

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE  
REGULAR SESSION, 2017  
TWENTY-SECOND DAY

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Charleston, West Virginia, Wednesday, March 1, 2017

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Randy Richardson, Trinity Evangelical Lutheran Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Ryan J. Ferns, a senator from the first district.

Pending the reading of the Journal of Tuesday, February 28, 2017,

At the request of Senator Ferns, 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 communications from various state agencies as required by the provisions of law:

Development Office

Governor's Guaranteed Work Force Program (§5B-2D-6)

Women's Commission (§30-1-12)

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 2083**—A Bill to amend and reenact §60A-10-12 of the Code of West Virginia, 1931, as amended, relating to the Methamphetamine Laboratory Eradication Act; and increasing the felony criminal penalty for knowingly causing or permitting a minor to be present in a location where methamphetamine is manufactured or attempted to be manufactured.

Referred to the Committee on the Judiciary.

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

**Eng. House Bill 2123**—A Bill to amend and reenact §18-9D-2, §18-9D-3, §18-9D-4c and §18-9D-16 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-9D-22, all relating to making the West Virginia Schools for the Deaf and Blind eligible to participate in any and all funding administered or distributed by the West Virginia School Building Authority.

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

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 2486**—A Bill to amend and reenact §33-6F-1 of the Code of West Virginia, 1931, as amended; relating to medical records and medical billing records obtained by insurers in connection with insurance claims or civil litigation; providing that such records shall be confidentially maintained by insurers in accordance with state and federal law, prohibiting restrictions that may be imposed that contradict or are inconsistent with any applicable policy of insurance or the performance of insurance functions permitted or authorized by state and federal law; requiring the State Insurance Commissioner to review the provisions of Title 114, Series 57 of the Code of State Rules and to propose new rules or modify existing rules to the extent deemed necessary.

Referred to the Committee on the Judiciary.

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 2542**—A Bill to repeal §18B-7-9, §18B-7-11 and §18B-7-12 of the Code of West Virginia, 1931, as amended; to repeal §18B-9-1, §18B-9-2, §18B-9-3 and §18B-9-4 of said code; to repeal §18B-9A-3 and §18B-9A-8 of said code; to amend and reenact §18B-1B-5 of said code; to amend and reenact §18B-4-1 and §18B-4-2a of said code; to amend and reenact §18B-7-1, §18B-7-2, §18B-7-3, §18B-7-6 and §18B-7-8 of said code; to amend said code by adding thereto a new section, designated §18B-8-7; to amend and reenact §18B-9A-2, §18B-9A-5, §18B-9A-6 and §18B-9A-7 of said code; and to amend said code by adding thereto a new article, designated §18B-9B-1, all relating to public higher education personnel generally; clarifying roles of Higher Education Policy Commission, Council for Community and Technical College Education and state organizations of higher education; eliminating certain human resources review by Higher Education Policy Commission and Council for Community and Technical College Education; eliminating specific references to the Vice Chancellor for Human Resources; eliminating outdated and redundant reporting requirements; eliminating requirement for Higher Education Policy Commission to create certain positions that report to Vice Chancellor for Human Resources; eliminating certain higher education organization employment ratios and requirements; eliminating higher education organization classified employee salary schedule, outdated associated requirements and definitions; eliminating certain requirements related to exercising flexibility in human resources for higher education organizations; eliminating outline of steps for implementation of classification and compensation system by Higher Education Policy Commission and Council for Community and Technical College Education; providing legislative

purposes and intent for higher education personnel; defining terms; providing and revising rules relating to reductions in workforce and hiring preferences; providing for continuing education and professional development; providing for evaluation and reviews of organizations for certain human resource deficiencies, best practices and compliance with state higher education personnel laws; providing for content of certain reports from Higher Education Policy Commission and Council for Community and Technical College Education to Legislative Oversight Commission on Education Accountability; authorizing organizations to adopt rules relating to employment policies and practices for staff and faculty; providing for preemption of Higher Education Policy Commission and Council for Community and Technical Education rules conflicting with a governing board rule on faculty; defining classified and nonclassified employees; clarifying powers and duties of the Compensation Planning and Review Committee; providing that the Higher Education Policy Commission shall develop a model minimum salary schedule using West Virginia Workforce and other relevant data that organizations shall follow except in certain instances; providing that the Higher Education Policy Commission develop classification and compensation rules; providing state organizations of higher education with the ability to propose and implement approved legislative rules relating to classification and compensation with certain exceptions; and requiring any rule proposed by a state organization of higher education incorporate best human resources practices, address areas of accountability, employee classification and compensation and performance evaluation.

Referred to the Committee on Education.

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 2585**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-14-1, §61-14-2, §61-14-3, §61-14-4 and §61-14-5, all relating to laundering of proceeds from specified criminal activities; defining terms; creating felony crime of conducting financial transactions involving proceeds of criminal activity; creating felony crime of transporting, transmitting or transferring monetary instruments or property involving proceeds of criminal activity; providing for penalties; providing for seizure and forfeiture of property or monetary instruments; specifying the burden of proof in a forfeiture proceeding; clarifying conduct that constitutes separate offenses; and setting forth venue for prosecution of offenses.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

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 60**, Relating to eligibility and fraud requirements for public assistance.

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

**Com. Sub. for Senate Bill 60** (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-8-1, §9-8-2, §9-8-3, §9-8-4, §9-8-5, §9-8-6, §9-8-7, §9-8-8, §9-8-9, §9-

8-10, §9-8-11, §9-8-12, §9-8-13 and §9-8-14, all relating to eligibility and fraud requirements for public assistance; defining terms; requiring the Department of Health and Human Resources to implement work requirements for applicants for the Supplemental Nutrition Assistance Program (SNAP); requiring discontinuance of a federal waiver; setting forth what meets work requirements; setting out exceptions to work requirements; providing for a good cause exception; allowing for a federal waiver; providing for rulemaking for suspension of benefits for noncompliance; providing for an asset test for SNAP benefits; requiring accessing information of various federal, state and miscellaneous sources; prohibiting payment of SNAP benefits in specified instances; requiring cooperation with the Bureau for Child Support Enforcement; requiring a design or establishment of a computerized income, asset and identity verification system for Temporary Assistance for Needy Families (TANF); allowing for contracting with a third-party vendor; setting out required contract terms; requiring accessing information of various federal, state and miscellaneous sources for TANF; requiring identity authentication as a condition to receive public assistance; requiring a semi-annual case review of all public assistance cases; setting forth notice requirements and the right to a hearing; requiring referrals for fraud, misrepresentation and inadequate documentation; requiring report to the Governor and Legislature; setting forth prohibitions on the use of an electronic benefit transfer card; tracking out-of-state spending of SNAP and TANF benefits; and providing for rulemaking.

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,

Tom Takubo,  
*Chair.*

The bill (Com. Sub. for S. B. 60), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Education has had under consideration

**Senate Bill 186**, Adjusting date when children become eligible for certain school programs and school attendance requirements.

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

**Com. Sub. for Senate Bill 186** (originating in the Committee on Education)—A Bill to amend and reenact §18-5-18 and §18-5-44 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-8-1a of said code, all relating to adjusting the date upon which children become eligible for certain school programs and school attendance requirements; changing the kindergarten age attainment requirement from age five prior to September 1 to age five prior to July 1, with the July 1 date to become enforceable with the 2019-2020 school year; changing the early childhood education program age attainment date requirement from age four prior to September 1 to age four prior to July 1, with the July 1 date becoming enforceable with the 2018-2019 school year; and changing the age for which compulsory attendance begins to those who attain age six by July 1 of each year, with the July 1 date becoming enforceable with the 2019-2020 school year.

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,

Kenny Mann,  
*Chair.*

The bill (Com. Sub. for S. B. 186), under the original double committee reference, was then referred to the Committee on Finance.

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 209**, Defining term “veteran” as it relates to veteran-owned business.

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

**Com. Sub. for Senate Bill 209** (originating in the Committee on Government Organization)—  
A Bill to amend and reenact §59-1-2a of the Code of West Virginia, 1931, as amended, relating to defining the term “veteran” as that term pertains to veteran-owned businesses and fees paid to the Secretary of State.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,  
*Chair.*

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

Your Committee on Government Organization has had under consideration

**Senate Bill 221**, Relating to composition of PEIA Finance Board.

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

**Com. Sub. for Senate Bill 221** (originating in the Committee on Government Organization)—  
A Bill to amend and reenact §5-16-4 of the Code of West Virginia, 1931, as amended, relating to the composition of the Public Employees Insurance Agency Finance Board; reducing the number of members; and changing the experience requirements for members.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,  
*Chair.*

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

Your Committee on the Judiciary has had under consideration

**Com. Sub. for Senate Bill 224**, Repealing requirement for employer's bond for wages and benefits.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Bill 263**, Creating exemption from certain contract and common carrier laws for vehicles used exclusively for transportation of railroad personnel.

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

Respectfully submitted,

Gregory L. Boso,  
*Chair.*

Senator Boso, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Bill 343**, Prohibiting transportation network company drivers from soliciting rides or occupying designated cab stands.

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

**Com. Sub. for Senate Bill 343** (originating in the Committee on Transportation and Infrastructure )—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §17-29-15a and §17-29-15b, all relating to transportation network companies; prohibiting solicitation of rides; prohibiting occupation of designated taxi stands; permitting county commissions to require transportation network company drivers register annually with the local county commission; specifying maximum registration and renewal fees; requiring posting of permits; and providing criminal penalties and fines.

With the recommendation that the committee substitute do pass; but under the original triple committee reference first be referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

Respectfully submitted,

Gregory L. Boso,  
*Chair.*

The bill (Com. Sub. for S. B. 343), under the original triple committee reference, was then referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration

**Senate Bill 400**, Regarding appointments to WV Infrastructure and Jobs Development Council.

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

Respectfully submitted,

Craig Blair,  
*Chair.*

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 429**, Eliminating need for court order prior to receiving records or copies of inmate communications.

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

**Com. Sub. for Senate Bill 429** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §25-1-17 and §25-1-18 of the Code of West Virginia, 1931, as amended, all relating to monitoring inmate communications, generally; adding electronic communications to types of communications for which monitoring is authorized; defining terms; and authorizing law enforcement to receive inmate communications without a court order under certain circumstance.

**Senate Bill 436**, Permitting investigators from Attorney General's office carry firearms.

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

**Com. Sub. for Senate Bill 436** (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 §5-3-6, relating to Attorney General's investigators; allowing them to carry firearms while engaged in their official duties; establishing initial and ongoing training and certification requirements; and requiring the designated investigators be bonded through the Office of the Attorney General.

And,

**Senate Bill 445**, Amending definition of “abused child”.

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

**Com. Sub. for Senate Bill 445** (originating in the Committee on the Judiciary)—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; and clarifying that being a victim of sexual abuse does not constitute being an abusive parent.

With the recommendation that the three committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

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 Smith, Cline, Ferns, Mann, Maynard, Ojeda, Rucker, Sypolt, Mullins, Gaunch, Maroney and Plymale:**

**Senate Bill 485**—A Bill to amend and reenact §12-6C-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §31-15-8 of said code, all relating to the expansion of broadband service to unserved areas of West Virginia by providing loan insurance for commercial loans used for the expansion of broadband service to unserved or underserved areas; establishing limits and conditions on the insuring of loans; establishing interest rates; establishing amortization periods; providing for security interests; setting forth the responsibilities of the West Virginia Economic Development Authority, the West Virginia Board of Treasury Investments and the Broadband Enhancement Council; providing that the members of the West Virginia Board of Treasury Investments do not have a fiduciary responsibility with regard to the loans; providing for notice for loan insurance; providing for hearings and appeal; and making technical changes.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

**By Senators Takubo and Stollings:**

**Senate Bill 486**—A Bill to amend and reenact §11-27-38 of the Code of West Virginia, 1931, as amended, relating to health care provider taxes; changing the rate of tax on eligible acute care hospitals for fiscal year 2018; specifying purposes for which funds may be collected; providing for distribution of remaining funds at the end of fiscal year; and extending the expiration date for the tax.

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



**By Senators Gaunch, Cline, Mullins and Stollings:**

**Senate Bill 487**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-28-1, §11-28-2, §11-28-3 and §11-28-4, all relating to providing a tax credit to eligible caregivers for expenses of modifications to homes made more accessible for an elderly person or a person with a disability, for lease or purchase of equipment, or for other goods and services for the care of an eligible family member.

Referred to the Committee on Finance.

**By Senator Blair:**

**Senate Bill 488**—A Bill to amend and reenact §16-4C-1, §16-4C-2, §16-4C-3, §16-4C-4, §16-4C-5, §16-4C-6, §16-4C-6a, §16-4C-6b, §16-4C-6c, §16-4C-8, §16-4C-9, §16-4C-10, §16-4C-12, §16-4C-13, §16-4C-14, §16-4C-15, §16-4C-16, §16-4C-20, §16-4C-21 and §16-4C-23 of the Code of West Virginia, 1931, as amended, all relating to the Office of Emergency Medical Services; transferring the Office of Emergency Medical Services from the Department of Health and Human Resources to the Department of Military Affairs and Public Safety; transferring responsibilities of the Commissioner of the Bureau for Public Health; continuing the Emergency Medical Services Advisory Council as the Emergency Medical Services Commission; providing for composition, authority and duties of the Emergency Medical Services Commission; and providing for qualifications for certain staff of Office of Emergency Medical Services.

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

**By Senators Azinger and Trump:**

**Senate Bill 489**—A Bill to amend and reenact §50-4-1 of the Code of West Virginia, 1931, as amended, relating to commencement of civil actions in magistrate court; and amending the requirements for a statement of the nature of the cause of action for commercial creditors.

Referred to the Committee on the Judiciary.

**By Senators Azinger, Trump, Mullins and Boso:**

**Senate Bill 490**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31D-8-842a, relating to the standard of liability for officers of a corporation.

Referred to the Committee on the Judiciary.

**By Senators Trump and Maroney:**

**Senate Bill 491**—A Bill to amend and reenact §7-1-3ff of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-29-1 of said code, all relating to county litter control officers who are trained and certified as law-enforcement officers to have the same authority as other law-enforcement officers to enforce litter laws.

Referred to the Committee on Government Organization.

**By Senator Trump:**

**Senate Bill 492**—A Bill to amend and reenact §62-15-4 of the Code of West Virginia, 1931, as amended, relating to court participation in the drug court program.

Referred to the Committee on the Judiciary.

**By Senators Mann, Cline, Mullins, Maroney and Romano:**

**Senate Bill 493**—A Bill to amend and reenact §20-7-1a and §20-7-1c of the Code of West Virginia, 1931, as amended, all relating to providing an increase in compensation for conservation officers.

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

**By Senator Carmichael (Mr. President):**

**Senate Bill 494**—A Bill to amend and reenact §3-1-16 and §3-1-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §3-4A-11a of said code; to amend and reenact §3-5-6a, §3-5-6b, §3-5-6c, §3-5-6d, §3-5-13 and §3-5-13a of said code; to amend and reenact §3-6-2 of said code; to amend said code by adding thereto a new section, designated §3-6-13; and to amend and reenact §51-2A-5 of said code, all relating to providing for runoff elections for judicial offices if no candidate receives a majority of the votes; identifying the specific offices affected as justice of the Supreme Court of Appeals, circuit court judge, family law judge and magistrate; setting forth the form and contents of ballots; establishing a procedure for the runoff elections; establishing who is to identify the candidates for a runoff election; providing for the certification of the candidates; prohibiting write-in candidates; and providing for the certification of the election results.

Referred to the Committee on the Judiciary.

Senators Beach, Clements, Stollings and Maroney offered the following resolution:

**Senate Concurrent Resolution 25**—Requesting the Division of Highways to name bridge number 31-7-13.09 (31A005), (39.71883, -80.21993), locally known as West Blacksville Bridge, carrying WV 7 over Dunkard Creek and Railroad in Monongalia County, the “Jeffrey Alan Clovis Memorial Bridge”.

Whereas, Jeffrey Alan Clovis was born January 29, 1968, and was the first child of Donald Charles Clovis and Linda Kay Tucker of Morgantown, West Virginia, and stepson to Donna Clovis and Darrell Tucker; and

Whereas, Jeffrey Alan Clovis was a 1986 graduate of Clay-Battelle High School, a member of the Loyal Order of Moose in Waynesburg, PA, and member of the Kingdom Evangelical Church of Westover, West Virginia; and

Whereas, Jeffrey Alan Clovis was 27-year veteran towing operator, receiving a certification of achievement from Towing Recovery Association of America and was certified as a Nationally Certified Master Tower; and

Whereas, Jeffrey Alan Clovis was known for his good nature and quiet sacrifices in order to make others feel comfortable in whatever ordeal they may be enduring, all the while remaining vigilant in his professional responsibilities; and

Whereas, Jeffery Alan Clovis of Wadestown, West Virginia, tragically lost his life while responding to a service call along Interstate 79 on August 9, 2016; and

Whereas, Jeffrey Alan Clovis shall be remembered on the Wall of Fallen Heroes at the International Towing and Recovery Hall of Fame in Chattanooga, Tennessee; and

Whereas, Jeffrey Alan Clovis is survived by his wife, Sheila Clovis; daughter, Jennifer Clovis; step-daughter, Skyler Johnson; brother, Brent Clovis; and step-sister, Michelle Yost; and

Whereas, It is most fitting that the West Virginia State Senate pay tribute to the sacrifices and accomplishments of Jeffrey Alan Clovis by naming this bridge in his honor; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 31-7-13.09 (31A005), (39.71883, -80.21993), locally known as West Blacksville Bridge, carrying WV 7 over Dunkard Creek and Railroad in Monongalia County, the “Jeffrey Alan Clovis Memorial Bridge”; and, be it

*Further Resolved,* That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “Jeffrey Alan Clovis 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 Romano, Facemire and Stollings offered the following resolution:

**Senate Concurrent Resolution 26**—Requesting the Division of Highways to name bridge number 21-10-13.70 (21A028), (39.10653, -80.51671), locally known as Mare Run Arch, carrying county Route 10 over Mare Run in Lewis County, the “U. S. Marine Corps SSG Beecher J. Rhoades Memorial Bridge”.

Whereas, SSG Beecher J. Rhoades was born in Wheeling on March 15, 1926, a son of the late Beecher J. Rhoades and Grayce Long Rhoades. On April 10, 1948, he married the former Betty Elizabeth Burnside and they celebrated 66 years of marriage in April. Beecher was an honored veteran of the United States Marine Corps, having served in World War II and the Korean War. In 2006, he was recognized as the Marine Corps League, Marine of the Year. He was an active volunteer who also served as Marine Corps League, Dept. of WV 21st Commandant. He retired from the Equitable Gas Company with 33 years of service, retiring in 1985. He was an outdoor enthusiast who enjoyed farming, fishing, traveling and flying his Cherokee airplane. He was also a member of the Masonic Lodge #10 AF & AM and the Freemansburg United Methodist Church. He passed away on Thursday May 22, 2014; and

Whereas, Naming the bridge in Lewis County for SSG Beecher J. Rhoades would be a fitting recognition of his service to his country, state and community; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 21-10-13.70 (21A028), (39.10653, -80.51671), locally known as Mare Run Arch, carrying county Route 10 over Mare Run in Lewis County, the “U. S. SSG Beecher J. Rhoades 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. Marine Corps SSG Beecher J. Rhoades 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 Miller, Unger and Plymale offered the following resolution:

**Senate Resolution 26**—Recognizing Holly Boggs for winning the 2016 Earle S. Dillard Insurance Agent of the Year award.

Whereas, The Earle S. Dillard award is presented annually by the Independent Insurance Agents of West Virginia (IIAWV) to those association member agents who, throughout their career, have personified the qualities most admired by the profession; and

Whereas, Holly Boggs has been an insurance agent since 1995 and is the Vice President of Ed DeLong Insurance Marketplace Inc., in White Sulphur Springs, West Virginia; and

Whereas, Holly Boggs has served on the IIAWV Board as Young Agent Chair and as a member-at-large; and

Whereas, Holly Boggs is dedicated to her community where she has volunteered as a Girl Scout Leader for 14 years and counting, and has received the Volunteer of the Year award as well as the Leader of the Year award in past years; and

Whereas, Holly Boggs has demonstrated her excellence in the insurance industry and in her community, and for her efforts was presented the 2016 Earle S. Dillard Agent of the Year award at the association’s annual convention; therefore, be it

*Resolved by the Senate:*

That the Senate hereby recognizes Holly Boggs for winning the 2016 Earle S. Dillard Insurance Agent of the Year award; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to Holly Boggs.

At the request of Senator Miller, 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 Ferns, and by unanimous consent, the remarks by Senators Miller and Plymale regarding the adoption of Senate Resolution 26 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.

Senators Gaunch, Unger, Prezioso, Stollings, Boso and Romano offered the following resolution:

**Senate Resolution 27**—Designating March 1, 2017, as Cancer Survivorship Day in West Virginia.

Whereas, West Virginia will experience 11,770 new cases of cancer this year; and

Whereas, In West Virginia, 4,750 people will die from cancer this year; and

Whereas, Cancer will cost the United States economy an estimated \$216 billion in medical costs and lost productivity; and

Whereas, Lawmakers play a key role in preventing cancer by passing policies to reduce tobacco use and exposure to secondhand smoke, increase healthy eating and active living, and limit indoor tanning; and

Whereas, Lawmakers can also advance policies that will increase access to lifesaving screenings, improve quality of life, fund research and expand access to care; and

Whereas, There are 14.5 million cancer survivors alive in the United States and 107,520 cancer survivors in West Virginia because of the efforts of researchers, doctors, volunteers and lawmakers; and

Whereas, This progress must continue through collaboration between lawmakers and citizens to end cancer as a major health issue; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates March 1, 2017, as Cancer Survivorship Day in West Virginia; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of the American Cancer Society Cancer Action Network.

At the request of Senator Gaunch, 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 Ferns, and by unanimous consent, the remarks by Senators Gaunch and Stollings regarding the adoption of Senate Resolution 27 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 proceeded to the seventh order of business.

**Senate Concurrent Resolution 24**, US Army PFC Joe Messe, Sr., 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 4**, Allowing licensed professionals donate time to care of indigent and needy in clinical setting.

On third 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.

At the request of Senator Sypolt, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

The Senate again proceeded to the eighth order of business, the next bill coming up in numerical sequence being

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

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 5 pass?"

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

The nays were: None.

Absent: Blair and Mullins—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. 5) 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 9**, Regulating unmanned aircraft systems.

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

Pending extended discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 9 pass?"

On the passage of the bill, the yeas were: Azinger, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Palumbo, Plymale, Rucker, Smith, Swope, Sypolt, Trump, Weld, Woelfel and Carmichael (Mr. President)—23.

The nays were: Beach, Facemire, Miller, Ojeda, Prezioso, Romano, Stollings, Takubo and Unger—9.

Absent: Blair and Mullins—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. 9) passed.

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

**Eng. Com. Sub. for Senate Bill 9**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-2B-1, §29-2B-2, §29-2B-3, §29-2B-4, §29-2B-5, §29-2B-6, §29-2B-7 and §29-2B-8, all relating to regulation of unmanned aircraft systems; requiring compliance with federal laws and regulations relating to such systems; defining terms; creating criminal offenses for certain conduct using an unmanned aircraft system and setting penalties therefor; regulating law-enforcement use of unmanned aircraft systems; limiting uses by law enforcement of unmanned aircraft systems; requiring search warrants to be obtained before unmanned aircraft systems may be used in criminal investigations and creating exemptions thereto; requiring documentation of law-enforcement flights of unmanned aircraft systems and maintenance of records; exempting images obtained pursuant to law-enforcement action from application of the Freedom of Information Act; precluding admissibility in civil, criminal and administrative proceedings of images or the evidence obtained in violation of the provisions of this article; creating certain exemption from applicability of the article; establishing requirements for exemption; clarifying application of the article as to certain conduct and entities; exempting licensed commercial licenses from applicability of article with certain exceptions thereto; requiring the West Virginia Aeronautics Commission, in consultation with the Secretary of the West Virginia Department of Military Affairs and Public Safety, the West Virginia State Police, the West Virginia Sheriffs' Bureau for Professional Standards and the Law-Enforcement Professional Standards Subcommittee of the Governor's Committee on Crime, Delinquency and Correction to propose legislative rules and authorize the promulgation of emergency rules; and specifically directing and authorizing the proposal and promulgation of certain specific rules.

*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 180**, Relating to PSC jurisdiction over certain telephone company and internet services.

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 180 pass?"

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

The nays were: None.

Absent: Blair and Mullins—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. 180) 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 225**, Allowing magistrates to conduct proceeding for temporary emergency protective order dealing with temporary custody by family court.

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

The nays were: None.

Absent: Blair and Mullins—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. 225) passed with its title.

Senator Ferns moved that the bill take effect from passage.

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

The nays were: None.

Absent: Blair and Mullins—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 225) takes effect from passage.

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

**Com. Sub. for Senate Bill 236**, Relating to damages for medical monitoring.

On third reading, coming up in regular order, with the right having been granted on yesterday, Tuesday, February 28, 2017, for amendments to be received on third reading, 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, with the right to amend on third reading remaining in effect.



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

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

The nays were: None.

Absent: Blair and Mullins—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. 261) 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 337**, Hiring correctional officers without regard to placement on correctional officer register.

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

The nays were: None.

Absent: Blair and Mullins—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. 337) passed with its title.

Senator Ferns moved that the bill take effect from passage.

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

The nays were: None.

Absent: Blair and Mullins—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 337) takes effect from passage.

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

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

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 Committee Substitute for Senate Bill 345 pass?”

On the passage of the bill, the yeas were: Beach, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Maynard, Miller, Ojeda, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—26.

The nays were: Azinger, Boley, Boso, Karnes, Palumbo and Sypolt—6.

Absent: Blair and Mullins—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 Com. Sub. for S. B. 345) 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 346**, Relating generally to jurisdiction of PSC over motor carriers.

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

The nays were: Romano—1.

Absent: Blair and Mullins—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 346) 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 347**, Relating to modernization of Physician Assistant Practice Act.

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

The nays were: None.

Absent: Blair and Mullins—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. 347) passed.

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

**Eng. Com. Sub. for Senate Bill 347**—A Bill to repeal §30-3E-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-5-19 of said code; to amend and reenact §30-3-5 of said code; to amend and reenact §30-3E-1, §30-3E-2, §30-3E-3, §30-3E-4, §30-3E-6, §30-3E-7, §30-3E-9, §30-3E-10, §30-3E-11, §30-3E-12, §30-3E-15, §30-3E-16 and §30-3E-17 of said code; and to amend said code by adding thereto a new section, designated §30-3E-12a, all relating to modernization of the Physician Assistant Practice Act; modifying the Board of Medicine to add an additional physician assistant to the board; substituting “collaborating physician” for “supervising physician”; defining terms; modifying the prescriptive authority of physician assistants; eliminating the requirement that physician assistants be required to take a recertification exam after passing the initial exam; allowing for reimbursement rates from insurance plans and public payers at the same rate physicians and advance practice registered nurses in specified circumstances; adding requirements to the practice agreement; granting physician assistants signatory authority on certain forms; and making conforming amendments.

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

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 190**, Eliminating preferences for vendors bidding on state contracts for commodities or printing.

**Com. Sub. for Senate Bill 410**, Relating to marking traps with DNR identification tag.

And,

**Com. Sub. for Senate Bill 439**, Relating to venue for civil and criminal actions at Salem Correctional Center.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Trump and Smith.

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

The Senate proceeded to the thirteenth order of business.

At the request of Senator Boso, the name of Senator Boso was removed as a sponsor of **Senate Bill 435** (*Relating to Youth Mental Health Protection Act*).

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Thursday, March 2, 2017, at 11 a.m.

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## **SENATE CALENDAR**

**Thursday, March 02, 2017  
11:00 AM**

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

Consideration of executive nominations

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### **UNFINISHED BUSINESS**

- S. C. R. 25 - Jeffrey Alan Clovis Memorial Bridge  
S. C. R. 26 - US Marine Corps SSG Beecher J. Rhoades Memorial Bridge

### **THIRD READING**

- Eng. 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. 236 - Relating to damages for medical monitoring - (With right to amend) (original similar to HB2580)

### **SECOND READING**

- Com. Sub. for S. B. 190 - Eliminating preferences for vendors bidding on state contracts for commodities or printing  
Com. Sub. for S. B. 410 - Relating to marking traps with DNR identification tag  
Com. Sub. for S. B. 439 - Relating to venue for civil and criminal actions at Salem Correctional Center

### **FIRST READING**

- Com. Sub. for S. B. 209 - Defining term "veteran" as it relates to veteran-owned business  
Com. Sub. for S. B. 221 - Relating to composition of PEIA Finance Board  
Com. Sub. for S. B. 224 - Repealing requirement for employer's bond for wages and benefits  
S. B. 263 - Creating exemption from certain contract and common carrier laws for vehicles used exclusively for transportation of railroad personnel  
S. B. 400 - Regarding appointments to WV Infrastructure and Jobs Development Council

- Com. Sub. for S. B. 429 - Relating to monitoring inmate communications
- Com. Sub. for S. B. 436 - Permitting investigators from Attorney General's office carry firearms
- Com. Sub. for S. B. 445 - Amending definition of "abused child" (original similar to HB2758)

**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2017**

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**Thursday, March 2, 2017**

9:30 a.m.	Finance	(Room 451M)
1 p.m.	Health & Human Resources	(Room 451M)
1 p.m.	Energy, Industry & Mining	(Room 208W)
2 p.m.	Education	(Room 451M)
2 p.m.	Government Organization	(Room 208W)