

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE
REGULAR SESSION, 2017
THIRTY-FIRST DAY

Charleston, West Virginia, Friday, March 10, 2017

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Mitchell Bias, Regional Church of God, Delbarton, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Craig Blair, a senator from the fifteenth district.

Pending the reading of the Journal of Thursday, March 9, 2017,

At the request of Senator Facemire, 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.

On motion of Senator Ferns, the provisions of rule number fifty-four of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to grant Amy Karnes, wife of the Honorable Robert Karnes, a senator from the eleventh district, privileges of the floor for the day.

The Senate proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2503—A Bill to repeal §30-14-15 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-14-14 of said code, relating to the rulemaking authority for Board of Osteopathic Medicine.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 2540—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-21, relating to authorizing a person to practice professions and occupations for a charitable function; provides qualifications for volunteers; provides volunteers may be compensated; limits volunteer authorization to twenty-one days; requires information be provided to the applicable board; requires record keeping of volunteer authorizations; and provides boards may not charge a fee for charitable practice.

Referred to the Committee on Health and Human Resources.

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

Eng. House Bill 2628—A Bill to amend and reenact §30-3-12 and §30-3-14 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-14-11 and §30-14-12a of said code, all relating generally to the powers and duties of the Board of Medicine and the Board of Osteopathic Medicine with regard to evidence of serious misconduct of individuals subject to the boards' jurisdiction; authorizing the Board of Medicine to deny a license to any applicant who has been convicted of a felony; requiring the Board of Osteopathic Medicine to revoke a license when an osteopathic physician or physician's assistant is convicted of a felony involving prescription drugs; authorizing the Board of Medicine to order a permanent revocation of license when warranted by evidence; specifying additional disciplinary and restorative powers for the Board of Osteopathic Medicine; clarifying that these boards may impose disciplinary sanctions when license knowingly fails to report the gross misconduct of another licensee; and requiring the boards to refer information to law enforcement and prosecuting authorities when a board has reason to believe a crime has occurred.

Referred to the Committee on Government Organization.

The Senate proceeded to the fourth order of business.

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

Your Committee on Finance has had under consideration

Senate Bill 25, Creating farm-to-food bank tax credit.

And,

Senate Bill 364, Incorporating changes to Streamlined Sales and Use Tax Agreement.

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

Respectfully submitted,

Mike Hall,
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 28, Creating new system for certain contiguous counties to establish regional recreation authorities.

With amendments from the Committee on Natural Resources pending;

And reports the same back with the recommendation that it do pass as amended by the Committee on Natural Resources to which the bill was first referred.

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 219, Relating to conspiracy to commit crimes under Uniform Controlled Substances Act.

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

Com. Sub. for Senate Bill 219 (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 §60A-4-414, relating generally to conspiracy to commit violations of the Uniform Controlled Substances Act; creating the felony offense of conspiracy to violate controlled substances law; creating distinct felony offenses of conspiracy to manufacture, deliver or possess with intent to manufacture or deliver heroin, cocaine or cocaine base, phencyclidine, lysergic acid diethylamide and methamphetamine distinguished by the weight of the controlled substance; and providing criminal penalties.

And,

Senate Bill 455, Removing archaic language regarding commitment orders of sentenced persons.

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

Com. Sub. for Senate Bill 455 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §62-7-10 of the Code of West Virginia, 1931, as amended, relating generally to commitment of persons to the custody of the Commissioner of Corrections; updating the commitment order form sentencing courts are required to complete when committing a person to the custody of the Commissioner of Corrections; requiring that the commitment order contain certain information; and clarifying that the circuit clerk of the court is required to transmit certified copies of the commitment order to the Commissioner of the Division of Corrections and the West Virginia Regional Jail Authority upon entry.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Miller moved that Committee Substitute for Senate Bill 219 be referred to the Committee on Finance.

Following discussion,

The question being on the adoption of Senator Miller's aforesated motion, the same was put.

The result of the voice vote being inconclusive, Senator Beach demanded a division of the vote.

A standing vote being taken, there were fifteen "yeas" and eighteen "nays".

Whereupon, Senator Carmichael (Mr. President) declared Senator Miller's aforesated motion rejected.

At the request of Senator Prezioso, and by unanimous consent, Senator Prezioso addressed the Senate regarding the rejection of Senator Miller's motion to refer Committee Substitute for Senate Bill 219 to the Committee on Finance.

At the request of Senator Plymale, unanimous consent being granted, Senator Plymale addressed the Senate regarding the rejection of Senator Miller's motion to refer Committee Substitute for Senate Bill 219 to the Committee on Finance.

At the request of Senator Beach, and by unanimous consent, the remarks by Senators Miller, Hall, Romano, Ojeda, Prezioso and Plymale regarding the rejection of Senator Miller's motion to refer Committee Substitute for Senate Bill 219 to the Committee on Finance were ordered printed in the Appendix to the Journal.

At the request of Senator Trump, unanimous consent being granted, Senator Trump addressed the Senate regarding the rejection of Senator Miller's motion to refer Committee Substitute for Senate Bill 219 to the Committee on Finance.

At the request of Senator Hall, and by unanimous consent, Senator Hall addressed the Senate regarding the rejection of Senator Miller's motion to refer Committee Substitute for Senate Bill 219 to the Committee on Finance.

Pending announcement of a minority party caucus,

On motion of Senator Prezioso, the Senate recessed for 10 minutes.

Upon expiration of the recess, the Senate reconvened and proceeded to the sixth order of business, which agenda includes the making of main motions.

On motion of Senator Trump, the Senate reconsidered the vote by which in earlier proceedings today it rejected Senator Miller's motion to refer Committee Substitute for Senate Bill 219 to the Committee on Finance.

The vote thereon having been reconsidered,

The question again being on the adoption of Senator Miller's motion to refer Committee Substitute for Senate Bill 219 to the Committee on Finance, the same was put and prevailed.

At the request of Senator Ferns, and by unanimous consent, the Senate returned to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 256, Relating to prohibiting aiding and abetting of sexual abuse by school personnel.

And has amended same.

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

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 268, Requiring county commissions maintain websites with specific information.

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

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

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

Respectfully submitted,

Craig Blair,
Chair.

The bill (Com. Sub. for S. B. 268), under the original double committee reference, was then referred to the Committee on Finance.

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 326, Requiring Department of Defense family advocacy groups be notified about abuse or neglect of military member's child.

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

Respectfully submitted,

Tom Takubo,
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 428, Relating to partial filling of prescriptions.

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

Com. Sub. for Senate Bill 428 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §30-5-27 of the Code of West Virginia, 1931, as amended, relating to partial filling of prescriptions; permitting partial filling of prescriptions for controlled substances listed in Schedule II under certain circumstances; setting conditions for partial filling of prescriptions for controlled substances listed in Schedule II; permitting remaining portion of prescription to be filled within thirty days of first partial filling; setting forth steps to be followed if pharmacist is unable to fill remaining portion of prescription; prohibiting further quantities from being supplied beyond seventy-two hours in absence of new prescription; providing that remaining portions of a partially filled prescription for controlled substances listed in Schedule II may be filled in emergency situations; and defining "emergency situation".

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

Respectfully submitted,

Tom Takubo,
Chair.

The bill (Com. Sub. for S. B. 428), under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration

Senate Bill 440, Relating to use of Regional Jail and Correctional Facility Authority funds.

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

Com. Sub. for Senate Bill 440 (originating in the Committee on Finance)—A Bill to amend and reenact §31-20-10 of the Code of West Virginia, 1931, as amended, relating to mandating that investment of certain Regional Jail and Correctional Facility Authority special funds be with the West Virginia Board of Treasury Investments or the West Virginia Investment Management Board; and eliminating obsolete language.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mike Hall,
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

Eng. Com. Sub. for House Bill 2167, Creating a Silver Alert program for senior citizens.

And has amended same.

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

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

Eng. Com. Sub. for House Bill 2359, Relating to offenses and penalties for practicing osteopathic medicine without a license.

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.

Senator Mann, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Eng. Com. Sub. for House Bill 2542, Relating to public higher education personnel.

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

Respectfully submitted,

Kenny Mann,
Chair.

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

Your Committee on Finance has had under consideration

Eng. House Bill 2590, Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act.

And,

Eng. House Bill 2594, Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act.

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

Respectfully submitted,

Mike Hall,
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 Senator Boso:

Senate Bill 570—A Bill to amend and reenact §15-2-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §15-2E-3 and §15-2E-5 of said code, all relating to the sale of items in the State Police Academy post exchange to the public.

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

By Senator Blair:

Senate Bill 571—A Bill to amend and reenact §16-2-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-17-20, all relating generally to certification and qualifications of sanitarians; terminating the State Board of Sanitarians; providing for the State Division of Personnel to establish education standards and qualifications for sanitarians in collaboration with local boards of health; and correcting an erroneous reference.

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

By Senators Sypolt and Gaunch:

Senate Bill 572—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-5-6e; to amend and reenact §3-10-1 and §3-10-8 of said code; and to amend said code by adding thereto a new section, designated §3-10-8a, all relating to providing for the nonpartisan election of county surveyors; specifying the manner of appointment of a successor when an elected county surveyor vacates office; and prescribing when elections must be held to elect a new surveyor.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 573—A Bill to amend and reenact §11-13-2o of the Code of West Virginia, 1931, as amended, relating to adjusting the tax on the business of generating or producing or selling electricity from wind turbine facilities to match that of other power generation facilities recently placed into service.

Referred to the Committee on Finance.

By Senators Trump and Woelfel:

Senate Bill 574—A Bill to amend and reenact §38-1-13 of the Code of West Virginia, 1931, as amended; to amend and reenact §44D-1-103 and §44D-1-107 of said code; to amend said code by adding thereto a new section, designated §44D-1-113; to amend and reenact §44D-3-303 of said code; to amend and reenact §44D-4-403, §44D-4-405, §44D-4-409 and §44D-4-414 of said code; to amend and reenact §44D-5-503b and §44D-5-505 of said code; to amend and reenact §44D-6-604 of said code; and to amend and reenact §44D-8-813 and §44D-8-817 of said code, all relating generally to trusts and their administration; removing the requirement of notice to certain trustees; modifying definitions; establishing the insurable interest of a trustee; increasing amount of noncharitable trust property to modify or terminate trust without court approval; requiring qualified trustee be independent to meet definition of “qualified interest”; adding reference to exception to provision allowing creditor or assignee to reach amount distributed for grantor’s benefit; changing references from beneficiary to interested person in limitations on actions to contest validity of revocable trust; modifying duties of trustee to inform and report to beneficiaries; and requiring trustee to wind up administration of trust upon its termination.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 575—A Bill to amend and reenact §61-6-23 of the Code of West Virginia, 1931, as amended, relating to limitations on nuisance actions against shooting ranges for noises.

Referred to the Committee on the Judiciary.

By Senators Trump and Blair:

Senate Bill 576—A Bill to amend and reenact §37-7-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new chapter, designated §37B-1-1, §37B-1-2, §37B-1-3, §37B-1-4, §37B-1-5, §37B-1-6 and §37B-1-7, all relating generally to real property; providing an exception to waste for certain oil and gas development; providing a short title; providing declarations of public policy and legislative findings; providing definitions; providing that

consent for the lawful use of the oil and gas mineral property by two-thirds of mineral interest owners is permissible, not waste and not trespass; providing that cotenants are not liable for damages for as a result of the lawful use of oil and gas mineral property when an accounting is provided and a pro rata share of revenues and costs are distributed to or reserved for each unknown or unlocatable cotenant; allowing for an acreage weighted average royalty interest, free of post-production expenses, to each nonconsenting cotenant; permitting for the joint development by horizontal drilling of multiple adjacent leases held by the same operator if the operator has a surface use agreement with all surface owners whose tracts may be disturbed by joint development; providing that royalties distributed to royalty owners affected by joint development may not be reduced by post-production expenses; and providing for severability of provisions.

Referred to the Committee on the Judiciary.

By Senators Rucker, Blair, Clements, Maynard, Ojeda and Unger:

Senate Bill 577—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-23-12e, relating to the licensing of advance deposit wagering; providing for source market fees; providing for the distribution of those fees from wagers made by West Virginia account holders, for distribution of those fees from wagers made by account holders located within and outside thirty miles of a licensed racing association and for distribution of those fees from wagers made by account holders located within thirty miles of two or more licensed racing associations; providing for regulatory authority in the Racing Commission over advance deposit wagering; providing for the assessment and imposition of regulatory fees and taxes on advance deposit wagering licensees' wagering in West Virginia and for the distribution of the fees and taxes; prohibiting advance deposit wagering in West Virginia unless conducted through an advance deposit wagering licensee or as otherwise provided by law; providing for criminal penalties for accepting or attempting to accept advance deposit wagers without a license; providing authority for the Racing Commission to seek civil remedies and damages; providing that all advance deposit wagers placed by residents or nonresidents within the state are considered to be wagering within West Virginia subject to the laws of this state and rules of the Racing Commission; authorizing rulemaking; and defining terms.

Referred to the Committee on Finance.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 29, Declaring pornography public health crisis.

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

Senate Concurrent Resolution 30, Urging US Congress convene to propose amendment to US Constitution restoring free and fair elections.

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

Senate Concurrent Resolution 31, US Navy BT2 Mark Edward Hutchison Memorial Bridge.

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Com. Sub. for Senate Bill 173, Relating to certain motor vehicles.

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, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld and Carmichael (Mr. President)—33.

The nays were: Woelfel—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 173) passed.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 173—A Bill to amend and reenact §17B-1-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-2-7b of said code; to amend said code by adding thereto a new section, designated §17C-1-69; and to amend and reenact §17C-15-44 of said code, all relating to autocycles; creating an autocycle exemption from motorcycle examination, licensing and endorsement requirements; allowing a person with a valid driver's license to operate an autocycle; creating an autocycle exemption from helmet and certain other motorcycle or motor-driven cycle safety requirements; defining terms; deleting obsolete language regarding the motorcycle safety and education committee; and making technical corrections.

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

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

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, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 235) 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 259, Requiring administrators of intestate estates to give bond and take oath.

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, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 259) 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 473, Permitting collection and sale of naturally shed deer antlers.

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 473 pass?”

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, 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)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 473) passed with its title.

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

Thereafter, at the request of Senator Karnes, and by unanimous consent, the remarks by Senator Ojeda regarding the passage of Engrossed Committee Substitute for Senate Bill 473 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 350, Allowing licensed professional counselors be issued temporary permit.

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 423, Relating to operation of licensed group homes.

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 441, Establishing Municipal Home Rule Pilot Program.

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

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

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

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

Senate Bill 491, Relating to county litter control officers.

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 492, Eliminating requirement every circuit court participate in drug court program.

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 496, Relating generally to guaranteed asset protection waivers.

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 505, Providing five-year reclamation period following completion of well pads for horizontal wells.

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

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.

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

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

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 4. CRASHES.

§17C-4-1. Crashes involving death or personal injuries; Erin's Law.

(a) The driver of any vehicle involved in a crash resulting in the injury to or death of any person shall immediately stop the vehicle at the scene of the crash or as close to the scene as possible and return to and remain at the scene of the crash until he or she has complied with the requirements of section three of this article: *Provided*, That the driver may leave the scene of the crash as may reasonably be necessary for the purpose of rendering assistance to ~~an injured any person injured in the crash~~, as required by ~~said section three~~ Every such of this article. stop shall be made without obstructing traffic more than is necessary.

~~(b) Any person knowingly violating the provisions of subsection (a) of this section after being involved in a crash resulting in the death of any person is guilty of a felony and, upon conviction, thereof, shall be fined by not more than \$5,000, or imprisoned in a correctional facility for not less than one year nor more than five years, or both fined and confined. Any driver who is involved in a crash in which another person suffers bodily injury and who intentionally violates subsection (a) of this section when he or she knows or has reason to believe that another person suffered physical injury in said crash, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by confinement in jail for not more than one year, or fined not more than \$1,000, or both fined and confined.~~

~~(c) Notwithstanding the provisions of subsection (b) of this section, any driver who is involved in a crash in which another person suffers serious bodily injury and who intentionally violates subsection (a) of this section when he or she knows or has reason to believe that another person has suffered physical injury in said crash is guilty of a felony and, upon conviction, shall be imprisoned in a state correctional facility for not less than one year nor more than three years, or fined not more than \$2,500, or both fined and imprisoned.~~

~~(e) (d) Any person knowingly violating the provisions of subsection (a) of this section after being involved in a crash resulting in physical injury to any person is guilty of a misdemeanor and, upon conviction thereof, shall be punished by confinement in jail for not more than one year, or fined not more than \$1,000, or both. Notwithstanding the provisions of subsection (b) or (c) of this section, any driver who is involved in a crash that proximately causes the death of another person who intentionally violates subsection (a) of this section when he or she knows or has reason to believe that another person has suffered physical injury in said crash is guilty of a felony and, upon conviction thereof, shall be fined not more than \$5,000, or imprisoned in a state correctional facility for not less than one year nor more than five years, or both fined and imprisoned: *Provided*, That any death underlying a prosecution under this subsection must occur within one year of the crash.~~

(e) As used in this section:

(1) "Bodily injury" means injury that causes substantial physical pain, illness or any impairment of physical condition;

(2) "Physical injury" means bodily injury, serious bodily injury or death; and

(3) "Serious bodily injury" means bodily injury that creates a substantial risk of death, that causes serious or prolonged disfigurement, prolonged impairment of health, prolonged loss or impairment of the function of any bodily organ, loss of pregnancy, or the morbidity or mortality occurring because of a preterm delivery.

~~(d)~~ (f) The commissioner shall revoke the license or permit or operating privilege to drive of any resident or nonresident person convicted pursuant to the provisions of this section for a period of one year from the date of conviction or the date of release from incarceration, whichever is later.

~~(e)~~ (g) This section may be known and cited as "Erin's Law".

The bill (Eng. Com. Sub. for H. B. 2099), as amended, was then ordered to third reading.

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

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

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.

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

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

On second reading, coming up in regular order, was read a second time and ordered to 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 212, Relating generally to procedures for drivers' license suspensions and revocations.

Com. Sub. for Senate Bill 299, Supplementing, amending, decreasing and increasing items of appropriations from State Road Fund to DOH.

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

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

Com. Sub. for Senate Bill 305, Supplemental appropriation of public moneys from Treasury to Fire Commission.

Com. Sub. for Senate Bill 344, Relating to application of payments on consumer credit sale and loans.

And,

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

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

On motion of Senator Ferns, the Senate recessed for five minutes to permit Wesley Self to address the Senate on behalf of the Frasure-Singleton Student Legislative Program.

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

Remarks were made by Senators Miller, Boso and Cline.

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

Following points of inquiry by Senator Unger, with resultant responses by Senator Ferns,

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

On motion of Senator Ferns, the Senate adjourned until tomorrow, Saturday, March 11, 2017, at 9 a.m.

SENATE CALENDAR

Saturday, March 11, 2017
9:00 AM

THIRD READING

- Eng. Com. Sub. for S. B. 350 - Allowing licensed professional counselors be issued temporary permit
- Eng. Com. Sub. for S. B. 423 - Relating to operation of licensed group homes
- Eng. Com. Sub. for S. B. 441 - Establishing Municipal Home Rule Pilot Program
- Eng. 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
- Eng. S. B. 490 - Clarifying standard of liability for officers of corporation
- Eng. S. B. 491 - Relating to county litter control officers
- Eng. Com. Sub. for S. B. 492 - Eliminating requirement every circuit court participate in drug court program
- Eng. Com. Sub. for S. B. 496 - Relating generally to guaranteed asset protection waivers
- Eng. 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. 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)

SECOND 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

FIRST READING

- S. B. 25 - Creating farm-to-food bank tax credit (original similar to HB2821)
- S. B. 28 - Creating new system for certain contiguous counties to establish regional recreation authorities - (Com. amends. and title amend. pending) (original similar to HB2697)
- S. B. 256 - Relating to prohibiting aiding and abetting of sexual abuse by school personnel - (Com. title amend. pending)
- S. B. 326 - Requiring Department of Defense family advocacy groups be notified about abuse or neglect of military member's child
- S. B. 364 - Incorporating changes to Streamlined Sales and Use Tax Agreement
- Com. Sub. for S. B. 440 - Relating to use of Regional Jail and Correctional Facility Authority funds
- Com. Sub. for S. B. 455 - Relating generally to commitment of persons to custody of Commissioner of Corrections (original similar to HB2747)
- Eng. Com. Sub. for H. B. 2167 - Creating a Silver Alert program for senior citizens - (Com. amend. and title amend. pending)
- Eng. Com. Sub. for H. B. 2542 - Relating to public higher education personnel
- Eng. H. B. 2590 - Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act
- Eng. H. B. 2594 - Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2017

Saturday, March 11, 2017

11 a.m.	Government Organization	(Room 208W)
11 a.m.	Education	(Room 451M)
12 p.m.	Natural Resources	(Room 208W)
1 p.m.	Transportation and Infrastructure	(Room 451M)
2 p.m.	Judiciary	(Room 208W)
2 p.m.	Finance	(Room 451M)
3 p.m.	Select Committee on Tax Reform	(Room 451M)