

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

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

Charleston, West Virginia, Tuesday, March 14, 2017

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Gary Nelson, Cross Lanes United Methodist Church, Cross Lanes, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael J. Maroney, a senator from the second district.

Pending the reading of the Journal of Monday, March 13, 2017,

At the request of Senator Karnes, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

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

The Senate then proceeded to the third order of business.

Executive Communications

The Clerk then presented communications from His Excellency, the Governor, advising that on March 13, 2017, he had approved **Enr. Senate Bill 176**, **Enr. Senate Bill 188** and **Enr. Committee Substitute for House Bill 2740**.

The Senate next proceeded to the fourth order of business.

Senator Maynard, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 380, Creating 2-year pilot program to allow all-terrain or recreational vehicles in Cabwaylingo State Forest.

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

Com. Sub. for Senate Bill 380 (originating in the Committee on Natural Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-3-3a, relating to Cabwaylingo State Forest; creating a pilot project permitting all-terrain or recreational vehicles on designated roads and trails in Cabwaylingo State Forest; permitting the director to designate roads, trails and campgrounds; permitting the director to establish special season and permit; applying the ATV, UTV and Motorcycle Responsibility Act to the project; and requiring Legislative Auditor to review project and file report.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill (Com. Sub. for S. B. 380), under the original double committee reference, was then referred to the Committee on Government Organization.

Senator Gaunch, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill 434, Relating to WV Insurance Guaranty Association Act.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

C. Edward Gaunch,
Chair.

The bill, 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 443, Establishing Adult Drug Court Participation Fund.

And,

Senate Bill 444, Establishing Court Advanced Technology Subscription Fund.

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

Respectfully submitted,

Mike Hall,
Chair.

Senator Gaunch, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill 522, Relating to audit procedures for pharmacy benefits managers.

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

Com. Sub. for Senate Bill 522 (originating in the Committee on Banking and Insurance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-51-1, §33-51-2, §33-51-3, §33-51-4, §33-51-5, §33-51-6, §33-51-7 and §33-51-8, all relating to pharmacy audits; defining terms; setting forth procedures and requirements for pharmacy audits; stating applicable review process for final audit report; setting forth limitations concerning applicability of provisions of the article; requiring registration for certain pharmacy benefits managers and auditing entities; imposing registration fee; imposing application requirements; and providing rule-making authority to the Insurance Commissioner.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

C. Edward Gaunch
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

Eng. Com. Sub. for House Bill 2678, Changing the amounts of prejudgment and post-judgment interest to reflect today's economic conditions.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles and referred to the appropriate committees:

By Senator Blair:

Senate Bill 597—A Bill to amend and reenact §5A-3-11 and §5A-3-19 of the Code of West Virginia, 1931, as amended, all relating to the procurement of technical infrastructure.

Referred to the Committee on Government Organization.

By Senators Hall and Cine:

Senate Bill 598—A Bill to amend and reenact §11-1-1 of the Code of West Virginia, 1931, as amended, relating to expanding the authority of the Tax Commissioner to perform background investigations of employees and contractors; and changing obsolete language.

Referred to the Committee on Government Organization.

By Senators Miller, Beach, Jeffries, Karnes, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger and Cline:

Senate Bill 599—A Bill to amend and reenact §49-4-720 and §49-4-722 of the Code of West Virginia, 1931, as amended, all relating to requiring the Division of Juvenile Services to transfer to a correctional facility or regional jail any juvenile in its custody that has been transferred to adult jurisdiction of the circuit court and who reaches his or her eighteenth birthday; requiring transfer of juvenile in adult jurisdiction upon reaching eighteen years of age if he or she has either been convicted or is in a pretrial status; directing the Division of Juvenile Services to notify the circuit court of the age of a juvenile reaching eighteen years of age; authorizing the circuit court to conduct a hearing as to alternative placement; mandating that the position of victim be taken under consideration by the court in considering disposition or alternative placement; prohibiting juveniles that commit an adult offense while under the custody of the Division of Juvenile Services from returning back to the placement in a juvenile facility if the juvenile has attained the age of eighteen years; and requiring the court to conduct a hearing as to placement of a juvenile that has turned eighteen years of age and is remanded back to the custody of the Division of Juvenile Services after completion of an adult sentence.

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

By Senators Gaunch, Palumbo, Stollings and Takubo:

Senate Bill 600—A Bill to amend and reenact §16-29B-28 of the Code of West Virginia, 1931, as amended, relating to expanding the applicability of the provisions of said section to accredited academic hospitals.

Referred to the Committee on Health and Human Resources.

By Senator Gaunch:

Senate Bill 601—A Bill to amend and reenact §46A-4-107 of the Code of West Virginia, 1931, as amended, relating to adjusting limits on consumer loans in West Virginia for which certain finance charges can be imposed.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

By Senator Blair:

Senate Bill 602—A Bill to amend and reenact §47-8-2 and §47-8-3 of the Code of West Virginia, 1931, as amended, all relating to transferring responsibility for registering and indexing of fictitious names used by sole proprietors.

Referred to the Committee on Government Organization.

By Senator Gaunch:

Senate Bill 603—A Bill to amend and reenact §11-6C-1, §11-6C-2, §11-6C-3, §11-6C-4 and §11-6C-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-6C-6, all relating to authorizing a method for the collection and remittance of property taxes related to dealers' heavy equipment inventory.

Referred to the Committee on Finance.

By Senators Sypolt, Azinger, Cline and Mullins:

Senate Bill 604—A Bill to amend and reenact §29-22A-10 of the Code of West Virginia, 1931, as amended, relating to terminating the Licensed Racetrack Modernization Fund after existing obligations are paid.

Referred to the Committee on Finance.

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

Senate Resolution 35—Congratulating the Wirt High School wrestling team for winning the 2017 Class A wrestling state championship.

Whereas, The Wirt Tigers wrestling team had an outstanding 2016-2017 season, which ended with the team winning its first state wrestling championship since 1968; and

Whereas, Led by head coach Danny Life, and assistant coaches Matt Dye and Todd Moore, and junior coaches Kaedon Sees and Peyton Dye, the Wirt Tigers wrestling team consists of team members: Hunter Poole, Cole Chevront, Wyatt Powell, Caleb Knopp, Colton Whipkey, Steven McClung, Ian Smith, Hunter Moore, Noah Garrett, Aaron Life, Joe Powell, Brendan Large, Mike Burns, Glenn McFee, Dylan Jenkins and Christian Cain; and

Whereas, The 2016-2017 Wirt Tigers wrestling team will go down in state history as one of the best wrestling teams ever assembled in the state of West Virginia; and

Whereas, The Wirt Tigers wrestling team is a shining example to all West Virginians of what can be accomplished with dedication, commitment and teamwork; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates the Wirt High School wrestling team for winning the 2017 Class A wrestling state championship; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Wirt High School wrestling team.

At the request of Senator Boley, 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 Senator Boley regarding the adoption of Senate Resolution 35 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, Jeffries, Cline, Beach, Plymale, Stollings, Palumbo and Unger offered the following resolution:

Senate Resolution 36—Designating March 14, 2017, as West Virginia State University Day.

Whereas, West Virginia State University was founded as the West Virginia Colored Institute by the West Virginia Legislature 126 years ago on March 17, 1891; and

Whereas, In 1927, under the leadership of President John W. Davis, through the expansion of academic programs and the construction of new buildings, the institution was accredited by the North Central Association and holds the longest continuous accreditation of any public college or university in West Virginia; and

Whereas, In 1929, the institution became known as West Virginia State College and over the following decades, West Virginia State College was recognized as one of the leading public institutions of higher education for African-Americans; and

Whereas, In 1954, the United States Supreme Court gave its historic decision outlawing school segregation and West Virginia State College rapidly transitioned to an integrated institution. The university now serves a predominantly white, nontraditional aged, commuter population; and

Whereas, In 2004, the West Virginia Legislature approved the transition to university status; and

Whereas, West Virginia State University now offers 77 academic program options leading to 23 baccalaureates and five master's degrees; and

Whereas, West Virginia State University is actively working with other state institutions of higher education to create additional pathways for degree-seeking students; and

Whereas, As one of only two land-grant institutions in the state, West Virginia State University's Extension Service serves 38 counties. These services aid approximately 20,000 people throughout the year; and

Whereas, As a regional research institution, West Virginia State University contributes significantly to state economic development efforts in the areas of biotechnology, plant, microbial and animal research; and

Whereas, With every dollar the state invests in West Virginia State University, the university generates nearly \$16 spent in the West Virginia economy, resulting in an estimated economic output of \$254 million per year; and

Whereas, Outstanding West Virginia State University alumni, such as NASA mathematician Katherine Johnson and NBA legend Earl Lloyd, continue to lead the nation, state and countless local communities spurring essential cultural and economic change for the betterment of all; and

Whereas, Since its founding 126 years ago, West Virginia State University has always proven to be a community of students, faculty and staff devoted to helping people find their passion and gain the education needed to launch successful careers; therefore, be it

Resolved by the Senate:

That the Senate hereby designates March 14, 2017, as West Virginia State University Day; and, be it

Further Resolved, That the Senate hereby recognizes West Virginia State University for its tremendous contributions to the State of West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Dr. Anthony L. Jenkins, President of West Virginia State University.

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, Unger and Ojeda regarding the adoption of Senate Resolution 36 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.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 35, Urging Congress reassess federal definition of industrial hemp.

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

Senate Concurrent Resolution 36, Requesting study of potential alternatives to current recycling methods for municipalities.

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

Senate Concurrent Resolution 37, Urging DOT use existing signage on highways to display appropriate highway safety messages.

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

The Senate proceeded to the eighth order of business.

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

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

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 25) 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 256, Relating to prohibiting aiding and abetting of sexual abuse by school personnel.

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

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 256) passed.

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

Eng. Senate Bill 256—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-22, relating to prohibiting aiding and abetting of sexual abuse by school personnel; prohibiting school personnel, contractors, agents or employees of any state, regional or local education agency from assisting school employees, contractors or agents in obtaining a new job with knowledge, or has probable cause to believe, that the person engaged in sexual misconduct with a minor or student; clarifying that routine transmission of administrative and personnel files is permissible; providing exceptions to prohibition on aiding those individuals from obtaining new jobs; and clarifying the relationship between prohibition and other statutes, regulations or policies.

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

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

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 326 pass?”

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 326) 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 364, Incorporating changes to Streamlined Sales and Use Tax Agreement.

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

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 364) 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 440, Relating to use of Regional Jail and Correctional Facility Authority funds.

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 440 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,

Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: Ojeda—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 440) 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 455, Relating generally to commitment of persons to custody of Commissioner of Corrections.

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

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 455) 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 2167, Creating a Silver Alert program for senior citizens.

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 House Bill 2167 pass?”

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2167) passed.

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

Eng. Com. Sub. for House Bill 2167—A Bill to amend and reenact §15-3B-2, §15-3B-3, §15-3B-4, §15-3B-5 and §15-3B-6 of the Code of West Virginia, 1931, as amended, all relating to the Silver Alert Plan; providing for the Silver Alert program to be available for missing senior citizens; defining “senior citizen”; requiring the Silver Alert plan address missing senior citizens; and applying Silver Alert program procedures to missing senior citizens.

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 2542, Relating to public higher education personnel.

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 House Bill 2542 pass?”

Senator Beach requested a ruling from the Chair as to whether he should be excused from voting under Senate Rule 43.

The Chair replied that any impact on Senator Beach would be as a member of a class of persons and that he would be required to vote.

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld, Woelfel and Carmichael (Mr. President)—27.

The nays were: Beach, Facemire, Jeffries, Ojeda, Romano, Rucker and Unger—7.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2542) passed with its title.

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

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.

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

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2590) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2590) takes effect from passage.

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

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.

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

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2594) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 2594) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

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

Having been read a second time and amended by the Committee on Natural Resources on yesterday, Monday, March 13, 2017, and now coming up in regular order with the amendment offered by Senator Stollings pending, was reported by the Clerk.

The question now being on the adoption of the amendment offered by Senator Stollings to the bill (*shown in the Senate Journal of yesterday, Monday, March 13, 2017, page 19*).

At the request of Senator Stollings, and by unanimous consent, the amendment offered by Senator Stollings to the bill was withdrawn.

On motions of Senators Stollings and Karnes, the following amendment to the bill (S. B. 28) was reported by the Clerk:

On page six, section three, line five, after the word "landowners" by changing the period to a colon and inserting the following proviso: *Provided, That before July 1, 2022, no more than two such regional recreation authorities may be created under the provisions of this article unless approved by concurrent resolution of the Legislature.*

Following discussion,

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

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

A standing vote being taken, there were seventeen "yeas" and sixteen "nays".

Whereupon, the President declared the amendment offered by Senators Stollings and Karnes to the bill adopted.

On motion of Senator Stollings, the following amendment to the bill (S. B. 28) was next reported by the Clerk and adopted:

On page eleven, section six, lines sixty and sixty-one, by striking out the words "or with the county sheriffs".

The bill (S. B. 28), as amended on yesterday, Monday, March 13, 2017, and today, Tuesday, March 14, 2017, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 187, Providing for confidentiality of patients' medical records.

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 255, Relating to filling vacancies on county commissions and other county offices.

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

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

Com. Sub. for Senate Bill 302, Supplemental appropriation of federal funds from Treasury to Division of Human Services.

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

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

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 454, Providing more efficient collection and submission of state moneys received from court transactions or court services.

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

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

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 497, Relating to liability for health care providers who provide services at school athletic events.

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 Sypolt, 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:

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

Com. Sub. for Senate Bill 192, Relating generally to licensed surveyors.

Com. Sub. for Senate Bill 413, Relating to bids on government construction contracts.

Com. Sub. for Senate Bill 471, Relating to state ownership of wildlife.

Com. Sub. for Senate Bill 474, Exempting names of licensed hunters from public disclosure.

Senate Bill 495, Relating to regulation of events by State Athletic Commission.

Senate Bill 524, Relating to WV academic standards.

Senate Bill 536, Authorizing tracking of wounded or injured bear or deer.

And,

Com. Sub. for Senate Bill 575, Limiting nuisance actions against shooting ranges for noise.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Hall.

The Senate proceeded to the thirteenth order of business.

Following a point of inquiry to the President, with resultant response thereto,

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Wednesday, March 15, 2017, at 11 a.m.

SENATE CALENDAR

Wednesday, March 15, 2017
11:00 AM

THIRD READING

- Eng. S. B. 28 - Creating new system for certain contiguous counties to establish regional recreation authorities - (Com. title amend. pending) (original similar to HB2697)
- Eng. Com. Sub. for S. B. 187 - Providing for confidentiality of patients' medical records
- Eng. Com. Sub. for S. B. 302 - Supplemental appropriation of federal funds from Treasury to Division of Human Services (original similar to HB2500)
- Eng. Com. Sub. for S. B. 303 - Supplemental appropriation of public moneys from Treasury to DHHR (original similar to HB2640)
- Eng. Com. Sub. for S. B. 306 - Supplemental appropriation of federal funds from Treasury to Workforce West Virginia (original similar to HB2499)
- Eng. 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)
- Eng. S. B. 466 - Calculating state share of gross profits from limited video lottery revenues at 50 percent
- Eng. Com. Sub. for S. B. 497 - Relating to liability for health care providers who provide services at school athletic events

SECOND READING

- Com. Sub. for Com. Sub. for S. B. 186 - Adjusting date when children become eligible for certain school programs and school attendance requirements (original similar to HB2478)
- Com. Sub. for S. B. 192 - Relating generally to licensed surveyors
- Com. Sub. for S. B. 255 - Relating to filling vacancies on county commissions and other county offices
- Com. Sub. for S. B. 413 - Relating to bids on government construction contracts
- Com. Sub. for S. B. 471 - Relating to state ownership of wildlife
- Com. Sub. for S. B. 474 - Exempting names of licensed hunters from public disclosure
- S. B. 495 - Relating to regulation of events by State Athletic Commission
- S. B. 524 - Relating to WV academic standards
- Com. Sub. for S. B. 531 - Relating to renewal date for apiary certificates of registration

S. B. 536 - Authorizing tracking of wounded or injured bear or deer
Com. Sub. for S. B. 575 - Limiting nuisance actions against shooting ranges for noise

FIRST READING

S. B. 443 - Establishing Adult Drug Court Participation Fund (original similar to HB2766)

S. B. 444 - Establishing Court Advanced Technology Subscription Fund (original similar to HB2765)

Com. Sub. for S. B. 522 - Relating to pharmacy audits

Eng. Com. Sub. for H. B. 2678 - Changing the amounts of prejudgment and post-judgment interest to reflect today's economic conditions

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2017

Wednesday, March 15, 2017

| | | |
|--------|---------------------------------|-------------|
| 1 p.m. | Economic Development | (Room 208W) |
| 2 p.m. | Pensions | (Room 451M) |
| 2 p.m. | Agriculture & Rural Development | (Room 208W) |