

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE
REGULAR SESSION, 2017
EIGHTH DAY

Charleston, West Virginia, Wednesday, February 15, 2017

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Kay Albright, Bridges of Grace United Church of Christ, Charleston, West Virginia.

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

Trevor Hammons of Marlinton, West Virginia, proceeded in the playing of “Paddy on the Railroad” and “Maid Behind the Bar” on the banjo.

Pending the reading of the Journal of Tuesday, February 14, 2017,

At the request of Senator Maroney, 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 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 115 and 116, Governor’s Committee on Crime, Delinquency and Correction rule relating to law-enforcement training and certification standards.

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

Com. Sub. for Senate Bill 116 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-6-1 and §64-6-2 of the Code of West Virginia, 1931, as amended, all relating to authorizing the Governor’s Committee on Crime, Delinquency and Correction to

promulgate a legislative rule relating to law-enforcement training and certification standards; and authorizing the State Fire Marshal to promulgate a legislative rule relating to the regulation of fireworks and related explosive materials.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Takubo, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 118, DHHR rule relating to expedited partner therapy.

Senate Bill 119, DHHR rule relating to clinical laboratory technician and technologist licensure and certification.

Senate Bill 120, DHHR rule relating to clandestine drug laboratory remediation.

Senate Bill 123, Health Care Authority rule relating to exemption from certificate of need.

Senate Bill 124, Health Care Authority rule relating to Rural Health Systems Grant Program.

Senate Bill 125, Health Care Authority rule relating to Hospital Assistance Grant Program.

And,

Senate Bill 126, Health Care Authority rule relating to certificate of need.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Tom Takubo,
Chair.

The bills, under the original double committee references, were then referred to the Committee on the Judiciary.

Senator Smith, 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 105, DEP rule relating to alternative emission limitations during startup, shutdown and maintenance operations.

Senate Bill 107, DEP rule relating to permits for construction and modification of major stationary sources for prevention of significant deterioration of air quality.

Senate Bill 108, Dep rule relating to standards of performance for new stationary sources.

And,

Senate Bill 109, DEP rule relating to control of air pollution from hazardous waste treatment, storage and disposal facilities.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Randy E. Smith,
Chair.

The bills, under the original double committee references, were then referred to the Committee on the Judiciary.

Senator Blair, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 172, Eliminating salary for Water Development Authority board members.

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

Respectfully submitted,

Craig Blair,
Chair.

Senator Blair, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 215, Allowing county commissions authority to amend proposed rates, fees and charges proposed by public service districts.

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

Respectfully submitted,

Craig Blair,
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 247, Authorizing prosecuting attorney designate and deliver grand jury records for investigative purposes.

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

Com. Sub. for Senate Bill 247 (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 §52-2-11, relating generally to grand juries; authorizing prosecuting attorneys to designate law-enforcement officers and investigators to receive evidence subpoenaed and received by a prosecuting attorney under the authority of a grand jury and to serve as custodians thereof; authorizing designated custodians to use subpoenaed material for legitimate investigative purposes; requiring custodians to preserve grand jury confidentiality and to execute nondisclosure statements to affirm same; authorizing designated custodian to share subpoenaed material with other law-enforcement officers and agencies under limited circumstances; limiting law-enforcement use of such subpoenaed material to legitimate investigative purposes; allowing designated custodians to retain subpoenaed material until conclusion of investigation or prosecution; and defining terms.

And,

Senate Bill 248, Clarifying composition and chairmanship of Commission on Special Investigations.

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

Com. Sub. for Senate Bill 248 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §4-5-1, §4-5-2, §4-5-3, §4-5-4 and §4-5-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §4-5-7 and §4-5-8, all relating to the Commission on Special Investigations; clarifying composition and chairmanship of commission; redefining what constitutes a quorum for voting procedures of commission; clarifying contents of commission's annual report; listing existing and necessary commission staff positions; granting power to conduct interviews and request production from agencies of the state and its political subdivisions of books, records, documents, papers or any other tangible thing, computers, laptops, computer hard drives, electronic records including, but not limited to, emails, files, documents and metadata, or any other thing, in any form in which they may exist; requiring compliance with such requests; authorizing the commission and director to order or direct that all or a portion of the information communicated to the commission at the commission's request, including the existence of the investigation, be confidential and not made public; establishing requirements for commission to enter into executive session; establishing procedures for conducting executive session; removing requirement that Joint Committee on Government and Finance approve expenses of commission; establishing procedure for commission retention and disposal of records; defining new offense of impersonating a commission member or staff member and of obstructing a commission member or staff; establishing penalties; allowing the commission to award duty weapons to certain members on retirement; exempting the commission from the jurisdiction of the agency for surplus property within the Purchasing Division of the Department of Administration with respect to the disposal of the commission's primary and secondary duty weapons; and authorizing sale of surplus weapons to active and retired members of the commission's investigative staff.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Blair, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 261, Relating to increasing salary or wages of judgment debtor.

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 the Judiciary.

Respectfully submitted,

Craig Blair,
Chair.

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

The Senate proceeded to the sixth order of business.

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

By Senators Takubo, Plymale, Stollings, Unger, Miller and Mullins:

Senate Bill 318—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-3-4a, relating to offering influenza immunizations to patients age sixty-five or older in specified facilities.

Referred to the Committee on Health and Human Resources.

By Senators Miller, Stollings and Unger:

Senate Bill 319—A Bill to amend and reenact §18-5-22 of the Code of West Virginia, 1931, as amended, relating to requirements for employment of nurses in public schools; changing student to school nurse staffing ratio; expanding its coverage to all grades; and eliminating county's ability to obtain contract services for nursing.

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

By Senator Trump:

Senate Bill 320—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-4-1, §4-4-2, §4-4-3, §4-4-4, §4-4-5 and §4-4-6, all relating to the Appropriation Supremacy Act of 2017; providing title; defining appropriation; stating findings and purpose; establishing that appropriations by the Legislature take precedence over contrary

directives in statute or rules; providing for liberal construction of article; and recognizing constitutional restrictions on appropriations.

Referred to the Committee on the Judiciary.

By Senator Gaunch:

Senate Bill 321—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10D-12, relating to employee information reported to the Consolidated Public Retirement Board; requiring employers to report all individuals employed; and specifying required minimum reporting requirements.

Referred to the Committee on Pensions.

By Senators Karnes, Boso, Cline and Blair:

Senate Bill 322—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-6-4a, relating to requiring the Commissioner of the Division of Highways and the Director of the Division of Personnel to collaborate to develop a special hiring procedure for personnel positions in the Division of Highways; establishing requirements for the special hiring procedure; exempting the Division of Highways and the Division of Personnel from classified service hiring procedures upon implementation of the special hiring process; exceptions; establishing reporting requirements; and requiring emergency and legislative rulemaking.

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

By Senators Jeffries, Azinger, Cline, Facemire, Ojeda, Palumbo, Plymale, Romano, Smith, Sypolt, Woelfel, Stollings, Boso, Beach and Miller:

Senate Bill 323—A Bill to amend and reenact §11-21-8a of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-24-23a of said code, all relating to increasing the tax credit for qualified rehabilitated buildings investment; setting a date after which the increase applies to new rehabilitation expenditures; and adjusting the tax credits with respect to both personal income tax and corporate net income tax.

Referred to the Committee on Finance.

By Senators Beach and Romano:

Senate Bill 324—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-1-2a; and to amend said code by adding thereto a new section, designated §5-1A-6, all relating to prohibiting the Governor and Legislature from administering equal across-the-board budget cuts to all higher education; and protecting community colleges from disproportionate budget cuts.

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

By Senators Maynard, Cline and Boso:

Senate Bill 325—A Bill to amend and reenact §20-2-42a, §20-2-42q, §20-2-42s and §20-2-42v of the Code of West Virginia, 1931, as amended, all relating to crossbow hunting; and clarifying use of crossbows with certain licenses and stamps.

Referred to the Committee on Natural Resources.

By Senators Romano, Beach, Facemire, Jeffries, Miller, Ojeda, Plymale and Unger:

Senate Bill 326—A Bill to amend and reenact §49-2-802 of the Code of West Virginia, 1931, as amended, relating to requiring Department of Defense family advocacy groups to be notified about any abuse or neglect of a child of a military person.

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

By Senators Romano, Beach, Facemire, Jeffries, Miller, Ojeda, Weld and Plymale:

Senate Bill 327—A Bill to amend and reenact §18A-3-2a of the Code of West Virginia, 1931, as amended, relating to teaching certificates for teachers who are married to a member of the armed forces on active duty stationed in this state.

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

By Senators Romano, Beach, Jeffries, Miller, Ojeda, Smith, Swope and Plymale:

Senate Bill 328—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-3-33b, relating to creating a surcharge on fire and casualty insurance policies in order to relieve the burden from municipalities and counties of certain fire-related cleanup and demolition; requiring the assessment of a surcharge on certain policies; creating exceptions; setting forth collection and remittance requirements; authorizing penalties; creating the Political Subdivisions Fire Cleanup Relief Fund; permitting municipalities and counties to apply to the Treasurer for a disbursement from the fund; authorizing the Treasurer to disburse funds; and granting rule-making authority.

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

Senators Mullins, Plymale, Stollings, Cline and Beach offered the following resolution:

Senate Concurrent Resolution 13—Requesting the Division of Highways to name a portion of County Route 19/12, Blue Jay Drive, near Beaver, WV, beginning at point (37.751566) (-81.147914), at the intersection of Ritter Drive and Skyline Drive, and ending at point (37.737316) (-81.136157), at the intersection of Oak Street and Rabbit Run, the “U. S. Army CPL James Russell Carter Memorial Road”.

Whereas, CPL James Russell Carter was born September 19, 1929, in Raleigh, West Virginia, to Russell and Agatha Carter; and

Whereas, CPL Carter grew up in Raleigh and Blue Jay, West Virginia and attended Shady Spring High School and the Raleigh Mine Institute; and

Whereas, Before enlisting in the United States Army, CPL Carter worked as a delivery driver for Coca-Cola; and

Whereas, On March 3, 1950, CPL Carter enlisted in the United States Army, attending basic training and artillery training in Fort Knox, Kentucky; and

Whereas, Upon completion of training, CPL Carter was sent to Fort Lewis, Washington, where he boarded a ship for Korea; and

Whereas, Upon arriving in Korea in August of 1950, CPL Carter was assigned to the 15th Field Artillery Battalion A Battery, participating in battles along the Naktong perimeter and the push north to the Chinese-Korean border along the Yalu River; and

Whereas, Following China's entry into the Korean theater, CPL Carter fought battles at Kunu-Ri and Hoengsong Valley north of Wonju; and

Whereas, On February 13, 1951, during the Battle of Hoengsong, later called the Hoengsong Valley Massacre, CPL Carter was captured while his unit was attempting to clear a Chinese road block; and

Whereas, CPL Carter subsequently died at the hands of his Chinese captors on the side of a remote Korean road never to be seen again; and

Whereas, A TIME correspondent called the Hoengsong Valley Massacre, "[P]art of the most horribly concentrated display of American dead since the Korean War began."; and

Whereas, Korean War veteran Dick Ecker described the massacre thusly, "It was, of course, the nature of the fatalities in this action that was the real tragedy—many of them MIA, never found and declared dead or captured and died in captivity."; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of County Route 19/12, Blue Jay Drive, near Beaver, WV, beginning at point (37.751566) (-81.147914), at the intersection of Ritter Drive and Skyline Drive, and ending at point (37.737316) (-81.136157), at the intersection of Oak Street and Rabbit Run, the "U. S. Army CPL James Russell Carter Memorial Road"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the road as the "U. S. Army CPL James Russell Carter Memorial Road"; 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 Jeffries, Azinger, Cline, Facemire, Ojeda, Palumbo, Plymale, Romano, Smith, Sypolt, Weld, Woelfel, Stollings and Beach offered the following resolution:

Senate Concurrent Resolution 14—Requesting the Division of Highways name bridge number 40-10-1.70 (40A008), (38.62608) (-81.94803), locally known as Oldaker Bridge, carrying County Route 10 over Eighteen Mile Creek in Putnam County, the "U. S. Army PVT Oren J. 'Junior' Johnson Memorial Bridge".

Whereas, Oren J. "Junior" Johnson was born July 22, 1922, in Midway, Putnam County, West Virginia, to his parents William E. Johnson and Veralie Bell McAllister Johnson; and

Whereas, Until he entered into the United States Army, Junior worked as a farmhand. On January 6, 1943, at the age of twenty, Junior entered the United States Army in Huntington, West Virginia. He served in Company L 133rd Infantry at the rank of private as a rifleman; and

Whereas, PVT Johnson served in the European Theatre during World War II. He served in campaigns in Naples-Foggia, Rome-Arno and North-Appenines, Italy. In October 1944, PVT Johnson was wounded in action and lost his right arm and left leg; and

Whereas, PVT Johnson was awarded a Purple Heart. He also received European-African-Middle Eastern Campaign Medal with three Bronze Campaign Stars and the Honorable Service Lapel Button; and

Whereas, PVT Johnson was honorably discharged from the Army on June 18, 1945, at the Walter Reed General Hospital in Washington, D.C. He resided in the Buffalo, West Virginia, area until the time of his death on June 23, 1993; and

Whereas, It is fitting that an enduring memorial be established to commemorate his service and sacrifice to his country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 40-10-1.70 (40A008), (38.62608) (-81.94803), locally known as Oldaker Bridge, carrying County Route 10 over Eighteen Mile Creek in Putnam County, be named the "U. S. Army PVT Oren J. 'Junior' Johnson Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army PVT Oren J. 'Junior' Johnson 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 Mullins, Stollings, Cline and Beach offered the following resolution:

Senate Concurrent Resolution 15—Requesting the Division of Highways to name bridge number 55-85-5.98 (55A098), locally known as Kopperston Mine Bridge, carrying WV Route 85 over Tug Fork in Wyoming County, the "Herbert 'Herb' Linkous Bridge".

Whereas, Herbert 'Herb' Linkous lived in Kopperston, West Virginia, from 1957 until his death in 2015 with his wife Betty and their five children; and

Whereas, Herb worked for more than 30 years in the coal mines, retiring from Peabody Coal at Kopperston; and

Whereas, Herb served as an officer and representative of United Mine Workers Kopperston Local 7604 for nearly 20 years, working to make certain that miners were treated fairly and had safe working conditions; and

Whereas, Herb was a U. S. Army Veteran, serving in World War II in the Asiatic-Pacific Theater from September 5, 1946, until April 15, 1947, and was awarded the World War II Victory Medal; and

Whereas, Herb also served in the U. S. Army from January 30, 1948, until January 29, 1952, in Korea and was honorably discharged after obtaining the rank of Corporal. During his service in Korea, Herb and his company endured heavy artillery combat and were engaged in hand-to-hand combat. For his service, he was awarded the Bronze Star Medal, the Korean Service Medal with three Bronze Service Stars, the Good Conduct Medal, the Distinguished Unit Emblem and the Overseas Bar; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 55-85-5.98 (55A098), locally known as Kopperston Mine Bridge, carrying WV Route 85 over Tug Fork in Wyoming County, the "Herbert 'Herb' Linkous 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 "Herbert 'Herb' Linkous 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.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 10, US Army SGT Arthur George Roush 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 11, USMC Lance Corporal Edwin Russell 'Snook' Danehart 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 12, Requesting Joint Committee on Children and Families study government benefit programs.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Health and Human Resources; and then to the Committee on Rules.

The Senate proceeded to the eighth order of business.

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

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

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Clements—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 151) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Clements—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 151) 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 169, Repealing article providing assistance to Korea and Vietnam veterans exposed to certain chemical defoliants.

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

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Clements—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 169) 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 170, Repealing state hemophilia program.

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

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Clements—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 170) 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 171, Repealing Programs of All-Inclusive Care for Elderly.

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

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Clements—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 171) 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 176, Repealing article concerning detection of tuberculosis, high blood pressure and diabetes.

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

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Clements—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 176) 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 237, Repealing obsolete rules of Department of 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: Azinger, Beach, Blair, Boley, Boso, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Clements—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 237) passed.

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

Eng. Senate Bill 237—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 and procedural rules promulgated by certain agencies and boards which are no longer authorized or are obsolete; repealing certain legislative and procedural rules 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 statewide appraisal; repealing the Tax Division legislative rule relating to guidelines for assessors to assure fair and uniform nonutility 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 and 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.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo,

Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Clements—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 237) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

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

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

At the request of Senator Blair, as chair of the Committee on Government Organization, and by unanimous consent, the unreported Government Organization committee amendment to the bill was withdrawn.

The bill (S. B. 174) was then ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Senate Bill 127, Authorizing Department of Revenue to promulgate legislative rules.

Com. Sub. for Senate Bill 230, Relating to WV officials carrying concealed firearm nationwide.

And,

Com. Sub. for Senate Bill 233, Excluding from protection oral communications uttered in child care center under Wiretapping and Electronic Surveillance Act.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Jeffries, the name of Senator Jeffries was removed as a sponsor of **Eng. Senate Bill 169** (*Repealing article providing assistance to Korea and Vietnam veterans exposed to certain chemical defoliants*).

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Thursday, February 16, 2017, at 11 a.m.

SENATE CALENDAR

**Thursday, February 16, 2017
11:00 AM**

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

Consideration of executive nominations

UNFINISHED BUSINESS

- | | |
|---------------|--|
| S. C. R. 13 - | US Army CPL James Russell Carter Memorial Road |
| S. C. R. 14 - | US Army PVT Oren J. 'Junior' Johnson Memorial Bridge |
| S. C. R. 15 - | Herbert 'Herb' Linkous Bridge |

THIRD READING

- | | |
|------------------|---|
| Eng. S. B. 174 - | Exempting transportation of household goods from PSC jurisdiction |
|------------------|---|

SECOND READING

- | | |
|---------------------------|---|
| Com. Sub. for S. B. 127 - | Authorizing Department of Revenue to promulgate legislative rules (original similar to HB2230) |
| Com. Sub. for S. B. 230 - | Relating to WV officials carrying concealed firearm nationwide |
| Com. Sub. for S. B. 233 - | Excluding from protection oral communications uttered in child care center under Wiretapping and Electronic Surveillance Act (original similar to HB2505) |

FIRST READING

- | | |
|---------------------------|--|
| Com. Sub. for S. B. 116 - | Governor's Committee on Crime, Delinquency and Correction rule relating to law-enforcement training and certification standards (original similar to HB2252) |
| S. B. 172 - | Eliminating salary for Water Development Authority board members |
| S. B. 215 - | Allowing county commissions authority to amend proposed rates, fees and charges proposed by public service districts |
| Com. Sub. for S. B. 247 - | Authorizing prosecuting attorney designate and deliver grand jury records for investigative purposes |
| Com. Sub. for S. B. 248 - | Clarifying composition and chairmanship of Commission on Special Investigations |

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2017

Thursday, February 16, 2017

9:30 a.m.	Finance	(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)