

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE
REGULAR SESSION, 2017
TWENTIETH DAY

Charleston, West Virginia, Monday, February 27, 2017

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Father Brian Crenwelge, Sacred Heart Co-Cathedral, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable John R. Unger II, a senator from the sixteenth district.

Pending the reading of the Journal of Friday, February 24, 2017,

At the request of Senator Mann, 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 Clerk presented the following communication from a state agency as required by the provisions of law:

Medicine, Board of (§30-1-12)

The Senate then 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 Weld and Cline:

Senate Bill 442—A Bill to amend and reenact §61-2-9 and §61-2-28 of the Code of West Virginia, 1931, as amended, all relating generally to crimes against the person; modifying definitions of “assault”, “battery”, “domestic assault” and “domestic battery” to conform with federal laws relating to firearms possession criminal offenses.

Referred to the Committee on the Judiciary.

By Senators Trump, Weld, Miller, Gaunch, Blair and Takubo:

Senate Bill 443—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-15-9a, relating to establishing a new special revenue fund, designated the Adult Drug Court Participation Fund, for the purpose of collecting and remitting moneys to the State Treasury for participation in an adult drug court program administered by the Supreme Court of Appeals.

Referred to the Committee on Finance.

By Senators Trump, Weld, Miller and Gaunch:

Senate Bill 444—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-1-22, relating to establishing a new special revenue fund, designated the Court Advanced Technology Subscription Fund, for the purpose of collecting and remitting moneys to the State Treasury for the use of certain advanced technology systems provided by the Supreme Court of Appeals.

Referred to the Committee on Finance.

By Senators Trump and Miller:

Senate Bill 445—A Bill to amend and reenact §49-1-201 of the Code of West Virginia, 1931, as amended, relating to amending the definition of “abused child” to include a child conceived as a result of an act of sexual assault.

Referred to the Committee on the Judiciary.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 446—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-1-30, relating to authorizing the Governor to issue executive orders to furlough state employees.

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

By Senators Rucker, Azinger, Cline, Gaunch, Karnes, Maynard, Smith and Swope:

Senate Bill 447—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-8G-1, §61-8G-2, §61-8G-3, §61-8G-4, §61-8G-5 and §61-8G-6, all relating to prohibiting retailers from selling or leasing products that make content accessible on the Internet unless the product contains an active and operating digital blocking capability that renders obscene material inaccessible; providing exceptions; defining terms; establishing a fee; creating a special fund; designating how moneys from the fund may be spent; and providing for injunctive relief, civil actions and criminal penalties.

Referred to the Committee on the Judiciary.

By Senators Romano, Facemire, Jeffries, Karnes, Miller, Ojeda, Cline, Stollings and Unger:

Senate Bill 448—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-10-1 and §9-10-2, all relating to providing continued eligibility for developmental disability services to dependents of military service members; defining terms; establishing dependents retention of rights for developmental disability services provided conditions are met; providing dependents be placed on waiting list for services; establishing a

process to reestablish services for dependent upon return to state; prohibiting payment for services rendered outside state; and rulemaking.

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

By Senator Gaunch:

Senate Bill 449—A Bill to amend and reenact §4-2A-2 of the Code of West Virginia, 1931, as amended, relating to the apportionment of compensation of members of the Legislature.

Referred to the Committee on Government Organization.

By Senator Trump:

Senate Bill 450—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §55-7-31 and §55-7-32; and to amend and reenact §58-5-1 of said code, all relating to class action safeguards; ensuring that the class action mechanism is not used to eliminate required elements of proof and precluding statutory damages in class actions; relating to awards of attorneys' fees in class actions; providing for courts to consider the overall benefit of the settlement or judgment to the class and the ratio of the proposed fee to the overall benefit when evaluating whether a proposed fee is reasonable; relating to when an appeal lies; and providing for appeal of orders granting or denying class certification.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 451—A Bill to repeal §56-1-1a of the Code of West Virginia, 1931, as amended; and to amend and reenact §56-1-1 of said code, all relating to venue in West Virginia state courts as it applies to nonresidents of the state; providing that a nonresident generally may not bring an action in the state unless all or a substantial part of the acts or omissions giving rise to the claim asserted occurred in this state; setting forth the conditions under which a nonresident can file an action in this state; providing that certain nonresident actions may be maintained in this state if the nonresident cannot obtain jurisdiction over a defendant in the state where the action arose; requiring nonresident plaintiffs to establish that such action cannot be maintained in the state where the action arose; providing that in a civil action where more than one plaintiff is joined, each plaintiff must independently establish proper venue; limiting a nonresident from intervening or joining as a plaintiff unless the person independently establishes proper venue; providing that in a civil action where more than one defendant is joined, if venue is proper as to one defendant, it is also proper as to any other defendant with respect to all actions arising out of the same transaction or occurrence; defining nonresident as any person, whether a citizen of the State of West Virginia or another state, who was domiciled outside the State of West Virginia at the time of the acts or omissions giving rise to the claim asserted; excluding from the definition of "nonresident" certain members of the armed forces or full-time students of any college or university of this state; and requiring the court to dismiss a plaintiff without prejudice if venue is not proper as to any such nonresident plaintiff in any court of this state.

Referred to the Committee on the Judiciary.

By Senators Miller, Facemire, Jeffries, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, Woelfel and Takubo:

Senate Bill 452—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-97, relating to creating the West Virginia Earned

Income Tax Credit; setting the amount of the tax credit; stating certain requirements for eligibility for the tax credit; making the tax credit refundable; allowing a taxpayer claiming the tax credit to also apply for the low-income family tax credit; and authorizing rulemaking.

Referred to the Select Committee on Tax Reform; and then to the Committee on Finance.

By Senators Boley and Cline:

Senate Bill 453—A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to adding the classification and base salaries of certain civilian employees of the West Virginia State Police Forensic Laboratory as evidence technicians, forensic technicians, forensic analysts and forensic analysts supervisors.

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

By Senators Trump, Weld, Miller and Gaunch:

Senate Bill 454—A Bill to repeal §38-5B-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §29-12D-1a of said code; to amend and reenact §38-5B-5 and §38-5B-9 of said code; to amend and reenact §49-4-716 of said code; and to amend and reenact §51-2A-8 of said code, all relating to eliminating certain fees generated by suggestee executions; and providing more efficient collection and submission of state moneys received as a result of certain court transactions or court services.

Referred to the Committee on the Judiciary.

By Senators Trump, Weld, Miller and Gaunch:

Senate Bill 455—A Bill to amend and reenact §62-7-10 of the Code of West Virginia, 1931, as amended; relating generally to removing archaic language; updating the commitment order form sentencing courts are required to complete; requiring that the commitment order must contain certain information; and clarifying that the sentencing court is required to transmit the certified commitment order to the Commissioner of the Division of Corrections upon issuance.

Referred to the Committee on the Judiciary.

By Senators Trump, Weld, Miller and Gaunch:

Senate Bill 456—A Bill to amend and reenact §49-4-605 of the Code of West Virginia, 1931, as amended, relating to standards for termination of parental rights in child abuse and neglect cases; and correcting a technical error.

Referred to the Committee on the Judiciary.

By Senators Ferns and Takubo:

Senate Bill 457—A Bill to repeal §9-5-19 of the Code of West Virginia, 1931, as amended; to repeal §16-2D-1, §16-2D-2, §16-2D-3, §16-2D-4, §16-2D-5, §16-2D-5c, §16-2D-5f, §16-2D-6, §16-2D-7, §16-2D-8, §16-2D-9, §16-2D-10, §16-2D-11, §16-2D-12, §16-2D-13, §16-2D-14, §16-2D-15, §16-2D-16, §16-2D-17, §16-2D-18, §16-2D-19 and §16-2D-20 of said code; to repeal §16-29I-1, §16-29I-2, §16-29I-3, §16-29I-4, §16-29I-5, §16-29I-6, §16-29I-7, §16-29I-8, §16-29I-9 and §16-29I-10 of said code; to repeal §33-15B-5 of said code; to amend and reenact §5F-1-3a of said code; to amend and reenact §6-7-2a of said code; to amend and reenact §9-4C-7 and §9-4C-8 of said code; to amend and reenact §16-5B-17 of said code; to amend and reenact §16-5F-2, §16-5F-3, §16-5F-4, §16-5F-5 and §16-5F-6 of said code; to amend said code by adding a

thereto new section, designated §16-5F-8; to amend and reenact §16-29B-28 of said code; to amend said code by adding thereto two new sections, designated §16-29B-30 and §16-29B-31; to amend and reenact §16-29G-1, §16-29G-2, §16-29G-3, §16-29G-4, §16-29G-5, §16-29G-6, §16-29G-7 and §16-29G-8 of said code; to amend and reenact §21-5F-4 of said code; and to amend and reenact §33-16D-16 of said code, all relating to the West Virginia Health Care Authority; eliminating the Health Care Authority; providing for an effective date for closure of the Health Care Authority; eliminating the salaries of board members from code; eliminating an outdated report; eliminating the Health Care Authority from the Health Care Provider Medicaid Enhancement Act; eliminating certificate of need; providing for an effective date for the elimination of certificate of need; providing that any pending applications for certificate of need are deemed approved following the effective date; continuing the moratorium on specified services; moving the Infection Control Advisory Panel to the Department of Health and Human Resources; transferring health care financial disclosure to the Department of Health and Human Resources; providing for an effective date for the transfer of the health care financial disclosure; requiring the Health Care Authority to develop a transition and closure plan; providing for an effective date for submittal of the transition and closure plan; setting out required elements of the plan; transferring the state Privacy Office to the Office of the Governor; providing for an effective date for the transfer of the state Privacy Office; transferring the West Virginia Health Information Network to the Office of Technology; providing for an effective date for the transfer of the West Virginia Health Information Network; transferring funding of the West Virginia Health Information Network to the Office of Technology; transferring rule-making authority for the West Virginia Health Information Network from the Health Care Authority to the Office of Technology; providing for continuation of existing rules until amended, modified, repealed or superseded by the Office of Technology; modifying payment of administrative penalties for violation of the Nurse Overtime and Patient Safety Act into the General Revenue Fund; substituting the Insurance Commission for duties of the Health Care Authority relative to marketing and rate practices for small employer accident and sickness insurance policies; and making conforming amendments.

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

Senators Maynard and Stollings offered the following resolution:

Senate Concurrent Resolution 23—Requesting the Division of Highways to name bridge number 30-52 2.73 (30A110), (37.82180, -82.39737), between Kermit and East Kermit, locally known as the Upper Burning Creek Bridge, carrying U. S. 52 over Upper Burning Creek and NS Railroad in Mingo County, the “Johnny O’Dell Linville Memorial Bridge”.

Whereas, Johnny O’Dell Linville was born April 29, 1947, to Lenhart and Hazel Lovejoy Linville in their home at Palermo, Lincoln County, West Virginia. The family moved to Kermit, West Virginia, when Johnny was three years of age. He had four brothers and two sisters. He was educated in Kermit. He married Dorothy Spaulding Linville on September 3, 1966. They had one daughter, Rhonda Linville Muncy. Johnny served as the mayor in the Town of Kermit for over 17 years, while also serving as a councilman for three years. He played a pivotal role in a multitude of projects, including the Kermit Community Park that serves to this day as a popular gathering place for social events and the town’s new sewer system. He also planted trees and flowers throughout the town. His love for the town was shown in his efforts to make Kermit the Cleanest Little Town in West Virginia. One of his slogans was: “If you litter in Kermit, you have had a bad day!” This resulted in the perpetrator receiving a hefty fine. He played a huge part in the creation of the baseball field at East Kermit and he would work the PA system for hours each day and announce the names of the baseball players from the press box. He would be there from opening

day to the season finale, from the top to the bottom of the schedule each day, always with a smile on his face, knowing the benefits that the field provided for the community and its children. Johnny died on March 1, 2016, following a two-year struggle with kidney disease. He is survived by his loving wife of 49 years Dorothy Spaulding Linville of Kermit, his daughter Rhonda Linville Muncy, son-in-law Gabe Muncy and grandson John Alex Muncy, who is a student at Marshall University; and

Whereas, Naming this bridge in his hometown is an appropriate recognition of Mayor Johnny O'Dell Linville's contributions to his community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 30-52 2.73 (30A110), (37.82180, -82.39737), between Kermit and East Kermit, locally known as the Upper Burning Creek Bridge, carrying U. S. 52 over Upper Burning Creek and NS Railroad in Mingo County, the "Johnny O'Dell Linville Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the "Johnny O'Dell Linville Memorial Bridge"; and, be it

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

Which, under the rules, lies over one day.

Senators Plymale Woelfel, Stollings and Unger offered the following resolution:

Senate Resolution 22—Congratulating the Cabell Midland golf team for winning the 2016 Class AAA state golf tournament.

Whereas, The Cabell Midland golf team had an outstanding season on the links, which culminated in them winning their second consecutive 2016 Class AAA state tournament; and

Whereas, The Cabell Midland golf team roster consisted of Zach Chapman, Josef Dransfeld, Andy Michael, Noah Mullens and Zach Sarver; and

Whereas, Throughout the season, the Cabell Midland golf team displayed their excellence on the course by defeating 31 other teams to win the Parkersburg High School Invitational; by defeating 23 other teams to win the Capital City Classic; by defeating 27 other teams to win the West Virginia Golf Association Invitational; by defeating 15 other teams to win the Marion County High School Golf Invitational; by defeating 11 other teams to win the Duke Ridgely Invitational; and by winning the West Virginia Golf Association Tri-State Cup; and

Whereas, The Cabell Midland golf team were the champions of the MSAC Conference, and Zach Chapman, Andy Michael and Noah Mullens made the All-Conference Team; and

Whereas, The Cabell Midland golf team was in the Region IV AAA Golf Tournament, and two players, Josef Dransfeld and Noah Mullens, made the All-Region Team; and

Whereas, Zach Chapman, Josef Dransfeld, Andy Michael and Noah Mullens, were also named to the All-State Team, which is the first time all four players who made the All-State Team were from the same school; and

Whereas, Zach Chapman, Josef Dransfeld, Andy Michael and Noah Mullens are nationally ranked junior golfers; and

Whereas, The 2016 Cabell Midland golf team will be remembered as one of the best high school golf teams to ever be assembled in history of the State of West Virginia; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates the Cabell Midland golf team for winning the 2016 Class AAA state golf tournament; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Cabell Midland golf team.

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

Thereafter, at the request of Senator Plymale, and by unanimous consent, the remarks by Senator Woelfel regarding the adoption of Senate Resolution 22 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.

At the request of Senator Unger, and by unanimous consent, Senator Unger offered the following resolution from the floor:

Senate Resolution 23—Recognizing Leadership Berkeley for its service, dedication and commitment to Berkeley County.

Whereas, The objective of Leadership Berkeley is to promote knowledge and awareness of the problems, opportunities and issues facing Berkeley County; and

Whereas, Leadership Berkeley is designed to provide a series of educational and participatory experiences, as well as an opportunity for dialogue and the development of a correlation among participants in order to encourage local participation in the growth of Berkeley County; and

Whereas, The membership of Leadership Berkeley includes individuals from nearly every facet of Berkeley County's business, professional, religious, governmental, educational, civic, the arts, organized labor and minority organizations who demonstrate a commitment to the community; and

Whereas, The 2017 membership of Leadership Berkeley consists of Andrew P. Beckwith, Bank of Charles Town; Kelly J. Butts, Panhandle Home Health; Joseph L. Caltrider, Bowles Rice LLP; Mercedes C. de la Cruz, Hospice of the Panhandle; Sara E. Duncan, EXIT Success Realty;

Paul J. Emanuel, Blue Ridge Community & Technical College; Laura J. Funkhouser, Eastern Panhandle Transit Authority; Erin K. Gaertner, Blue Ridge Community & Technical College; Kristy D. Harvey, Valley Health Urgent Care; Bob Hoffmaster, TalkRadio WRNR; Lindsey M. Houle, CNB Bank; James D. Kees, Argos; Zachary R. Leach, Argos; Brian A. Mann, City National Bank; Frankie McIntyre, United Bank; Suprena A. Mills, Region VII Workforce Development Board; Matthew D. Mosher, Veterans' Affairs; Christopher R. Overton, Berkeley County Council; Jennifer L. Painter, Telamon Corporation; Lance M. Pittman, Pittman Orthodontics; Maurice V. Richards, Martinsburg Police Department; Kelly V. Roach, R. M. Roach & Sons; Natalie L. Stains, Martinsburg-Berkeley County Chamber of Commerce; Sandra Sullivan, Martinsburg VA Medical Center; and Tina Combs, Martinsburg-Berkeley County Chamber of Commerce; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes Leadership Berkeley for its service, dedication and commitment to Berkeley County; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate officials of Leadership Berkeley.

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

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

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

Senate Concurrent Resolution 22, Walter E. Swiger 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 Senate Bill 80, Equalizing criminal penalty for entering without breaking regardless of time of day.

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. 80) 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 164, Relating to traffic regulations and special load limits.

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. 164) 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 204, Requiring persons appointed to fill vacancy by Governor have same qualifications for vacated office and receive same compensation and expenses.

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, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—31.

The nays were: Facemire, Miller and Romano—3.

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. 204) 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 231, Relating to State Board of Education and Medicaid-eligible children.

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. 231) passed with its title.

Senator Ferns moved that the bill take effect July 1, 2017.

On this question, 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, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 231) takes effect July 1, 2017.

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

Eng. Senate Bill 330, Relating to WV Workplace Freedom 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 Senate Bill 330 pass?”

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld and Carmichael (Mr. President)—22.

The nays were: Beach, Facemire, Jeffries, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger and Woelfel—12.

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. 330) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Palumbo, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld and Carmichael (Mr. President)—23.

The nays were: Beach, Facemire, Jeffries, Miller, Ojeda, Plymale, Prezioso, Romano, Stollings, Unger and Woelfel—11.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 330) takes effect from passage.

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

Eng. Senate Bill 349, Repealing outdated code related to Division of Corrections.

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. 349) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 9, Regulating unmanned aircraft systems.

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

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

Com. Sub. for Senate Bill 125, Authorizing DHHR promulgate legislative rules.

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 214, Adopting Uniform Electronic Legal Material Act.

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 236, Relating to damages for medical monitoring.

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

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

Senate Bill 321, Reporting requirements of employee information to CPRB.

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

Senate Bill 426, Repealing DNR legislative rule on litter control grant program.

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.

Com. Sub. for Senate Bill 4, Allowing licensed professionals donate time to care of indigent and needy in clinical setting.

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

Com. Sub. for Senate Bill 5, Disqualifying CDL for DUI conviction in certain cases.

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

Com. Sub. for Senate Bill 180, Relating to PSC jurisdiction over certain telephone company and internet services.

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

Com. Sub. for Senate Bill 225, Allowing magistrates to conduct proceeding for temporary emergency protective order dealing with temporary custody by family court.

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

Com. Sub. for Com. Sub. for Senate Bill 257, Relating to Civil Air Patrol leave and protection of employees performing missions.

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

On motion of Senator Trump, the bill was rereferred to the Committee on the Judiciary.

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

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

Com. Sub. for Senate Bill 337, Hiring correctional officers without regard to placement on correctional officer register.

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

Com. Sub. for Com. Sub. for Senate Bill 345, Allowing hunting and trapping on Sundays.

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

Senate Bill 346, Relating generally to jurisdiction of PSC over motor carriers.

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

Com. Sub. for Senate Bill 347, Relating to modernization of Physician Assistant Practice Act.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Mullins, Trump, Karnes and Romano.

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

At the request of Senator Blair, unanimous consent being granted, the remarks by Senators Trump and Karnes were ordered printed in the Appendix to the Journal.

At the request of Senator Prezioso, and by unanimous consent, the remarks by Senator Romano were ordered printed in the Appendix to the Journal.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Tuesday, February 28, 2017, at 11 a.m.

SENATE CALENDAR

**Tuesday, February 28, 2017
11:00 AM**

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

Consideration of executive nominations

UNFINISHED BUSINESS

S. C. R. 23 - Johnny O'Dell Linville Memorial Bridge

THIRD READING

Eng. Com. Sub. for S. B. 125 - Authorizing DHHR promulgate legislative rules (original similar to HB2261)
Eng. Com. Sub. for S. B. 214 - Adopting Uniform Electronic Legal Material Act
Eng. S. B. 321 - Reporting requirements of employee information to CPRB (original similar to HB2604)
Eng. S. B. 426 - Repealing DNR legislative rule on litter control grant program

SECOND READING

Com. Sub. for S. B. 4 - Allowing licensed professionals donate time to care of indigent and needy in clinical setting (original similar to HB2692)
Com. Sub. for S. B. 5 - Disqualifying CDL for DUI conviction in certain cases
Com. Sub. for S. B. 9 - Regulating unmanned aircraft systems (original similar to SB218)
Com. Sub. for S. B. 180 - Relating to PSC jurisdiction over certain telephone company and internet services
Com. Sub. for S. B. 225 - Allowing magistrates to conduct proceeding for temporary emergency protective order dealing with temporary custody by family court
Com. Sub. for S. B. 236 - Relating to damages for medical monitoring (original similar to HB2580)
Com. Sub. for S. B. 261 - Relating to increasing salary or wages of judgment debtor

Com. Sub. for S. B. 337 - Hiring correctional officers without regard to placement on correctional officer register

Com. Sub. for Com. Sub. for S. B. 345 - Allowing hunting and trapping on Sundays

S. B. 346 - Relating generally to jurisdiction of PSC over motor carriers

Com. Sub. for S. B. 347 - Relating to modernization of Physician Assistant Practice Act

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2017

Tuesday, February 28, 2017

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

Wednesday, March 1, 2017

2 p.m.	Agriculture & Rural Development	(Room 208W)
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