karnes, Stollings, Ojeda, Facemire and Prezioso offered the following resolution:

Senate Concurrent Resolution 8—Requesting Division of Highways name bridge number 41-19-13.21 (41A179), (37.74976, -81.14022), locally known as Beaver Arch, carrying U. S. Route 19 over Little Beaver Creek in Raleigh County, the “Donnie Adkins Memorial Bridge”.

Whereas, Mr. Adkins was born on November 26, 1977, in Charleston and attended DuPont High School. He was most recently employed by the Capital Resource Weatherization Program in Montgomery. He was a member of the Glasgow Volunteer Fire Department and had been a member of the Rand Volunteer Fire Department; and

Whereas, Mr. Adkins died on March 13, 2010, while assisting with a swift water rescue during flooding at Beaver. He and his crew had successfully rescued fifteen people before their boat capsized, throwing all three of them into the water. The other two were rescued shortly thereafter; and

Whereas, Mr. Adkins was a loving son, brother, father and friend to many, especially his friends at the fire department where he spent many hours. He was known for his love of WVU football and basketball and NASCAR; and

Whereas, Hundreds of people attended the funeral service for Mr. Adkins in the gymnasium at Riverside High School where his casket was draped with an American flag. His uniform sat next to it along with dozens of flower arrangements and a sea of blue and white as dozens of his fellow first responders paid their respects to him; and

Whereas, Chaplain Dee Gibson with the Cedar Grove Volunteer Fire Department spoke at the service about how Mr. Adkins knew their lives were in danger saying, “He gave his life so another could live. He didn’t just save one life that day, he saved many.”; and

Whereas, State Fire Marshal Sterling Lewis addressed members of the Glasgow Volunteer Fire Department during the service by saying, “Return to what you do best. I think that’s what Donnie would want you to do.” Mr. Lewis also thanked Mr. Adkins’ family for allowing him to become a volunteer adding, “Without you sharing time, he could not have done that.”; and

Whereas, Mr. Adkins’ father spoke during the service, thanking the first responders for their hard work and dedication. He also asked everyone in the crowd to never take life for granted saying, “Everyone here that has children or grandchildren turn and give them a big hug because you never know from one minute to the next. Do everything with your kids while you can. To be truthful, wish it could have been me, instead of him.”; and

Whereas, Governor Joe Manchin attended the funeral service and thanked Mr. Adkin’s family, along with other emergency workers; and

Whereas, When the funeral service ended, local fire departments were dismissed slowly out of the gymnasium. Mr. Adkins’ casket was in a fire truck, escorted by several other fire trucks to the Kanawha Valley Memorial Gardens along Route 60 in Glasgow where the graveside service ended with a last call to Mr. Adkins over the radio; and

Whereas, Mr. Adkins will always be a hero to all the family and friends he leaves behind; and

Whereas, It is a fitting tribute to Mr. Adkins and his unselfish heroism to name bridge number 41-19-13.21 (41A179), (37.74976, -81.14022), locally known as Beaver Arch, carrying

U. S. Route 19 over Little Beaver Creek in Raleigh County, the “Donnie Adkins Memorial Bridge”; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 41-19-13.21 (41A179), (37.74976, -81.14022), locally known as Beaver Arch, carrying U. S. Route 19 over Little Beaver Creek in Raleigh County, the “Donnie Adkins Memorial Bridge”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “Donnie Adkins Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senators Ojeda and Stollings offered the following resolution:

Senate Concurrent Resolution 9—Requesting the Division of Highways to name a one-mile stretch of County Route 9/1, beginning at 20 Whitman Church and up Whitman Creek one mile in Logan County, “Ingram’s Way”.

Whereas, James and John Ingram of Logan County have the following accomplishments in the world of competitive archery: James Ingram – 2004 World Champion; 2004 World Record Holder of Highest Archery Score in competition; placed in the top ten of the greatest archery competitors in the World Championships on three separate occasions; and 10 State Championships – Louisiana (3 times), Arkansas (3 times), Missouri (2 times) and Texas and Tennessee. John Ingram – Air Force veteran; 2012 ASA 8th Place in World Championships; 2012 Central Arkansas Bow Hunter Shooter of the Year; 2012 Hoys State Champion; 2012 IAS Shooter of the Year; 2010 Hoyt State Champion; 2010 IAS Shooter of the Year; 2010 Arkansas 2nd Place ASA State Championship; 2005 T. H. E. 2nd Place World Championship; 1999 Missouri Red Head Indoor Pop Up State Champion; and 1999 ASAA State Champion; and

Whereas, Their archery accomplishments and contributions to their county and state should not go unnoticed; and

Whereas, Naming that stretch of road in Logan County, “Ingram’s Way” is an appropriate recognition of their contributions and accomplishments; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a one-mile stretch of County Route 9/1, beginning at 20 Whitman Church and up Whitman Creek one mile in Logan County, “Ingram’s Way”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is requested to have made and be placed signs identifying the road as, “Ingram’s Way”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senators Trump and Blair offered the following resolution:

Senate Resolution 12—Designating February 13, 2017, as Morgan County Day at the Legislature.

Whereas, Morgan County was established in 1820, formed from parts of Hampshire and Berkeley counties and named in honor of General Daniel Morgan, a prominent soldier of the American Revolutionary War; and

Whereas, The county seat of Morgan County is Berkeley Springs, known as “the country’s first spa” for its numerous natural springs that maintain a constant temperature of 74 degrees; and

Whereas, Morgan County, West Virginia, is the home of numerous communities of enormous character and vitality, including, but not limited to, Berkeley Springs, Paw Paw, Great Cacapon, Largent, Magnolia, Doe Gulley, Ridge, Omps, Oakland, Ridersville, Sleepy Creek, Cherry Run, Frog Valley, Sir Johns, Highland Ridge, Orleans, Hansrote, New Hope, Greenwood, Pleasant View, Jimstown and many others; and

Whereas, Morgan County has a rich history with several sites listed on the National Register of Historic Places, including Berkeley Castle which was built in 1885; and

Whereas, Modern day Morgan County is home to the Apple Butter Festival and the Winter Festival of the Waters, was named a “best small art towns” was voted as one of USA Today’s “Top 10 Best Small Southern Towns” in 2015 and was featured in Focus magazine for the innovative ways the county is helping troubled students; and

Whereas, Morgan County’s greatest asset is its citizens, who contribute every day to making Morgan County a better place to live for generations to come; and

Whereas, On the occasion of Morgan County Day at the Legislature, we hereby recognize Morgan County and its citizens for their contributions to the great State of West Virginia; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 13, 2017, as Morgan County Day at the Legislature; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate officials representing Morgan County.

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

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

Upon expiration of the recess, the Senate reconvened and proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Senate Bill 151, Authorizing Department of Administration promulgate legislative rules.

Senate Bill 169, Repealing article providing assistance to Korea and Vietnam veterans exposed to certain chemical defoliants.

Senate Bill 170, Repealing state hemophilia program.

Senate Bill 171, Repealing Programs of All-Inclusive Care for Elderly.

Senate Bill 174, Exempting transportation of household goods from PSC jurisdiction.

Senate Bill 176, Repealing article concerning detection of tuberculosis, high blood pressure and diabetes.

And,

Senate Bill 237, Repealing obsolete rules of Department of Revenue.

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

The Senate then proceeded to the thirteenth order of business.

At the request of Senator Jeffries, the name of Senator Jeffries was removed as a sponsor of **Senate Bill 5** (*Disqualifying CDL for DUI conviction in certain cases*), **Senate Bill 17** (*Relating generally to salary structure for temporary higher education employees*), **Senate Bill 39** (*Requiring BRIM cover volunteer workers and student teachers*), **Senate Bill 41** (*Extending time person may be subject to probation*), **Senate Bill 44** (*Allowing ballot option to express opposition to all candidates*), **Senate Bill 60** (*Relating to eligibility and fraud requirements for public assistance*), **Senate Bill 61** (*Providing consumers sales and service tax and use tax exemption for certain services and tangible personal property sold for repair, remodeling and maintenance of aircraft*), **Senate Bill 63** (*Requiring school counselors spend all their time on comprehensive school counseling programs*), **Senate Bill 167** (*Relating to DNA evidence*), **Senate Bill 171** (*Repealing Programs of All-Inclusive Care for Elderly*) and **Senate Bill 177** (*Repealing article relating to prenatal examination*).

At the request of Senator Maroney, the name of Senator Maroney was removed as a sponsor of **Senate Bill 200** (*Increasing high-quality educational opportunities within public school system*) and **Senate Bill 222** (*Providing disqualification for unemployment benefits for individual who left or lost job as result of strike*).

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Tuesday, February 14, 2017, at 11 a.m.

SENATE CALENDAR

**Tuesday, February 14, 2017
11:00 AM**

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

Consideration of executive nominations

UNFINISHED BUSINESS

- S. C. R. 8 - Donnie Adkins Memorial Bridge
- S. C. R. 9 - Ingram's Way

SECOND READING

- Com. Sub. for S. B. 151 - Authorizing Department of Administration promulgate legislative rules (original similar to HB2284)
- S. B. 169 - Repealing article providing assistance to Korea and Vietnam veterans exposed to certain chemical defoliants
- S. B. 170 - Repealing state hemophilia program
- S. B. 171 - Repealing Programs of All-Inclusive Care for Elderly
- S. B. 174 - Exempting transportation of household goods from PSC jurisdiction - (Com. amend. pending)
- S. B. 176 - Repealing article concerning detection of tuberculosis, high blood pressure and diabetes
- S. B. 237 - Repealing obsolete rules of Department of Revenue - (Com. title amend. pending)

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2017

Tuesday, February 14, 2017

| | | |
|---------|---------------------------------|-------------|
| 10 a.m. | Transportation & Infrastructure | (Room 451M) |
| 1 p.m. | Health & Human Resources | (Room 451M) |
| 1 p.m. | Energy, Industry & Mining | (Room 208W) |
| 2 p.m. | Education | (Room 451M) |
| 2 p.m. | Government Organization | (Room 208W) |