

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE  
REGULAR SESSION, 2017  
THIRTIETH DAY

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Charleston, West Virginia, Thursday, March 9, 2017

The Senate met at 11 a.m.

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

Prayer was offered by Pastor David Clark, Belle Church of the Nazarene, Belle, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Sue Cline, a senator from the ninth district.

Pending the reading of the Journal of Wednesday, March 8, 2017,

At the request of Senator Jeffries, 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 Boley, from the Committee on Confirmations, submitted the following report, which was received:

Your Committee on Confirmations has had under consideration

**Senate Executive Message 3-T**, dated January 13, 2017, requesting confirmation by the Senate of the nominations mentioned therein. The following list of names from Executive Message 3-T is submitted:

2. For Member, Veterans' Council, Jack Gerrard, Clarksburg, Harrison County, for the term ending June 30, 2019.
3. For Member, West Virginia State University Board of Governors, Charles E. Jones, Jr., Charleston, Kanawha County, for the term ending June 30, 2020.

4. For Member, Bluefield State College Board of Governors, Charlie Cole, Bluefield, Mercer County, for the term ending June 30, 2017.
5. For Member, Blue Ridge Community and Technical College Board of Governors, Keith Unger, Berkeley Springs, Morgan County, for the term ending June 30, 2020.
6. For Member, Blue Ridge Community and Technical College Board of Governors, Stephanie L. Harvey, Martinsburg, Berkeley County, for the term ending June 30, 2020.
7. For Member, Blue Ridge Community and Technical College Board of Governors, Bradley Close, Berkeley Springs, Morgan County, for the term ending June 30, 2018.
9. For Member, West Virginia Northern Community and Technical College Board of Governors, David Artman, Weirton, Hancock County, for the term ending June 30, 2019.
10. For Member, West Virginia Northern Community and Technical College Board of Governors, Larry Lemon, New Martinsville, Wetzell County, for the term ending June 30, 2020.
11. For Member, West Virginia School of Osteopathic Medicine Board of Governors, Cheryl Schreiber, Weirton, Brooke County, for the term ending June 30, 2020.
12. For Member, West Virginia School of Osteopathic Medicine Board of Governors, Charles H. Davis, Stow, Ohio, for the term ending June 30, 2020.
14. For Member, West Virginia University – Parkersburg Board of Governors, Donna M. Smith, Vienna, Wood County, for the term ending June 30, 2020.
15. For Member, West Virginia University – Parkersburg Board of Governors, Jeffrey Matheny, Mineral Wells, Wood County, for the term ending June 30, 2020.
16. For Member, West Virginia University – Parkersburg Board of Governors, Jason Landers, Vienna, Wood County, for the term ending June 30, 2020.
17. For Member, West Virginia University – Parkersburg Board of Governors, Joseph Oliverio, Belmont, Pleasants County, for the term ending June 30, 2020.
18. For Member, West Virginia University – Parkersburg Board of Governors, John P. Hushion, Vienna, Wood County, for the term ending June 30, 2020.
19. For Member, West Virginia Board of Architects, Edward W. Tucker, Huntington, Cabell County, for the term ending June 30, 2021.
20. For Member, West Virginia Board of Architects, Edsel Smith, Jane Lew, Lewis County, for the term ending June 30, 2017.
21. For Member, West Virginia University Board of Governors, Thomas A. Heywood, Charleston, Kanawha County, for the term ending June 30, 2019.

22. For Member, West Virginia University Board of Governors, Ben Statler, Naples, Florida, for the term ending June 30, 2019.
23. For Member, Southern West Virginia Community and Technical College Board of Governors, Howard E. Seufer, Jr., Charleston, Kanawha County, for the term ending June 30, 2020.
24. For Member, Tourism Commission, Kara D. Dense, Lewisburg, Greenbrier County, for the term ending May 1, 2019.
25. For Member, State Conservation Committee, Angela Rosser, Charleston, Kanawha County, for the term ending June 30, 2019.
26. For Member, State Conservation Committee, Roscoe Adkins, Logan, Logan County, for the term ending June 30, 2018.
27. For Member, Real Estate Commission, Joe L. Ellison, Greenville, Monroe County, for the term ending June 30, 2019.
28. For Member, Real Estate Commission, Densil Nibert, Shenandoah Junction, Jefferson County, for the term ending June 30, 2020.
29. For Member, Real Estate Commission, Cheryl Dawson, Hurricane, Putnam County, for the term ending June 30, 2018.
31. For Member, West Virginia State Board of Registration for Professional Engineers, Larry C. Nottingham, Duck, Clay County, for the term ending June 30, 2017.
32. For Member, West Virginia Board of Architects, Wendy Scatterday, Wheeling, Ohio County, for the term ending June 30, 2019.
33. For Member, West Virginia Massage Therapy Licensure Board, Roland Meffort, Nitro, Kanawha County, for the term ending June 30, 2017.
35. For Member, West Virginia Massage Therapy Licensure Board, Marsha Starr, Hamlin, Lincoln County, for the term ending June 30, 2018.
36. For Member, West Virginia Massage Therapy Licensure Board, John Skelton, Shady Spring, Raleigh County, for the term ending June 30, 2018.
37. For Member, West Virginia Massage Therapy Licensure Board, Laurie Lively, Lewisburg, Greenbrier County, for the term ending June 30, 2017.
38. For Member, Regional Jail and Correctional Facility Authority, Tim P. McCormick, Wheeling, Ohio County, for the term ending June 30, 2020.
39. For Member, Regional Jail and Correctional Facility Authority, Michael M. Taylor, Elkins, Randolph County, for the term ending June 30, 2020.

41. For Member, West Virginia Commission for the Deaf and Hard of Hearing, Gwen Bryant, St. Albans, Kanawha County, for the term ending June 30, 2019.
42. For Member, West Virginia Commission for the Deaf and Hard of Hearing, David Blaine, Daniels, Raleigh County, for the term ending June 30, 2017.
43. For Member, Economic Development Authority, Anne Barth, Charleston, Kanawha County, for the term ending June 30, 2020.
44. For Member, West Virginia Board of Veterinary Medicine, Keith B. Berkeley, Ranson, Jefferson County, for the term ending June 30, 2019.
45. For Member, West Virginia Board of Veterinary Medicine, John R. Wilson, Lewisburg, Greenbrier County, for the term ending June 30, 2020.
47. For Member, West Virginia Board of Veterinary Medicine, Amy Runyon Meadows, Lewisburg, Greenbrier County, for the term ending June 30, 2021.
48. For Member, New River Community and Technical College Board of Governors, Jim Ferguson, Bluefield, Mercer County, for the term ending June 30, 2017.
49. For Member, New River Community and Technical College Board of Governors, Tom Cochran, Daniels, Raleigh County, for the term ending June 30, 2019.
50. For Member, Shepherd University Board of Governors, Henry M. Kayes, Jr., Martinsburg, Berkeley County, for the term ending June 30, 2018.
51. For Member, West Virginia Board of Medicine, Wes Steele, Fairmont, Marion County, for the term ending September 30, 2021.
52. For Member, West Virginia Board of Medicine, Carrie A. Lakin, Charleston, Kanawha County, for the term ending September 30, 2021.
53. For Member, Mountwest Community and Technical College Board of Governors, Cathy Burns, Huntington, Cabell County, for the term ending June 30, 2020.
54. For Member, Mountwest Community and Technical College Board of Governors, Anthony E. Martin, Huntington, Cabell County, for the term ending June 30, 2020.
55. For Member, Mountwest Community and Technical College Board of Governors, Rodney Wiles, Huntington, Wayne County, for the term ending June 30, 2020.
56. For Member, Mountwest Community and Technical College Board of Governors, Melvin Miller, Huntington, Cabell County, for the term ending June 30, 2018.
57. For Member, School Building Authority, T. Bart Willis, Logan, Logan County, for the term ending July 31, 2019.

58. For Member, School Building Authority, Tom Lange, Kearneysville, Jefferson County, for the term ending July 31, 2019.
60. For Member, West Virginia Real Estate Appraiser Licensing and Certification Board, Dean E. Dawson, Scott Depot, Putnam County, for the term ending June 30, 2019.
61. For Member, West Virginia Real Estate Appraiser Licensing and Certification Board, Frank DeChiazza, Charleston, Kanawha County, for the term ending June 30, 2019.
62. For Member, West Virginia Real Estate Appraiser Licensing and Certification Board, Darlene Dunn, Morgantown, Monongalia County, for the term ending June 30, 2019.
63. For Member, West Virginia Real Estate Appraiser Licensing and Certification Board, Ann Wilson Worley, Beckley, Raleigh County, for the term ending June 30, 2019.
64. For Member, West Virginia Board of Respiratory Care, Eric O. Hawkins, Bluefield, Mercer County, for the term ending June 30, 2019.
65. For Member, West Virginia Board of Respiratory Care, Tracy S. Matthews, Sod, Lincoln County, for the term ending June 30, 2019.
66. For Member, West Virginia Board of Respiratory Care, Rayan E. Ihle, Charleston, Kanawha County, for the term ending June 30, 2017.
67. For Member, West Virginia Board of Respiratory Care, Barbara Hayden Folden, Mullens, Wyoming County, for the term ending June 30, 2018.
68. For Member, Board of Examiners for Registered Professional Nurses, Doris F. Burkey, Berkeley Springs, Morgan County, for the term ending June 30, 2021.
69. For Member, Public Employees Insurance Agency Finance Board, Philip Reale II, South Charleston, Kanawha County, for the term ending June 30, 2018.
70. For Member, Oil and Gas Conservation Commission, Barry K. Lay, Glenville, Gilmer County, for the term ending July 27, 2020.
71. For Member, Oil and Gas Conservation Commission, Robert L. Radabaugh, Sand Fork, Gilmer County, for the term ending July 27, 2022.
72. For Member, Oil and Gas Conservation Commission, Anthony Gum, Buckhannon, Upshur County, for the term ending July 27, 2018.
73. For Member, West Virginia Parkways Authority, Troy N. Giatras, Charleston, Kanawha County, for the term ending June 30, 2019.
76. For Member, Unemployment Compensation Board of Review, John A. Canfield, Charleston, Kanawha County, for the term ending January 1, 2023.

77. For Member, West Virginia Parole Board, Edward E. Wooton, Petersburg, Grant County, for the term ending June 30, 2019.

And reports the same back with the recommendation that the Senate do advise and consent to all of the nominations listed above.

Respectfully submitted,

Donna J. Boley,  
*Chair.*

The time having arrived for the special order of business to consider the list of nominees for public office submitted by His Excellency, the Governor, the special order thereon was called by the President.

Thereupon, Senator Carmichael (Mr. President) laid before the Senate the following executive message:

**Senate Executive Message 3-T**, dated January 13, 2017 (*shown in the Senate Journal of Wednesday, February 8, 2017, pages 6 through 11, inclusive*);

Senator Boley then moved that the Senate advise and consent to all of the executive nominations referred to in the foregoing report from the Committee on Confirmations.

The question being on the adoption of Senator Boley's aforesated motion,

The roll was then taken; and

On this question, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maynard, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—28.

The nays were: Beach, Facemire, Miller and Romano—4.

Absent: Maroney and Smith—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared Senator Boley's motion had prevailed and that all the executive nominations referred to in the foregoing report from the Committee on Confirmations had been confirmed.

Senator Boley moved that the Senate advise and consent to the nomination of Kathy L. Martin to the Real Estate Commission (being nomination 30 in Executive Message 3-T), the nomination of Joan F. Wysong to the West Virginia Massage Therapy Licensure Board (being nomination 34 in Executive Message 3-T), the nomination of Karen McNealy to the West Virginia Commission for the Deaf and Hard of Hearing (being nomination 40 in Executive Message 3-T) and the nomination of Rachel Phillips to the West Virginia Real Estate Appraiser Licensing and Certification Board (being nomination 59 in Executive Message 3-T).

Senator Prezioso then moved to amend Senator Boley's aforesated motion to advise and consent by including the nomination of Jo Marie Chandler to the Unemployment Compensation Board of Review (being nomination 74 in Executive Message 3-T) and the nomination of Belinda

Biafore to the Unemployment Compensation Board of Review (being nomination 75 in Executive Message 3-T).

Following extended discussion,

The question being on the adoption of Senator Prezioso's amendment to Senator Boley's aforestated motion, and on this question, Senator Prezioso demanded the yeas and nays.

The roll being taken, the yeas were: Beach, Facemire, Jeffries, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger and Woelfel—13.

The nays were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maynard, Rucker, Swope, Sypolt, Takubo, Trump, Weld and Carmichael (Mr. President)—19.

Absent: Maroney and Smith—2.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Prezioso's amendment to Senator Boley's aforestated motion had not prevailed.

The question now being on Senator Boley's motion that the Senate advise and consent to the nomination of Kathy L. Martin to the Real Estate Commission (being nomination 30 in Executive Message 3-T), the nomination of Joan F. Wysong to the West Virginia Massage Therapy Licensure Board (being nomination 34 in Executive Message 3-T), the nomination of Karen McNealy to the West Virginia Commission for the Deaf and Hard of Hearing (being nomination 40 in Executive Message 3-T) and the nomination of Rachel Phillips to the West Virginia Real Estate Appraiser Licensing and Certification Board (being nomination 59 in Executive Message 3-T).

The roll was then taken; and

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maynard, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—30.

The nays were: Miller and Romano—2.

Absent: Maroney and Smith—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared Senator Boley's motion had prevailed and the nomination of Kathy L. Martin to the Real Estate Commission, the nomination of Joan F. Wysong to the West Virginia Massage Therapy Licensure Board, the nomination of Karen McNealy to the West Virginia Commission for the Deaf and Hard of Hearing and the nomination of Rachel Phillips to the West Virginia Real Estate Appraiser Licensing and Certification Board had been confirmed.

Thereafter, at the request of Senator Maynard, and by unanimous consent, the remarks by Senators Prezioso, Ferns, Romano, Miller, Boso, Plymale, Unger and Blair regarding the adoption of Senator Prezioso's amendment to Senator Boley's aforestated motion were ordered printed in the Appendix to the Journal.

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Consideration of executive nominations having been concluded,

Without objection, the Senate returned to the third order of business.

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

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

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

**Eng. Senate Bill 188**, Correcting definition of “telehealth” in medication-assisted treatment programs.

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 212**, Removing DMV from administering license suspension and revocation in cases of individuals charged with DUI.

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

**Com. Sub. for Senate Bill 212** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §17C-5-2, §17C-5-2b, §17C-5-4, §17C-5-7 and §17C-5-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §17C-5A-1, §17C-5A-1a and §17C-5A-3 of said code; to amend said code by adding thereto two new sections, designated §17C-5A-1b and §17C-5A-1c; to amend said code by adding thereto a new section, designated §17C-5C-6; and to amend and reenact §17C-19-3 of said code, all relating generally to the procedures for drivers' license suspensions and revocations for driving under the influence of alcohol, controlled substances or drugs; transferring authority for hearing matters related to suspensions or revocations of drivers' license for operating a motor vehicle while under the influence of alcohol, controlled substances or drugs from the Office of Administrative Hearings to courts; establishing mandatory revocation periods for individuals convicted of driving under the influence; authorizing alternate revocation period involving participation in Motor Vehicle Alcohol Test and Lock Program for certain first offenses; establishing mandatory revocation periods for individuals upon subsequent convictions for driving under the influence; directing Commissioner of Division of Motor Vehicles to revoke driver's license upon conviction for driving under the influence; requiring individuals whose driver's licenses have been revoked upon conviction for driving under the influence to complete comprehensive safety and treatment program before driver's license can be reinstated; prohibiting persons convicted of certain felonies from participating in Motor Vehicle Alcohol Test and Lock Program; permitting persons convicted of certain misdemeanors to participate in Motor Vehicle Alcohol Test and Lock Program; requiring driver consent to requiring participation in Motor Vehicle Alcohol Test and Lock Program; requiring any period of revocation imposed pursuant to a conviction begin once any period of incarceration has been served; making individuals who are found guilty of driving under the influence ineligible for deferral of further



proceedings upon condition of participation in Motor Vehicle Alcohol Test and Lock Program; requiring deferral program to be completed within one year; prohibiting secondary test of blood without issuance of warrant signed by a magistrate or circuit judge; authorizing secondary test of blood with written consent; requiring that individual arrested for driving under the influence be advised verbally of certain consequences for refusal to submit to secondary chemical test; requiring that individual arrested for driving under the influence be given written statement informing the individual of legal consequences of taking or refusing to submit to secondary chemical test and informing the individual of right to receive secondary blood test; requiring arresting officer to wait fifteen minutes before refusal considered final; requiring that, following an individual's refusal to submit to secondary chemical test, an arresting officer execute a signed statement that the officer administered all required warnings; directing officer to submit copy of written statement to Commissioner of Division of Motor Vehicles and court having jurisdiction over charges filed against the individual; eliminating all statutory provisions authorizing or requiring the Commissioner of the Division of Motor Vehicles to take administrative action upon an individual's driver's license on the basis of a driving under the influence arrest absent direction from court; directing Bureau for Public Health to prepare report for Joint Committee on Government and Finance related to minimum levels of drugs and controlled substances to be admitted as prima facie evidence of driving under the influence and minimum levels that laboratories can reliably identify and measure in blood; limiting administrative jurisdiction of Division of Motor Vehicles and Office of Administrative Hearings to offenses occurring on or before June 30, 2017; providing that administrative hearings relating to refusal to undergo a secondary chemical test does not apply to offenses occurring on or after July 1, 2017; eliminating requirement for an order entered by the Division of Motor Vehicles revoking a driver's license to advise of procedures for requesting administrative hearing when the offense is driving under the influence; limiting the right of individuals to challenge suspension or revocation of driver's licenses to the issue of mistaken identity; requiring the commissioner to take corrective action if a driver's license is incorrectly suspended or revoked based on mistaken identity; providing that plea of no contest constitutes a conviction; requiring pretrial suspension of driver's license if individual refuses to submit to secondary chemical test; permitting pretrial suspension of driver's license by court under certain circumstances; establishing right to request and receive hearing of suspension orders pending criminal proceedings in court where case is pending; setting time limits for defendant to request hearing and for hearing to be held; requiring the clerk of a court to transmit a copy of an order suspending or revoking a driver's license and any surrendered license to the Division of Motor Vehicles; providing terms and length of pretrial license suspension; giving persons convicted of driving under the influence credit for pretrial suspension time against period of revocation imposed; authorizing court to modify pretrial suspension of driver's license; providing that any period of modified pretrial driver's license suspension is not credited against future period of revocation imposed; establishing the scope of review for judicial review of pretrial driver's license suspension for refusal to submit to secondary chemical test; directing clerk of court to forward orders on refusal hearings to Division of Motor Vehicles; providing that finding of driver refusal is final if no hearing requested; prescribing periods of revocation for Commissioner of Division of Motor Vehicles to impose upon receipt of court order on refusal; directing copy of revocation order to be sent to person by certified mail; specifying contents of order; providing that revocation for refusal run concurrently with other revocation imposed as a result of same incident that led to refusal; making persons convicted of driving under the influence eligible for participation in comprehensive safety and treatment program and related reductions in length of revocation for successful completion thereof; establishing procedures and timeline for the Office of Administrative Hearings to transfer jurisdiction of certain driver's license suspension and revocation matters to the courts; establishing timeline for OAH to transfer jurisdiction of certain driver's license suspension and revocation matters to Division of Motor Vehicles; directing

arresting officer to request, and driver to surrender, driver's license upon arrest for driving under the influence; eliminating obsolete language; and making technical corrections.

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 299**, Supplementing, amending, decreasing and increasing items of appropriations from State Road Fund to DOH.

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

**Com. Sub. for Senate Bill 299** (originating in the Committee on Finance)—A Bill supplementing, amending, decreasing and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2017, organization 0803, for the fiscal year ending June 30, 2017.

**Senate Bill 300**, Supplemental appropriation from unappropriated balance in Treasury to Division of Personnel.

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

**Com. Sub. for Senate Bill 300** (originating in the Committee on Finance)—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Administration, Division of Personnel, fund 2440, fiscal year 2017, organization 0222, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017.

**Senate Bill 301**, Supplemental appropriation of federal funds from Treasury to State Board of Education, School Lunch Program.

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

**Com. Sub. for Senate Bill 301** (originating in the Committee on Finance)—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Education, State Board of Education – School Lunch Program, fund 8713, fiscal year 2017, organization 0402, by supplementing and amending the appropriation for the fiscal year ending June 30, 2017.

And,

**Senate Bill 305**, Supplemental appropriation of public moneys from Treasury to Fire Commission.

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

**Com. Sub. for Senate Bill 305** (originating in the Committee on Finance)—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Military Affairs and Public Safety, Fire Commission – Fire Marshal Fees, fund 6152, fiscal year 2017, organization 0619, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017.

With the recommendation that the four committee substitutes do pass.

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

**Com. Sub. for Senate Bill 344** (originating in the Committee on Banking and Insurance), Relating to application of payments on consumer credit sale and loans.

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

**Com. Sub. for Com. Sub. for Senate Bill 344** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §46A-2-115 of the Code of West Virginia, 1931, as amended; and to amend and reenact §46A-3-111, §46A-3-112 and §46A-3-113 of said code, all relating to application of payments and partial payments on a consumer credit sale and consumer loans; relating to consumer credit sales and consumer loans; specifying application of payments and partial payments; modifying provisions related to delinquency charges; permitting certain payments be held in a suspense or unapplied funds account; providing requirements concerning funds held in a suspense or unapplied funds account; and assessing delinquency charges on such loans.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Gaunch, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

**Senate Bill 393**, Relating to administration of municipal pensions.

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,

C. Edward Gaunch,  
*Chair.*

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

Senator Swope, from the Committee on the Workforce, submitted the following report, which was received:

Your Committee on the Workforce has had under consideration

**Senate Bill 399**, Prohibiting political subdivisions from enacting local ordinances regulating benefits employers provide to employees.

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

**Com. Sub. for Senate Bill 399** (originating in the Committee on the Workforce)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5I-1, §21-5I-2, §21-5I-3, §21-5I-4 and §21-5I-5, all relating to prohibiting political subdivisions from enacting local ordinances regulating benefits employers provide to their employees; establishing a short title; providing for definitions; outlining legislative intent; establishing areas where political subdivisions are prohibited from enacting or promulgating ordinances, local policies or local regulations; and providing for exceptions.

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,

Chandler Swope,  
*Chair.*

The bill (Com. Sub. for S. B. 399), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Sypolt, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

**Senate Bill 531**, Relating to renewal date for apiary certificates of registration.

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

**Com. Sub. for Senate Bill 531** (originating in the Committee on Agriculture and Rural Development)—A Bill to amend and reenact §19-13-4 of the Code of West Virginia, 1931, as amended, relating to the renewal date for apiary certificates of registration.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Dave Sypolt,  
*Chair.*

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 and Stollings:**

**Senate Bill 564**—A Bill to amend and reenact §18-10M-2, §18-10M-4, §18-10M-6, §18-10M-7 and §18-10M-8 of the Code of West Virginia, 1931, as amended, all relating to the Statewide Independent Living Council; making changes required by amendments to the federal Rehabilitation Act of 1973; modifying the powers and duties of the council; altering the manner in which appropriations are administered; specifying funding eligibility criteria; and making conforming amendments.

Referred to the Committee on Government Organization.

**By Senators Gaunch, Palumbo, Takubo, Stollings and Jeffries:**

**Senate Bill 565**—A Bill to amend and reenact §8-38-9 of the Code of West Virginia, 1931, as amended, relating to the Legislature's authorizing the City of South Charleston to levy a special district excise tax for the benefit of the South Charleston Park Place Economic Opportunity Development District.

Referred to the Committee on Finance.

**By Senators Hall, Facemire and Stollings:**

**Senate Bill 566**—A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof.

Referred to the Committee on Finance.

**By Senator Boso:**

**Senate Bill 567**—A Bill to amend and reenact §15-2C-6 of the Code of West Virginia, 1931, as amended, relating to fees collected to conduct criminal background checks.

Referred to the Committee on Finance.

**By Senators Maynard and Gaunch:**

**Senate Bill 568**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-5-30, relating to making it a crime for doctors and lawyers to knowingly file a fraudulent claim for disability benefits or providing substantive information in support of a fraudulent claim; and establishing the penalties.

Referred to the Committee on the Judiciary.

**By Senators Prezioso, Hall, Stollings and Takubo:**

**Senate Bill 569**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-52-1, §16-52-2 and §16-52-3, all relating to the creation of the Office of Rural Health within the Center for Rural Health Development, Inc.; and creating a steering committee and establishing structure and responsibilities.

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

Senators Rucker, Azinger, Blair, Boley, Clements, Gaunch, Karnes, Mann, Maroney, Maynard, Mullins and Smith offered the following resolution:

**Senate Concurrent Resolution 29**—Declaring pornography to be a public health crisis leading to a broad spectrum of individual and public health impacts and societal harms.

Whereas, Pornography is a public health hazard; and

Whereas, Pornography perpetuates a sexually toxic environment; and

Whereas, Efforts to prevent pornography exposure and addiction, to educate individuals and families concerning its harms, and to develop recovery programs must be addressed systemically in ways that hold broader influences accountable; and

Whereas, Pornography is contributing to the hypersexualizing of teenagers, and even prepubescent children, in our society; and

Whereas, Owing to advances in technology and the universal availability of the Internet, young children are exposed to what used to be referred to as hardcore, but is now considered mainstream, pornography at an alarming rate; and

Whereas, The average age of exposure to pornography is now 11 to 12 years of age; and

Whereas, This early exposure is leading to low self-esteem and body image disorders, an increase in problematic sexual activity at younger ages, and an increased desire among adolescents to engage in risky sexual behavior; and

Whereas, Exposure to pornography often serves as children's and youths' sex education and shapes their sexual templates; and

Whereas, Because pornography treats women as objects and commodities for the viewer's use, it teaches girls that they are to be used and teaches boys to be users; and

Whereas, Pornography normalizes violence and abuse of women and children; and

Whereas, Pornography treats women and children as objects and often depicts rape and abuse as if such acts are harmless; and

Whereas, Pornography equates violence toward women and children with sex and pain with pleasure, which increases the demand for sex trafficking, prostitution, images of child sexual abuse and child pornography; and

Whereas, The use of pornography can potentially negatively affect brain development and functioning, contribute to emotional and medical illnesses, shape deviant sexual arousal and lead to difficulty in forming or maintaining intimate relationships as well as problematic or harmful sexual behaviors and addiction; and

Whereas, The use of pornography, by either partner, is linked to an increased likelihood that girls will engage in group intercourse; and

Whereas, Recent research indicates that pornography is potentially biologically addictive, which means the user requires more novelty, often in the form of more shocking material, in order to be satisfied; and

Whereas, This biological addiction leads to increasing themes of risky sexual behaviors, extreme degradation, violence, child sexual abuse and child pornography; and

Whereas, Pornography use is linked to lessening desire in young men to marry, dissatisfaction in marriage and infidelity; and

Whereas, This link demonstrates that pornography has a detrimental effect on the family unit; and

Whereas, Overcoming pornography's harms is beyond the capability of the afflicted individual to address alone; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby declares pornography to be a public health crisis leading to a broad spectrum of individual and public health impacts and societal harms; and, be it

*Further Resolved,* That the Legislature recognizes the need for education, prevention, research and policy change at the community and societal level in order to address the pornography epidemic that is harming the people of West Virginia and the nation; and, be it

*Further Resolved,* That the Clerk of the Senate is hereby directed to forward a copy of this resolution to every member of the West Virginia Legislature.

Which, under the rules, lies over one day.

Senators Beach, Clements, Ojeda, Woelfel, Stollings and Maynard offered the following resolution:

**Senate Concurrent Resolution 30**—Urging the United States Congress to call a convention for the exclusive purpose of proposing an amendment to the Constitution of the United States of America that will restore free and fair elections in the United States.

Whereas, The Framers of the Constitution of the United States of America intended that the Congress of the United States of America should be “dependent on the people alone” (James Madison, Federalist 52); and

Whereas, That dependency has evolved from a dependency on the people alone to a dependency on powerful special interests, through campaigns or third-party groups, that has created a fundamental imbalance in our representative democracy; and

Whereas, Americans across the political spectrum agree that elections in the United States of America should be free from the disproportional influence of special interests and fair enough that any citizen can be elected into office; and

Whereas, The Constitution of the State of West Virginia states that “all power is vested in, and consequently derived from the people,” that “government is instituted for [their] common benefit” and the people have the inalienable and indefeasible right to alter or reform their government (Article III, Sections 2 & 3); and

Whereas, Article V of the United States Constitution requires Congress to call a convention for proposing amendments to the federal Constitution on the application of two-thirds legislatures of the several states; and

Whereas, The West Virginia Legislature perceives the need for an amendments convention in order to restore balance and integrity to our elections by proposing an amendment to the federal Constitution that will permanently protect free and fair elections in America by addressing, inter alia, issues raised by the decisions of the United States Supreme Court in *Citizens United v. Federal Election Commission* (2010) 130 S.Ct. 876 and related cases and events, and desires that said convention should be so limited; and

Whereas, The State of West Virginia desires that the delegates to said convention shall be comprised equally of individuals currently elected to state and local office, or be selected by election, in each Congressional district for the purpose of serving as delegates, though all individuals elected or appointed to federal office now or in the past, be prohibited from serving as delegates to the convention, and intends to retain the ability to restrict or expand the power of its delegates within the limits expressed herein; and

Whereas, the State of West Virginia intends that this be a continuing application considered together with applications calling for a convention passed in the 2013-2014 Vermont Legislature as R454, the 2013-2014 California Legislature as Resolution Chapter 77, the 98<sup>th</sup> Illinois General Assembly as SJR 42, the 2014-2015 New Jersey Legislature as SCR 132, the 2015-2016 Rhode Island Legislature as HR 7670 and SR 2589, and all other passed, pending, and future applications until such time as two thirds of the several states have applied for a convention for a similar purpose and said convention is convened by Congress; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby urges the United States Congress to call a convention for the exclusive purpose of proposing an amendment to the Constitution of the United States of America that will restore free and fair elections in the United States; and, be it

*Further Resolved,* That the people of the State of West Virginia speaking through its Legislature, and pursuant to Article V of the United States Constitution, hereby apply to the United States Congress to call a convention for the exclusive purpose of proposing an amendment to the Constitution of the United States of America that will restore free and fair elections as described herein, as soon as two thirds of the several states have applied for a convention for a similar purpose; and, be it



*Further Resolved*, That the Clerk of the Senate is hereby directed to forward copies of this resolution to the President of the United States; the Vice President of the United States in his capacity as presiding officer of the United States Senate; the Speaker of the United States House of Representatives; the Minority Leader of the United States House of Representatives; the President Pro Tempore of the United States Senate; to each Senator and Representative from West Virginia in the Congress of the United States with the respectful request that the full and complete text of this resolution be printed in the *Congressional Record*; to the presiding officers of each legislative body of each of the several states, requesting the cooperation of the states in issuing an application compelling Congress to call a convention for proposing an amendment pursuant to Article V of the U. S. Constitution.

Which, under the rules, lies over one day.

Senators Boso, Stollings and Beach offered the following resolution:

**Senate Concurrent Resolution 31**—Requesting the Division of Highways to name bridge number 42-219/34-0.12 (42A161), locally known as the 11th Street Bridge, carrying CR 219/34 over Tygart Valley River in Randolph County, the “U. S. Navy BT2 Mark Edward Hutchison Memorial Bridge”.

Whereas, Boiler Technician Hutchison was born on March 30, 1963, in Elkins, to Edward S. Hutchison and Helen Ruth “Purkey” Hutchison; and

Whereas, Boiler Technician Hutchison was the youngest of the five Hutchison children. He grew up in the Elkins area where he attended school as well as the Vo-Tech Center until graduation from Elkins High School in 1981. He was involved in many local organizations and activities including the Boy Scouts, the Izaak Walton League and the Woodford United Methodist Church; and

Whereas, Boiler Technician Hutchison enlisted in the U. S. Navy on April 12, 1983, and served honorably as a BT2 Class Boiler Technician, and was deployed to the Middle East during Operation Desert Shield in August, 1990; and

Whereas, Boiler Technician Hutchison was killed in a tragic boiler room accident aboard the USS Iwo Jima on October 30, 1990, and was hailed for his bravery and heroism by shipmates and the author Timothy Cummings who wrote an investigative report for Chief Engineer Magazine for his efforts to save the ship and protect his fellow shipmates when the horrific accident occurred; and

Whereas, Boiler Technician Hutchison’s body was returned to his birthplace for final military rites and burial in the Mountain State Memorial Gardens on November 5, 1990; and

Whereas, Boiler Technician Hutchison’s father, Edward S. Hutchison, is a 92 year-old WWII Navy Veteran who served from 1943 to 1945. He served in several theaters of war during this time including his participation as an operator of LCV landing craft and the landing of troops on the beaches of Normandy on D-Day, June 6, 1944. Mr. Hutchison also served as an Elkins City Councilman for several years during the 1970s; and

Whereas, It is fitting that an appropriate memorial recognizing U. S. Navy Boiler Technician Mark Edward Hutchison and the sacrifice he made be established in the area where he lived; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 42-219/34-0.12 (42A161), locally known as the 11th Street Bridge, carrying CR 219/34 over Tygart Valley River in Randolph County, the “U. S. Navy BT2 Mark Edward Hutchison Memorial Bridge”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Navy BT2 Mark Edward Hutchison Memorial Bridge”; and, be it

*Further Resolved,* That the Clerk is hereby requested to forward a copy of this resolution to the Commissioner of Highways.

Which, under the rules, lies over one day.

Senators Weld, Ferns, Stollings, Beach and Romano offered the following resolution:

**Senate Resolution 34**—Memorializing the life of Frank Cuomo, Jr., dedicated public servant.

Whereas, Frank Cuomo, Jr., was born on Thursday, September 12, 1940, in Follansbee, West Virginia, the son of the late Frank and Anna Cuomo; and

Whereas, Frank Cuomo, Jr., was a 1958 graduate of Follansbee High School where he was a member of the 1956 West Virginia state championship baseball team and the 1958 Weirton American Legion championship baseball team. In 1962, he graduated from West Virginia University with a Bachelor of Science degree in industrial engineering and belonged to the Alpha Pi Mu Honorary National Engineering Society. In 1966, Frank obtained a Doctorate of Jurisprudence from the West Virginia University College of Law with top honors; and

Whereas, Following law school, Frank Cuomo, Jr., joined the law firm of Pinsky, Mahan, Barnes and Watson, where he soon became a full partner. In 1979, Frank became a sole practitioner until his son, the Honorable West Virginia Circuit Court Judge Jason Cuomo, joined his practice in 1996. As a trial lawyer, Frank earned many victories, helping to establish several landmark decisions in the Supreme Court of the State of West Virginia including a worker’s right to present a claim for suicide as a compensable work injury, an indigent’s right to government-paid blood tests following an arrest for a suspected DUI and a case helping to solidify the defense of battered woman’s syndrome against a murder charge; and

Whereas, Frank Cuomo, Jr., was the first President of the Brooke County Young Democrats; the Vice President of the Brooke County Bar Association; a 50-year member of the West Virginia and Pennsylvania State Bar Associations; was licensed to practice law before the United States Supreme Court and the northern and southern districts of the Federal Courts of West Virginia; a member of the West Virginia Trial Lawyers Association; a member of the Follansbee Chamber of Commerce; and a past Kiwanis Club member; and

Whereas, For 22 years, from 1967 until 1989, Frank Cuomo, Jr., served diligently and honorably as the attorney for the City of Follansbee, where he was instrumental in helping the city obtain an \$8.75 million grant to establish Wheeling-Nisshin. Additionally, Frank was also key in helping the city win a court battle that established the annexation of the sites encompassing Koppers Industries, the former Wheeling-Pittsburgh Steel facilities and the Highland Hills residential area; and

Whereas, By his actions as the City Attorney, Frank Cuomo, Jr., was pivotal, along with Follansbee Mayor Adam Dalessio, City Manager Ray Stoaks and the City Council, in securing the financial future of Follansbee for many decades; and

Whereas, In 2006, Frank Cuomo, Jr., was named the Parade Marshal for the Follansbee Community Days and in 2016, Frank was honored by the Follansbee Chamber of Commerce as its Citizen of the Year; and

Whereas, In his private life, Frank Cuomo, Jr., was one of the original founders of the Follansbee Youth Basketball League in 1981, and enjoyed the years he spent as a Little League Baseball Coach in the Follansbee Youth Baseball League; and was a member of the Christian Assembly of Follansbee; and

Whereas, For the past 50 years, Frank Cuomo, Jr., has been married to his loving wife Sharon, with whom he shared the joy of having two children; their son Jason A. Cuomo and his wife, Dana; and their daughter Dana Merenda along with her husband Ross. Frank and Sharon have also been blessed with four grandchildren, Caitlin Lee Cuomo, Evan Michael Cuomo, Melina Marie Merenda, and Silia Sarina Merenda; and

Whereas, Sadly, Frank Cuomo, Jr., passed away peacefully on Sunday, December 18, 2016, at his home in Follansbee, West Virginia, under the care of his loving family, bringing an end to a productive life of dedicated public service; therefore, be it

*Resolved by the Senate:*

That the Senate hereby memorializes the life of Frank Cuomo, Jr., dedicated public servant; and, be it

*Further Resolved,* That the Senate extends its sincere condolences to the family of Frank Cuomo, Jr., at his passing; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the family of Frank Cuomo, Jr.

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

The question being on the adoption of the resolution, and on this question, Senator Blair demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Maroney and Smith—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the resolution (S. R. 34) adopted.

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Weld regarding the adoption of Senate Resolution 34 were ordered printed in the Appendix to the Journal.

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

Upon expiration of the recess, the Senate reconvened and resumed business under the sixth order.

### **Petitions**

Senator Sypolt presented a petition from Matthew Lazo and the East Hardy High School Inspire West Virginia club, requesting the Legislature to replace the Smarter Balance Assessment with the ACT test.

Referred to the Committee on Education.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 3**, Urging Congress call convention of states to impose fiscal restraints on federal government.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, the same was put and prevailed.

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

**Senate Concurrent Resolution 28**, US Army SPC4 Randall W. Arbogast Memorial Road.

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. Senate Bill 185**, Allowing spending units designate fund into which proceeds from sale of surplus property must be deposited.

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, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Maroney and Smith—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 185) passed with its title.

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

**Eng. Com. Sub. for Senate Bill 206**, Expanding definition of “kidnapping” to include taking or gaining custody of, confining or concealing person by force.

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, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Maroney and Smith—2.

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. 206) passed with its title.

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

**Eng. Com. Sub. for Senate Bill 220**, Relating to offenses and penalties under Uniform Controlled Substances Act.

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

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 220 pass?”

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Maroney and Smith—2.

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. 220) 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 365**, Maintaining solvency of Unemployment Compensation Fund.

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, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Maroney and Smith—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 365) 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 Com. Sub. for Senate Bill 173**, Relating to certain motor vehicles.

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

On motion of Senator Stollings, the following amendment to the bill was reported by the Clerk:

On page eight, section forty-four, line one, by striking out the words "under the age of eighteen".

Following extended discussion,

The question being on the adoption of the amendment offered by Senator Stollings to the bill, the same was put and prevailed.

The bill (Com. Sub. for Com. Sub. for S. B. 173), as amended, was then ordered to engrossment and third reading.

**Senate Bill 235**, Relating to motorcycle registration renewal.

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 259**, Requiring administrators of intestate estates to give bond and take oath.

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 473**, Permitting collection and sale of naturally shed deer antlers.

On second reading, coming up in regular order, was read a second time and 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 350**, Allowing licensed professional counselors be issued temporary permit.

**Com. Sub. for Senate Bill 423**, Relating to operation of licensed group homes.

**Com. Sub. for Senate Bill 441**, Establishing Municipal Home Rule Pilot Program.

**Com. Sub. for Senate Bill 481**, Eliminating requirement municipal courts wait 90 days before notifying DMV of person's failure to appear or pay assessed costs.

**Senate Bill 490**, Clarifying standard of liability for officers of corporation.

**Senate Bill 491**, Relating to county litter control officers.

**Com. Sub. for Senate Bill 492**, Eliminating requirement every circuit court participate in drug court program.

**Com. Sub. for Senate Bill 496**, Relating generally to guaranteed asset protection waivers.

**Com. Sub. for Senate Bill 505**, Providing five-year reclamation period following completion of well pads for horizontal wells.

**Eng. Com. Sub. for House Bill 2099**, Defining the act of leaving the scene of a crash involving death or serious bodily injury as a felony; Erin's Law.

**Eng. Com. Sub. for House Bill 2301**, Relating to direct primary care.

**Eng. Com. Sub. for House Bill 2347**, Allowing schools licensed to provide barber, cosmetology and related training to hold theory classes and clinical classes at different locations.

And,

**Eng. House Bill 2431**, Allowing influenza immunizations to be offered to patients and residents of specified facilities.

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senators Ojeda, Boso and Maynard.

Thereafter, at the request of Senator Stollings, and by unanimous consent, the remarks by Senator Ojeda were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

On motion of Senator Ferns, leaves of absence for the day were granted Senators Maroney and Smith.

At the request of Senator Beach, the name of Senator Beach was removed as a sponsor of **Senate Bill 519** (*Amending WV Nurse Overtime and Patient Safety Act*).

At the request of Senator Ferns, the name of Senator Ferns was removed as a sponsor of **Senate Bill 555** (*Dissolving PEIA*).

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Friday, March 10, 2017, at 11 a.m.

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## **SENATE CALENDAR**

**Friday, March 10, 2017  
11:00 AM**

### **UNFINISHED BUSINESS**

- S. C. R. 29 - Declaring pornography public health crisis
- S. C. R. 30 - Urging US Congress convene to propose amendment to US Constitution restoring free and fair elections
- S. C. R. 31 - US Navy BT2 Mark Edward Hutchison Memorial Bridge

### **THIRD READING**

- Eng. Com. Sub. for Com. Sub. for S. B. 173 - Relating to certain motor vehicles (original similar to HB2530, HB2576)
- Eng. S. B. 235 - Relating to motorcycle registration renewal
- Eng. Com. Sub. for S. B. 259 - Requiring administrators of intestate estates to give bond and take oath
- Eng. Com. Sub. for S. B. 473 - Permitting collection and sale of naturally shed deer antlers

### **SECOND READING**

- Com. Sub. for S. B. 350 - Allowing licensed professional counselors be issued temporary permit
- Com. Sub. for S. B. 423 - Relating to operation of licensed group homes
- Com. Sub. for S. B. 441 - Establishing Municipal Home Rule Pilot Program
- Com. Sub. for S. B. 481 - Eliminating requirement municipal courts wait 90 days before notifying DMV of person's failure to appear or pay assessed costs
- S. B. 490 - Clarifying standard of liability for officers of corporation
- S. B. 491 - Relating to county litter control officers
- Com. Sub. for S. B. 492 - Eliminating requirement every circuit court participate in drug court program
- Com. Sub. for S. B. 496 - Relating generally to guaranteed asset protection waivers
- Com. Sub. for S. B. 505 - Providing five-year reclamation period following completion of well pads for horizontal wells
- Eng. Com. Sub. for H. B. 2099 - Defining the act of leaving the scene of a crash involving death or serious bodily injury as a felony; Erin's Law - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 2301 - Relating to direct primary care - (Com. title amend. pending)

Eng. Com. Sub. for H. B. 2347 - Allowing schools licensed to provide barber, cosmetology and related training to hold theory classes and clinical classes at different locations

Eng. H. B. 2431 - Allowing influenza immunizations to be offered to patients and residents of specified facilities - (Com. title amend. pending)

### **FIRST READING**

Com. Sub. for S. B. 212 - Relating generally to procedures for drivers' license suspensions and revocations

Com. Sub. for S. B. 299 - Supplementing, amending, decreasing and increasing items of appropriations from State Road Fund to DOH (original similar to HB2779)

Com. Sub. for S. B. 300 - Supplemental appropriation from unappropriated balance in Treasury to Division of Personnel (original similar to HB2639)

Com. Sub. for S. B. 301 - Supplemental appropriation of federal funds from Treasury to State Board of Education, School Lunch Program (original similar to HB2501)

Com. Sub. for S. B. 305 - Supplemental appropriation of public moneys from Treasury to Fire Commission (original similar to HB2785)

Com. Sub. for Com. Sub. for S. B. 344 - Relating to application of payments on consumer credit sale and loans (original similar to HB2672)

Com. Sub. for S. B. 531 - Relating to renewal date for apiary certificates of registration

**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2017**

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**Friday, March 10, 2017**

9 a.m.	Judiciary	(Room 208W)
9:30 a.m.	Finance	(Room 451M)
10 a.m.	Economic Development	(Room 208W)