

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

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

Charleston, West Virginia, Saturday, March 11, 2017

The Senate met at 9 a.m.

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

Prayer was offered by the Honorable C. Edward Gaunch, a senator from the eighth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Donna J. Boley, a senator from the third district.

Pending the reading of the Journal of Friday, March 10, 2017,

At the request of Senator Stollings, 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:

Health and Human Resources, Department of

Sudden Unexplained Infant Deaths (§16-1-6)

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 2526—A Bill to amend and reenact §60A-2-201, §60A-2-204, §60A-2-206, §60A-2-210 and §60A-2-212 of the Code of West Virginia, 1931, as amended, all relating to classifying additional drugs to Schedules I, II, IV and V of controlled substances; and adding a provision relating to the scheduling of a cannabidiol in a product approved by the Food and Drug Administration.

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 July 1, 2017, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2554—A Bill to repeal §21-11-1, §21-11-2, §21-11-3, §21-11-4, §21-11-5, §21-11-6, §21-11-7, §21-11-8, §21-11-9, §21-11-10, §21-11-10a, §21-11-11, §21-11-12, §21-11-13, §21-11-14, §21-11-15, §21-11-16, §21-11-17, §21-11-18 and §21-11-20 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §30-41-1, §30-41-2, §30-41-3, §30-41-4, §30-41-5, §30-41-6, §30-41-7, §30-41-8, §30-41-9, §30-41-10, §30-41-11, §30-41-12, §30-41-13, §30-41-14, §30-41-15, §30-41-16, §30-41-17, §30-41-18, §30-41-19, §30-41-20 and §30-41-21 all relating to the West Virginia Contractor Act; providing a short title and declaration of policy with definitions; continuing the West Virginia Contractor Licensing Board, composition, terms, qualifications and appointment; administrative duties of board and legislative rules; necessity for contractor license and exemptions; procedure for licensing; providing for expiration date, fees and renewal of license; providing for revocation for unlawful use, assignment or transfer of license; prerequisites to obtaining building permit and mandatory written contracts; requiring informational list for basic universal design features; providing injunction and criminal penalties for violation of article; specific administrative duties of board and record keeping by the board; authorizing to grant reciprocity and to provide training to students who desire to obtain a West Virginia contractor license; and misdemeanor criminal penalties for violations of article.

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 2571—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-20-11, relating to selection of language developmental milestones for purposes of developing a resource for use by parents to monitor and track deaf and hard-of-hearing children's expressive and receptive language acquisition and developmental stages toward English literacy.

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. House Bill 2675—A Bill to amend and reenact §3-5-13 and §3-5-13a of the Code of West Virginia, 1931, as amended, all relating to primary elections and nominating procedures; and designating the placement of nonpartisan judicial offices on the primary election ballot.

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. House Bill 2706—A Bill to amend and reenact §18B-17-2 and §18B-17-3 of the Code of West Virginia, 1931, as amended, all relating to authorizing legislative rules regarding higher education; authorizing legislative rules for the Higher Education Policy Commission regarding the West Virginia Higher Education Grant Program, Providing Real Opportunities for Maximizing In-state Student Excellence (PROMISE), Research Trust Fund Program, and Annual Reauthorization of Degree-Granting Institutions; and authorizing legislative rules for the Council

for Community and Technical College Education regarding the Annual Reauthorization of Degree-Granting Institutions, and Business, Occupational and Trade Schools.

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 2726—A Bill to amend and reenact §62-11B-9 of the Code of West Virginia, 1931, as amended, relating generally to authorizing home incarceration officers to arrest a participant for violating the terms and conditions of his or her supervision without a court order.

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 2731—A Bill to amend and reenact §51-2-2 of the code of West Virginia, 1931, as amended, relating to clarifying that only civil actions with controversial amounts exceeding \$7,500 must be heard in circuit court, except in actions relating to real estate installment sales contracts or actions confined exclusively by the Constitution to some other tribunal.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 10th day of March, 2017, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(S. B. 176), Repealing article concerning detection of tuberculosis, high blood pressure and diabetes.

(S. B. 188), Correcting definition of “telehealth” in medication-assisted treatment programs.

And,

(Com. Sub. for H. B. 2740), Making a supplementary appropriation to the Department of Administration.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Roger Hanshaw,
Chair, House Committee.

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 187, Providing for confidentiality of patients' medical records.

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

Com. Sub. for Senate Bill 187 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §27-3-1 of the Code of West Virginia, 1931, as amended, all relating to confidentiality of medical records for patients' physical, mental or emotional conditions generally; striking disclosure exception for treatment or internal review purposes; striking thirty-day requirement; striking requirement that provider make good faith effort to obtain consent from the patient or legal representative; striking requirement that the minimum information necessary is released for a specifically stated purpose; striking requirement that prompt notice of the disclosure, the recipient of the information and the purpose of the disclosure is given to the patient or legal representative; and adopting provisions of federal law which pertain to disclosure of protected health information.

And,

Senate Bill 497, Relating to liability for physicians who provide services at school athletic events.

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

Com. Sub. for Senate Bill 497 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §55-7-19 of the Code of West Virginia, 1931, as amended, relating to liability for health care providers who provide services at school athletic events; providing that persons licensed, certified or registered in this state or another state to provide health care or professional health care services are subject to limited liability if they render emergency care or treatment at a public or private elementary or secondary school athletic event; outlining circumstances under which liability can be limited; eliminating provisions limiting liability to the extent of insurance coverage; eliminating reference to standard of care in Medical Professional Liability Act; and establishing that acts of willful misconduct are not subject to limited liability.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
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 255, Relating to filling vacancies on county commissions and other county offices.

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

Com. Sub. for Senate Bill 255 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-10-3, §3-10-5 and §3-10-7 of the Code of West Virginia, 1931, as amended, all relating generally to vacancies in elected office; requiring vacancies in offices of Secretary of State, Auditor, Treasurer, Attorney General, Commissioner of Agriculture, or other office created or made elective to be filled by voters of entire state, to be filled by Governor from list of three qualified persons submitted by party executive committee of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred; requiring Governor to fill vacancies in those offices with person of same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred; providing that Governor fill vacancies created in state Legislature from list of three qualified persons submitted by party executive committee of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred; requiring vacancies in offices of county commissioner or clerk of the county commission to be filled by county commission with person of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred; providing process for vacancy on county commission to be filled if county commission fails to fill the vacancy; providing Governor fill vacancies on county commission when no quorum on county commission from list of three qualified persons submitted by party executive committee of the same political party with which the person holding the office immediately preceding the vacancy was affiliated at the time the vacancy occurred; making appointments subject to provisions of section one of article; and making technical corrections.

And,

Senate Bill 454, Eliminating certain fees generated by suggestee executions.

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

Com. Sub. for Senate Bill 454 (originating in the Committee on the Judiciary)—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 providing more efficient collection and submission of state moneys received as a result of certain court transactions or court services; eliminating certain fees generated by suggestee executions; providing for monthly remittance of moneys collected by clerk of court from assessments on claims filed under Medical Professional Liability Act; directing clerk of court to remit certain assessments on claims filed under Medical Professional Liability Act to State Treasury; directing payment of certain sums collected pursuant to execution of judgment to be paid to judgment creditor; directing clerk of court of conviction to collect any fees collected for teen court program and remit monthly to sheriff for deposit in appropriate account; directing circuit clerk to remit moneys received for duplication of family court records to remit amounts received to State Treasury for deposit in West Virginia Supreme Court of Appeals Fund; and making technical corrections.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Maroney, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill 290, Authorizing operators of distillery or mini-distillery offer for purchase and consumption of liquor on Sundays.

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

Com. Sub. for Senate Bill 290 (originating in the Committee on Economic Development)—A Bill to amend and reenact §60-4-3a of the Code of West Virginia, 1931, as amended, relating to authorizing operators of a distillery or mini-distillery to offer for consumption liquor on the premises if purchased and consumed on the premises of the distillery or mini-distillery; and allowing distilleries and mini-distilleries to sell and serve alcohol beginning at 1:00 p.m. or 10:00 a.m. on Sundays if that county permits the sale of alcohol at that time.

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,

Michael J. Maroney,
Chair.

The bill (Com. Sub. for S. B. 290), 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 302, Supplemental appropriation of federal funds from Treasury to Division of Human Services.

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

Com. Sub. for Senate Bill 302 (originating in the Committee on Finance)—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2017, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017.

Senate Bill 303, Supplemental appropriation of public moneys from Treasury to DHHR.

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

Com. Sub. for Senate Bill 303 (originating in the Committee on Finance)—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Health and Human Resources, Division of Health - Laboratory Services Fund, fund 5163, fiscal year 2017, organization 0506, the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund, fund 5214, fiscal year 2017, organization 0506, and the Department of Health and Human Resources, Division of Human Services – Health Care Provider Tax – Medicaid State Share Fund, fund 5090, fiscal year 2017, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017.

And,

Senate Bill 306, Supplemental appropriation of federal funds from Treasury to Workforce West Virginia.

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

Com. Sub. for Senate Bill 306 (originating in the Committee on Finance)—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Commerce, Workforce West Virginia – Workforce Investment Act, fund 8749, fiscal year 2017, organization 0323, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017.

With the recommendation that the three committee substitutes do pass.

Respectfully submitted,

Mike Hall,
Chair.

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

Your Committee on Finance has had under consideration

Senate Bill 466, Calculating state share of gross profits from limited video lottery revenues at 50 percent.

And reports the same back with the recommendation that it 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 Senators Trump and Blair:

Senate Bill 578—A Bill to amend and reenact §16-29-1 and §16-29-2 of the Code of West Virginia, 1931, as amended, all relating generally to copies of health care records furnished to patients and the fees charged therein.

Referred to the Committee on Health and Human Resources.

By Senators Sypolt and Cline:

Senate Bill 579—A Bill to amend and reenact §8-13-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-3-9d of said code, all relating to exempting a farm winery from certain taxes on the selling or distribution of wine when that wine is made on the farm winery and is sold at retail to the public on the premises of the farm winery.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on Finance.

By Senator Trump:

Senate Bill 580—A Bill to amend and reenact §36-8-13 of the Code of West Virginia, 1931, as amended, relating to limiting the amount of funds from the Unclaimed Property Fund that may be deducted during a fiscal year for the purpose of paying expenses of administering the Unclaimed Property Fund and the Unclaimed Property Trust Fund.

Referred to the Committee on Finance.

By Senators Trump, Woelfel and Plymale:

Senate Bill 581—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 of said code; to amend said code by adding thereto a new section, designated §44D-1-113; to amend and reenact §44D-4-405 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.

Referred to the Committee on the Judiciary.

By Senators Smith, Mullins, Boso and Cline:

Senate Bill 582—A Bill to repeal §22-3-30a of the Code of West Virginia, 1931, as amended; to repeal §22A-2-14, §22A-2-28, §22A-2-30, §22A-2-31, §22A-2-32, §22A-2-33, §22A-2-34, §22A-2-35, §22A-2-41, §22A-2-50, §22A-2-51, §22A-2-52, §22A-2-69 and §22A-2-73 of said code; to repeal §22A-2A-102, §22A-2A-201, §22A-2A-202, §22A-2A-203, §22A-2A-204, §22A-2A-204a, §22A-2A-205, §22A-2A-206, §22A-2A-207, §22A-2A-208, §22A-2A-209, §22A-2A-210, §22A-2A-211, §22A-2A-212, §22A-2A-213, §22A-2A-214, §22A-2A-301, §22A-2A-302, §22A-2A-303, §22A-2A-304, §22A-2A-305, §22A-2A-306, §22A-2A-307, §22A-2A-308, §22A-2A-309, §22A-2A-310, §22A-2A-401, §22A-2A-402, §22A-2A-403, §22A-2A-404, §22A-2A-405, §22A-2A-501, §22A-2A-601, §22A-2A-602, §22A-2A-603, §22A-2A-604, §22A-2A-701, §22A-2A-702, §22A-2A-703, §22A-2A-704, §22A-2A-801, §22A-2A-802, §22A-2A-803, §22A-2A-804, §22A-2A-805, §22A-2A-806, §22A-2A-807 and §22A-2A-901 of said code; to repeal §22A-6-7, §22A-6-8, §22A-6-9, §22A-6-10, §22A-6-11, §22A-6-12 and §22A-6-13 of said code; to amend and reenact §22-1-17 of said code; to amend and reenact §22-3-11, §22-3-13a, §22-3-23 and §22-3-35 of said code; to amend and reenact §22-6-24 of said code; to amend and reenact §22-11-1 of said code; to amend and reenact §22A-1-1, §22A-1-2, §22A-1-3, §22A-1-4, §22A-1-5, §22A-1-6, §22A-1-14, and §22A-1-15 of said code; to amend and reenact §22A-2-2, §22A-2-3, §22A-2-4,

§22A-2-4a, §22A-2-5, §22A-2-6, §22A-2-11, §22A-2-13, §22A-2-20, §22A-2-24, §22A-2-25, §22A-2-26, §22A-2-27, §22A-2-29, §22A-2-36, §22A-2-37, §22A-2-38, §22A-2-39, §22A-2-40, §22A-2-42, §22A-2-43, §22A-2-43a, §22A-2-44, §22A-2-45, §22A-2-46, §22A-2-47, §22A-2-48, §22A-2-49, §22A-2-53, §22A-2-53a, §22A-2-53b, §22A-2-53c, §22A-2-55, §22A-2-55a, §22A-2-56, §22A-2-57, §22A-2-58, §22A-2-59, §22A-2-60, §22A-2-61, §22A-2-62, §22A-2-63, §22A-2-64, §22A-2-66, §22A-2-70, §22A-2-72, §22A-2-74, §22A-2-75 and §22A-2-78 of said code; to amend and reenact §22A-2A-101 of said code; to amend said code by adding thereto a new section, designated §22A-2-1001; to amend and reenact §22A-6-1, §22A-6-3, §22A-6-4, §22A-6-5 and §22A-6-6 of said code; to amend and reenact §22A-7-2, §22A-7-3, §22A-7-4, §22A-7-5, §22A-7-5a and §22A-7-7 of said code; to amend and reenact §22A-9-1 of said code; to amend and reenact §22A-11-2, §22A-11-3 and §22A-11-4 of said code; and to amend said code by adding thereto two new sections, designated §22A-11-5 and §22A-11-6, all relating generally to coal mining, coal mining safety and environmental protection; creating a special reclamation water trust fund; establishing additional duties for the Secretary of the Department of Environmental Protection; permitting coal operators to request that preblast surveys be limited to owners and occupants of man-made structures; eliminating certain bond requirements; providing that bonds may not be released until certain conditions are met; providing for plugging and cleaning out of certain gas wells; adding legislative findings to the Water Pollution Control Act as it pertains to trout waters; providing that the Office of Miners' Health, Safety and Training be within the Department of Commerce; replacing the Director of the Office of Miners' Health, Safety and Training responsibility for safety inspections with being responsible for compliance visits and education; eliminating some duties of the Director of the Office of Miners' Health, Safety and Training; eliminating the Board of Coal Mine Health and Safety, the Coal Mine Safety and Technical Review Committee, the Board of Miner Training, Education and Certification, and the Mine Inspectors' Examining Board; making the Director of the Office of Miners' Health, Safety and Training be responsible for compliance visits and enforcement of state mine certifications and Individual Penalty Assessments; requiring mine inspectors to provide safety compliance assistance in improving the miner's health and safety and to improve existing safety plans and programs; adopting the federal standards in lieu of existing state standards in the following areas of coal mining: replacing existing state standards relating to underground coal mines of ventilation, ventilation plans, fans, belt air, unused and abandoned parts of mines, movement of off-track mining equipment, boreholes, daily inspections, preparation of a danger signal, control of coal dust and rock dusting, roof control programs and plans, roof support, use of authorized explosives, storage or use of unauthorized explosives, use of cabs and canopies, use of hoisting machinery, use of haulage roads and certain equipment, the transportation of miners, use of conveyor belts, use of electricity, telephone poles and communication facilities, actions required to detect and respond to excess methane, the operation of cutting and mining machines, hand held electric drills, trailing cables, installation of lighting, welding and cutting, responsibility for care and maintenance of face equipment, when respiratory equipment is to be worn, safeguards for mechanical equipment, smoking in and about surface structures, railroad cars, haulage and surface areas, ramps, tipples, cleaning plants, protective equipment and clothing, safety helmets, checking systems, fire protection, miner security, first-aid equipment, accessible outlets and safe roadways for emergencies, coal storage bins, recovery tunnels, coal storage piles, thermal coal dryers, sealing of mines, accident notices and investigations, shafts and slopes, longwall and short wall mining, control of respirable dust, operator procures around gas and oil wells and use of diesel-powered equipment; making changes to who may serve on the board of Coal Mine Health and Safety; changing the board's powers and duties; transferring the duties of the board of Miners' Training, Education and Certification to the board of Coal Mine Health and Safety; transferring the duties of the former Mine Inspectors' Examining Board to the board of Coal Mine Health and Safety; providing that the Mine Safety Technology Task Force be continued as a part of the duties and powers of the Board of Coal Mine Health and Safety; providing that mine rescue

teams be staffed by the Office of Miners' Health, Safety and Training; requiring a mine emergency plan be developed; establishing conditions when a person is permitted to perform mine rescue duties; deleting certain definitions; changing certain existing definitions; removing certain criminal penalties; and requiring rulemaking.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on Finance.

By Senators Smith and Cline:

Senate Bill 583—A Bill to amend and reenact §22-20-1 of the Code of West Virginia, 1931, as amended, relating to abolishing the Office of Environmental Advocate within the Department of Environmental Protection.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on Finance.

By Senators Palumbo, Plymale, Prezioso, Takubo and Trump:

Senate Bill 584—A Bill to amend the code of West Virginia, 1931, as amended, by adding thereto a new section, designated §1-2-2a, relating to creating an independent redistricting commission with certain requirements; reducing the number of Senate districts and members following the 2020 census; reducing the number of House of Delegates members following the 2020 census; requiring Senate and Delegate districts conform to certain restrictions; designating duties of the commission; providing that members are nominated by State Election Commission; setting forth required traits and restrictions of members; providing for how commission members are appointed; setting forth a process for determining the chair of the commission; providing for the filling of vacancies of commission; requiring members to conduct an organizational meeting and select a vice-chairperson; providing for the removal of a member for cause; providing for the filling of vacancies that may occur on commission; setting forth certain requirements of the commission; providing that three members constitute a quorum; providing that members are ineligible for public office or registration as paid lobbyist for three years after completing their last term on commission; requiring that commission plan and propose congressional and legislative districts; providing specific criteria that commission must observe in proposing district mappings; requiring commission to advertise a proposed draft map of districts to the public; permitting legislators to make inquiry of commission members regarding their methodology and proposed redistrict mapping; requiring that commission publish its proposals for district boundaries; requiring the commission to recommend redistricting plans to the Legislature; authorizing a vote on the plans in an extraordinary session called by the Governor; requiring the full Legislature to vote on the first proposal plan ratification without amendment; setting forth a process for subsequent proposed plans, amendment restrictions and vote requirements; authorizing the West Virginia Supreme Court of Appeals to make the final determination between three plans proposed by the independent redistricting commission if the Legislature and Governor cannot agree; requiring that the commission certify to Secretary of State that its proposals for district boundaries is in accordance with constitutional and legal requirements; providing for reimbursement of expenses and per diem allowances for commission members; authorizing the commission to contract for staffing and consultants; prohibiting certain persons from influencing or attempting to influence district mapping proposals of the commission; and providing for the expiration of commission appointments.

Referred to the Committee on the Judiciary.

By Senator Blair:

Senate Bill 585—A Bill to repeal §24-3-1b of the Code of West Virginia, 1931, as amended, relating to locomotive crew size.

Referred to the Committee on Government Organization.

Senators Ojeda, Stollings, Plymale and Beach offered the following resolution:

Senate Concurrent Resolution 32—Requesting the Division of Highways to name the portion of State Route 10 from milepost 9.10 (37.744779, -81.890197) to milepost 13.60 (37.767490, -81.921406) in Logan County, the “U. S. Army SGT Denver E. Short Memorial Road”.

Whereas, Denver E. Short was born May 6, 1921, in Logan County, at Davin on Huff Creek, he attended Man High School and later married Margaret Parsons from West Logan, and they had two daughters, Katy Short Ojeda and Brenda Short Thomas; and

Whereas, Denver E. Short enlisted in the U. S. Army in August, 1941, and was honorably discharged on September 27, 1945, after having participated in historic battles in central Europe and received medals for his service and for wounds received in action; and

Whereas, As a platoon Sergeant in Headquarters Battery of the 155th Airborne Anti-Aircraft Battalion, Sergeant Denver E. Short served in four European wartime campaigns: In Normandy; the Rhineland; the Ardennes; and central Europe; and

Whereas, Sergeant Denver E. Short suffered his first combat wound from small arms fire on D-Day, June 6, 1944, he was subsequently wounded in Belgium in 1944 and again in France in 1945. As a result of his wounds, he was hospitalized on numerous occasions, first in a hospital in England and two different extended stays in hospitals in France, and was awarded three separate Purple Heart Medals for his wounds; and

Whereas, Sergeant Denver E. Short also received the first Oak Leaf Cluster to his first Purple Heart Medal, a second Oak Leaf Cluster to his second Purple Heart Medal and two Distinguished Unit Badges; and

Whereas, Sergeant Denver E. Short passed away on August 26, 2001, and was a proud veteran, great father and husband, a quiet, humble man, a devout Christian and a true American hero; and

Whereas, Naming the portion of State Route 10 from milepost 9.10 (37.744779, -81.890197) to milepost 13.60 (37.767490, -81.921406) in Logan County, the “U. S. Army SGT Denver E. Short Memorial Road”, is an appropriate recognition of his service and sacrifices for his country as a part of The Greatest Generation and service to his state, community and Logan County; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the portion of State Route 10 from milepost 9.10 (37.744779, -81.890197) to milepost 13.60 (37.767490, -81.921406) in Logan County, the “U. S. Army SGT Denver E. Short Memorial Road”; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the road as the “U. S. Army SGT Denver E. Short Memorial Road”; and, be it

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

Which, under the rules, lies over one day.

Senators Palumbo, Plymale and Beach offered the following resolution:

Senate Concurrent Resolution 33—Requesting the Division of Highways to name bridge number 20-77-90.32 (20A627), (38.25068, -81.57285), locally known as the Marmet Bridge over 85th Street, carrying West Virginia Turnpike I-77 over 85th Street, Marmet, in Kanawha County, as the “U. S. Army Ranger SGT Richard E. Arden Memorial Bridge”.

Whereas, U. S. Army Ranger Sergeant Richard Elton Arden was born on October 26, 1949, in Charleston, to Richard and Imogene Arden of Marmet; and

Whereas, Sergeant Arden grew up in Marmet, as the oldest of eight children, with four brothers and three sisters. He graduated from East Bank High School in 1967. Sergeant Arden went to work for C&P Telephone Company (later Lucent/AT&T), where he started as a janitor, became a cable splicer and then went into management as a Communications Representative. Eventually, Sergeant Arden became a manager of Technical Sales and Engineering for Lucent/AT&T, and was later transferred to Washington, D. C. and Columbus. He retired in 2007 with 35 years of service; and

Whereas, Sergeant Arden was a decorated veteran of the United States Army. He was a Team Leader, Company H Rangers, 75th in Airborne with the 1st Cavalry Division, serving two tours of duty in Vietnam from 1968 to 1970. A true hero, Sergeant Arden received medals of commendation for bravery and heroism, including a Silver Star for Gallantry in Action, two Bronze Stars for Heroism, three Commendations for Heroism and two Purple Hearts; and

Whereas, Sergeant Arden was a devoted and loving husband, father, son, brother, son-in-law, brother-in-law, uncle, cousin and friend survived by his loving wife Janelle (Poling) Arden, whom he described to others as the love of his life, his mother, Imogene C. (Asbury) Arden, currently of Hurricane, with whom he had a special bond and loved dearly. He is also survived by his children and grandchildren whom he loved dearly and was extremely proud of: Brian Arden (Janey Kent) of Cincinnati, Ohio, Tim (Kara) Arden and granddaughter Emma of Charleston, and Paige (John) Ricci and granddaughter Emma of Charleston, and Paige (John) Ricci and granddaughter Nola of Jacksonville, Florida; and

Whereas, Sergeant Arden gained a second family when he married Janelle, and he loved them dearly as well. His father and mother-in-law Calvin and Marilou Poling, sister-in-law Janene (Poling) Addonizio, her husband Jim and his children, Erica and Christopher. He was also loved by Janelle’s aunts, uncles and cousins; and

Whereas, Sergeant Arden was a member of Peace Lutheran Church in Canal Winchester, Ohio. His hobbies were woodworking, golf and spending time with his many friends; and

Whereas, Sergeant Arden passed from this life to the next life on Wednesday, April 20, 2016, in his home, surrounded by his loving wife Janelle, sons Brian and Tim, and other close family members; and

Whereas, It is fitting and proper, to honor the life of Sergeant Arden for his dedicated service to his community, state and country by naming this bridge in his memory; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 20-77-90.32 (20A627), (38.25068, -81.57285), locally known as the Marmet Bridge over 85th Street, carrying West Virginia Turnpike I-77 over 85th Street, Marmet, in Kanawha County, as the "U. S. Army Ranger SGT Richard E. Arden Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army Ranger SGT Richard E. Arden 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; to his wife Janelle Arden and his mother Imogene C. Arden.

Which, under the rules, lies over one day.

Senators Prezioso, Beach, Facemire, Jeffries, Miller, Palumbo, Plymale, Romano, Stollings, Swope and Unger offered the following resolution:

Senate Concurrent Resolution 34—Requesting the Department of Administration to name the State Office Complex located at 416 Adams Street, Fairmont, West Virginia, the "Joe Manchin, III, Office Building".

Whereas, Joe Manchin, III, was born in Farmington, Marion County, West Virginia, the son of the late Mary O. Gouzd Manchin and John Manchin, and the grandson of Italian and Czechoslovakian immigrants; and

Whereas, From the earliest age, instilled in Joe Manchin, III, was a work ethic and true understanding of service to God, family and community; and

Whereas, Joe Manchin, III, true to his upbringing and Italian/Czechoslovakian heritage, has dedicated his life to the service of others. Following his graduation from Farmington High School and West Virginia University, he garnered success as a local businessman and entrepreneur, and served with distinction as a member of the West Virginia House of Delegates and West Virginia Senate. He was later elected and served as Secretary of State and Governor of West Virginia, and on November 2, 2010, was elected to, and continues to serve in, the United States Senate as a Senator from the State of West Virginia; and

Whereas, Following the demolition of the State Office Complex at 107-109 Adams Street, under the dedicated leadership of Senator Manchin, a coalition of the City of Fairmont, the Marion County Commission and the Marion Regional Development Corporation acted to provide for and facilitate the development and construction of a replacement State Office Building at 416 Adams Street; and

Whereas, Joe Manchin, III's life has been, and continues to be, an outstanding example of selfless service and sacrifice to God, family and community, and it is right and just to honor him by naming the West Virginia State Office Complex located at 416 Adams Street, Fairmont, Marion County, West Virginia the "Joe Manchin, III, Office Building"; therefore, be it

Resolved by the Legislature of West Virginia:

That the Department of Administration is hereby requested to name the State Office Complex located at 416 Adams Street, Fairmont, West Virginia, the "Joe Manchin, III, Office Building"; and, be it

Further Resolved, That the Clerk of the Senate is directed to forward a copy of this resolution to the Secretary of the Department of Administration, the Marion County Commission, the City of Fairmont and the Honorable Senator Joe Manchin, III.

Which, under the rules, lies over one day.

The Senate proceeded to the eighth order of business.

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

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, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 350) 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 423, Relating to operation of licensed group homes.

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, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 423) 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 441, Establishing Municipal Home Rule Pilot Program.

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

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

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

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 441) 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 481, Eliminating requirement municipal courts wait 90 days before notifying DMV of person's failure to appear or pay assessed costs.

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, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 481) 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 490, Clarifying standard of liability for officers of corporation.

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, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 490) 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 491, Relating to county litter control officers.

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 491 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, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 491) 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 492, Eliminating requirement every circuit court participate in drug court program.

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 492 pass?”

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Ferns, Gaunch, Hall, Karnes, Mann, Maynard, Palumbo, Plymale, Prezioso, Rucker, Smith, Swope, Trump, Woelfel and Carmichael (Mr. President)—20.

The nays were: Clements, Cline, Facemire, Jeffries, Maroney, Miller, Mullins, Ojeda, Romano, Stollings, Sypolt, Unger and Weld—13.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 492) 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 496, Relating generally to guaranteed asset protection waivers.

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, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 496) 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 505, Providing five-year reclamation period following completion of well pads for horizontal wells.

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 505 pass?”

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Mullins, Ojeda, Palumbo, Plymale, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—30.

The nays were: Beach, Miller and Prezioso—3.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 505) 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 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 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, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2099) passed.

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

Eng. Com. Sub. for House Bill 2099—A Bill to amend and reenact §17C-4-1 of the Code of West Virginia, 1931, as amended, relating to crashes involving death or personal injuries generally; defining terms; clarifying when a driver may leave the scene of a crash for the purpose of rendering assistance to an injured person in the crash; clarifying essential elements of the crimes of leaving the scene of a crash that causes bodily injury, serious bodily injury or death; creating a felony crime of leaving the scene of a crash that causes another person serious bodily injury and providing criminal penalties; clarifying knowledge requirement; and clarifying that the offense of leaving the scene of a crash that causes death requires death to occur within one year of the crash.

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

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

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, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2301) passed.

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

Eng. Com. Sub. for House Bill 2301—A Bill to repeal §16-2J-1, §16-2J-2, §16-2J-3, §16-2J-4, §16-2J-5, §16-2J-6, §16-2J-7, §16-2J-8 and §16-2J-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §30-3F-1, §30-3F-2, §30-3F-3, §30-3F-4 and §30-3F-5, all relating to direct primary care; defining terms; permitting individuals to enter into agreements, for direct primary care with an individual or other legal entity authorized to provide primary care services, outside of an insurance plan or outside of the Medicaid or Medicare program and pay for the care outside of insurance plans and the Medicaid or Medicare program; providing that insurance benefits are not forfeited by certain purchases; providing that certain products are not the offer of insurance; providing that direct primary care membership agreement is not considered insurance; prohibiting direct primary care providers from billing third-party payers for services or products under the direct primary care membership agreement; providing that a direct primary care provider is not required to obtain certain credentials; prohibiting the billing of third-party providers for direct primary care services; stating certain requirements for direct primary care membership agreement; providing rule-making authority by the West Virginia Board of Medicine, the West Virginia Board of Osteopathic Medicine, the West Virginia Board of Dentistry, the West Virginia Board of Chiropractic and the West Virginia Board of Examiners for Registered Professional Nurses to effectuate the provisions of this new article; and authorizing civil penalties in the form of sanctions by the respective boards for violations that constitute unprofessional conduct.

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

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 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, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2347) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

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

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: 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, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—32.

The nays were: Azinger—1.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2431) passed.

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

Eng. House Bill 2431—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-3-4a, relating to offering influenza immunizations to patients upon discharge from licensed hospitals; providing that the immunizations are voluntary; and providing for exceptions based upon availability and in cases where immunizations are contraindicated.

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 212, Relating generally to procedures for drivers' license suspensions and revocations.

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

On motion of Senator Trump, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page eighteen, section four, line eighty-eight, after "(3)" by inserting the words "of this subsection";

On page nineteen, section seven, line four, by striking out the word "contained" and inserting in lieu thereof the words "set forth";

On page twenty-seven, section one-a, line thirty-two, by striking out the words "section two of this article" and inserting in lieu thereof the words "said section";

And,

On page thirty-one, section one-c, line thirty-three, after the word "person" by inserting the words "whose license is".

The bill (Com. Sub. for S. B. 212), as amended, was then ordered to engrossment and third reading.

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

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

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 301, Supplemental appropriation of federal funds from Treasury to State Board of Education, School Lunch 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 305, Supplemental appropriation of public moneys from Treasury to Fire Commission.

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

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

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

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.

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:

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

Senate Bill 28, Creating new system for certain contiguous counties to establish regional recreation authorities.

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

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

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

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

Com. Sub. for Senate Bill 455, Relating generally to commitment of persons to custody of Commissioner of Corrections.

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

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

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.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Woelfel.

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

The Senate proceeded to the thirteenth order of business.

On motion of Senator Ferns, a leave of absence for the day was granted Senator Takubo.

At the request of Senator Smith, the name of Senator Smith was removed as a sponsor of **Senate Bill 485** (*Relating to expansion of broadband service*).

At the request of Senator Ojeda, the name of Senator Ojeda was removed as a sponsor of **Senate Bill 524** (*Relating to WV academic standards*).

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 Monday, March 13, 2017, at 11 a.m.

SENATE CALENDAR

**Monday, March 13, 2017
11:00 AM**

UNFINISHED BUSINESS

- S. C. R. 32 - US Army SGT Denver E. Short Memorial Road
- S. C. R. 33 - US Army Ranger SGT Richard E. Arden Memorial Bridge
- S. C. R. 34 - Joe Manchin, III Office Building

THIRD READING

- Eng. Com. Sub. for S. B. 212 - Relating generally to procedures for drivers' license suspensions and revocations
- Eng. Com. Sub. for S. B. 299 - Supplementing, amending, decreasing and increasing items of appropriations from State Road Fund to DOH (original similar to HB2779)
- Eng. Com. Sub. for S. B. 300 - Supplemental appropriation from unappropriated balance in Treasury to Division of Personnel (original similar to HB2639)
- Eng. 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)
- Eng. Com. Sub. for S. B. 305 - Supplemental appropriation of public moneys from Treasury to Fire Commission (original similar to HB2785)
- Eng. Com. Sub. for Com. Sub. for S. B. 344 - Relating to application of payments on consumer credit sale and loans (original similar to HB2672)

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

FIRST READING

- Com. Sub. for S. B. 187 - Providing for confidentiality of patients' medical records
- Com. Sub. for S. B. 255 - Relating to filling vacancies on county commissions and other county offices
- Com. Sub. for S. B. 302 - Supplemental appropriation of federal funds from Treasury to Division of Human Services (original similar to HB2500)
- Com. Sub. for S. B. 303 - Supplemental appropriation of public moneys from Treasury to DHHR (original similar to HB2640)
- Com. Sub. for S. B. 306 - Supplemental appropriation of federal funds from Treasury to Workforce West Virginia (original similar to HB2499)
- Com. Sub. for S. B. 454 - Providing more efficient collection and submission of state moneys received from court transactions or court services (original similar to HB2731, HB2737)
- S. B. 466 - Calculating state share of gross profits from limited video lottery revenues at 50 percent
- Com. Sub. for S. B. 497 - Relating to liability for health care providers who provide services at school athletic events

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2017

Monday, March 13, 2017

9 a.m.

Select Committee on Tax Reform

(Room 451M)