

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE
REGULAR SESSION, 2017
FORTY-THIRD DAY

Charleston, West Virginia, Wednesday, March 22, 2017

The Senate met at 11 a.m.

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

Prayer was offered by Dr. William McCoy, First Presbyterian Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Robert H. Plymale, a senator from the fifth district.

Pending the reading of the Journal of Tuesday, March 21, 2017,

At the request of Senator Clements, 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.

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 2402—A Bill to amend and reenact §17-24A-1 and §17-24A-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §17-24A-6a; and to amend and reenact §17A-4-10 of said code, all relating to abandoned motor vehicles; adding new definitions; establishing a process for automobile auctions to obtain title to and sell motor vehicles abandoned on its premises; creating a special procedure for a person to apply for and receive title to an abandoned antique motor vehicle valued at \$7500 or less; providing for the issuance of a Vehicle Removal Certificate to remove an antique motor vehicle from private property with permission of the property owner; providing that the Division of Motor Vehicles to search for the owner and lienholders of the motor vehicle and provide notice of the application for title to the vehicle; creating a procedure for the owner or lienholders to reclaim the vehicle within 30 days of notice of an application for title to the vehicle; establishing fees to accompany an application for title to the vehicle; establishing fees for reclamation of the vehicle by owner or lienholder; creating a misdemeanor offense of interference with a person who

has acquired title to an antique motor vehicle attempting to recover the vehicle from private property and establishing penalties upon conviction thereof; directing the division to promulgate rules and forms to effectuate new procedure; allowing an insurance company to obtain a salvage certificate or a cosmetic total loss salvage certificate after paying a total loss claim on a vehicle; and creating a process by which an automobile auction may apply for and obtain a salvage certificate or a nonrepairable motor vehicle certificate for certain vehicles on its property received from an insurer who subsequently denies a claim on the vehicle or otherwise does not obtain ownership of the vehicle; and providing for indemnity by the applicant to the Division of Motor Vehicles for the erroneous issuance of such title.

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 2471—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7b; to amend and reenact §16-5A-2 of said code; to amend said code by adding thereto a new section, designated §33-15-4o; to amend and reenact §33-16-3g of said code; to amend said code by adding thereto a new section, designated §33-16-3aa; to amend and reenact §33-24-7b of said code; to amend said code by adding thereto a new section, designated §33-24-7p; to amend said code by adding thereto a new section, designated §33-25-8m; and to amend said code by adding thereto a new section, designated §33-25A-8o, all relating to breast cancer screening; requiring director to develop certain information regarding breast density for use in educating patients; requiring director to work with radiologists and mammography facilities regarding dissemination of certain information; and requiring that certain breast cancer screening be included within certain health insurance policies.

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

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

Eng. Com. Sub. for House Bill 2637—A Bill to amend and reenact §18A-2-3 of the Code of West Virginia, 1931, as amended, relating to employment of retired teachers and prospective employable professional personnel in areas of critical need and shortage; including speech pathologists and school nurses in definition of teacher or substitute teacher for purposes of employment of retired teachers beyond the post-retirement limit; establishing uniform date retirement must become effective to determine status of retirement benefits during employment as critical needs substitute teacher; restating reporting requirement to legislative committees; extending date for expiration of provisions related to employment of retired teacher as substitute teach beyond the post-retirement limit; eliminating requirement that county policy for employment of prospective employable professional personnel be based on areas of critical need and shortage identified by state board; requiring posting of notice of critical need and shortage area positions prior to making offers of employment and options for posting; limiting employment of prospective employable professional personnel to certain candidates at job fair who will commence employment at the next employment term; changing limit on number of prospective employable professional personnel that may be employed to number required to fill positions posted; clarifying action required for prospective employable professional personnel to obtain regular employment status; clarifying that provisions relating to prospective employable professional personnel do not prevent filling posted vacancy at any time in accordance with other provisions; eliminating any

requirement for successive postings where there were no qualified applicants in response to the initial posting; and allowing financial incentives for purposes of recruiting professional personnel in critical needs areas and to attract professional personnel in a critical need or shortage area.

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 2738—A Bill to amend and reenact §18A-2-7 of the Code of West Virginia, 1931, as amended, relating generally to the transfer of school personnel; providing flexibility in the employee transfer process; removing April 1 deadline for notifying employee that he or she is being considered for transfer; specifying circumstances which must be known or expected for considerations of transfer; requiring employee to be transferred be provided with a statement of the reason for the proposed transfer; removing requirement that employee to be transferred request reason for transfer in writing; requiring hearing on proposed transfer occur within twenty days of receipt of a hearing request; removing May 1 deadline for list of employees considered for transfer to be furnished to board; requiring written notice to employee following board meeting and if approved by the board, stating transfer and reassignment and reasons; requiring transferred employee to report to the new assignment upon the date specified in the notice, but no sooner than ten days following receipt of notice, unless another date can be mutually agreed upon by the superintendent and employee; making all transfers subject to limitations of other provisions respecting special populations and service personnel; removing the reassignment process that can occur when actual student enrollment in a grade level or program is unforeseen on or before May 1 of the preceding school year; and retaining provisions limiting transfers to least senior qualified personnel and prohibiting change in contract term, compensation or benefits as result of reassignment.

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 2767—A Bill to amend and reenact §31B-1-111 of the Code of West Virginia, 1931, as amended; and to amend and reenact §31D-5-504 of said code; to amend and reenact §31E-5-504 and to amend and reenact §47-9-4 of said code; and to amend and reenact §56-3-31, §56-3-33, §56-3-33a and §56-3-34 of said code, all relating to requiring the Secretary of State to create a preservation duplicate of registered or certified mail returned to the Secretary of State; permitting the Secretary of State to destroy or otherwise dispose of original returned or undeliverable mail; and requiring written notice of such action be provided to the circuit clerks of the state by certified mail, facsimile or by electronic mail.

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 2797—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-8-23, relating to codifying statutory immunity for government agencies and officials from actions of third-parties using documents or records of governmental agencies for unlawful acts.

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 2798—A Bill to amend and reenact §3-5-23 of the Code of West Virginia, 1931, as amended; to clarify provisions relating to candidates unaffiliated with a political party as it relates to certificates of announcement, preventing candidates from a political party from using the provisions of the section to seek candidacy for office.

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 3030—A Bill to amend and reenact §58-5-1 of the Code of West Virginia, 1931, as amended, relating to appeals as a matter of right in the West Virginia Supreme Court of Appeals; and providing that all appeals shall be afforded a full and meaningful review, an opportunity to be heard, and a written decision on the merits.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

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

Your Committee on Government Organization has had under consideration

Senate Bill 74, Allowing fire departments to charge fees for service calls.

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

Com. Sub. for Senate Bill 74 (originating in the Committee on Government Organization)—A Bill to amend and reenact §7-1-3d of the Code of West Virginia, 1931, as amended; and to amend and reenact §7-17-12 of said code, all relating to funding sources for fire companies and departments; modifying procedures for county commissions to authorize reasonable fees charged for fire department or fire company response to fires or other calls for assistance; providing for reasonable reimbursement fees for fire services and the means to be used for calculating and charging fees for responding to fires or other calls for assistance; providing that an insurance company shall not be deemed liable for payment of reimbursement fees for fire services where coverage is limited or excluded by an insurance contract; modifying the maximum fee that may be charged for responding to any single incident involving certain property and material types; prohibiting fire company or fire department from seeking reimbursement where the property is assessed a fire service levy or fire service fee; and modifying procedures for increasing a county fire service fee by a county commission.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 388, Relating to dangerous weapons.

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

Com. Sub. for Senate Bill 388 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-7-11a and §61-7-14 of the Code of West Virginia, 1931, as amended, all relating to dangerous weapons, generally; exempting persons other than provisional concealed handgun permittees who are lawfully authorized to carry a concealed handgun to possess firearms on school parking lots, driveways and other areas of vehicular ingress or egress; creating safety storage requirements on such possession; clarifying persons who may possess a firearm on property where such is otherwise prohibited when acting in an official capacity; and correcting internal statutory references.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Takubo, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 402, Relating to covenants not to compete between physicians and hospitals.

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

Com. Sub. for Senate Bill 402 (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-11E-1, §47-11E-2, §47-11E-3, §47-11E-4 and §47-11E-5, all relating to covenants not to compete between physicians and hospitals; defining terms; setting forth limitation on contractual provisions; providing for enforceability of other contract terms; providing for exemptions; and setting forth an effective date.

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

Respectfully submitted,

Tom Takubo,
Chair.

The bill (Com. Sub. for S. B. 402), under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 416, Relating to Public-Private Transportation Facilities Act.

And,

Senate Bill 421, Increasing amount of authorized federal Grant Anticipation Notes for which DOH may apply.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Gregory L. Boso,
Chair.

The bills, under the original double committee references, were then referred to the Committee on Finance.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 417, Removing financial limitations on number of design-build projects undertaken by DOH.

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 Finance.

Respectfully submitted,

Gregory L. Boso,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 428, Relating to partial filling of prescriptions.

And,

Eng. Com. Sub. for House Bill 2486, Providing that when a party's health condition is at issue in a civil action, medical records and releases for medical information may be requested and required without court order.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Government Organization has had under consideration

Senate Bill 433, Permitting counties increase excise tax on privilege of transferring real property.

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

Respectfully submitted,

Craig Blair,
Chair.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 477, Increasing State Road Fund by raising DMV fees and motor fuel excise taxes.

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

Respectfully submitted,

Mike Hall,
Chair.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 549, Allowing individuals at least 21 or older operate or ride motorcycle without helmet.

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

Com. Sub. for Senate Bill 549 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17C-15-44 of the Code of West Virginia, 1931, as amended, relating to allowing individuals at least twenty-one years of age to operate or ride a motorcycle without a helmet under specified conditions; and authorizing rule-making.

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,

Gregory L. Boso,
Chair.

Senator Stollings moved that the bill (Com. Sub. for S. B. 549) contained in the foregoing report from the Committee on Transportation and Infrastructure be referred to the Committee on Health and Human Resources; and then, under the original double committee reference, to the Committee on the Judiciary.

Following discussion,

The question being on the adoption of Senator Stollings' aforestated motion, the same was put.

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

A standing vote being taken, there were thirteen "yeas" and twenty "nays".

Whereupon, the President declared Senator Stollings' aforestated motion had not prevailed.

Thereafter, the bill (Com. Sub. for S. B. 549), under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration

Senate Bill 602, Creating uniform system of recording and indexing fictitious names used by sole proprietors.

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

Com. Sub. for Senate Bill 602 (originating in the Committee on Government Organization)—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.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
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 622, Relating generally to tax procedures and administration.

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

Com. Sub. for Senate Bill 622 (originating in the Committee on Finance)—A Bill to amend and reenact §11-10-12 of the Code of West Virginia, 1931, as amended, relating generally to tax procedures and administration; requiring the Tax Commissioner to issue a certificate of release of lien upon the expiration of ten years from the date a tax, additions to the tax, or penalties and interest are due and payable; requiring a notice of lien to include the lien expiration date; providing for additional circumstances when the Tax Commissioner may withdraw tax liens; and providing for additional circumstances when the Tax Commissioner may issue a certificate of release of lien.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mike Hall,
Chair.

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

Your Committee on Government Organization has had under consideration

Senate Bill 658, Establishing procedure for retitling mobile and manufactured homes.

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

Respectfully submitted,

Craig Blair,
Chair.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Joint Resolution 6, Roads to Prosperity Amendment of 2017.

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

Com. Sub. for Senate Joint Resolution 6 (originating in the Committee on Transportation and Infrastructure)—Proposing an amendment to the Constitution of the State of West Virginia, relating to authorizing the Legislature to issue and sell state bonds not exceeding the aggregate amount of \$1.6 billion to be used for improvement and construction of state roads; numbering and designating such proposed amendment; authorizing a special election on the ratification or rejection of the amendment to take place in 2017 to be set by the Governor; and providing a summarized statement of the purpose of such proposed amendment.

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

Respectfully submitted,

Gregory L. Boso,
Chair.

The resolution (Com. Sub. for S. J. R. 6), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Smith, from the Committee on Energy, Industry and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry and Mining has had under consideration

Eng. Com. Sub. for House Bill 2811, Relating to the definition of above ground storage tanks.

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

Respectfully submitted,

Randy E. Smith,
Chair.

The Senate proceeded to the sixth order of business.

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

Senate Concurrent Resolution 45—Requesting the Division of Highways to erect a sign along each side of Interstate 68 between mile markers one and seven, in Monongalia County, proclaiming “Home of Anna Lindquist — 1996 NHPA Hall of Fame Inductee”.

Whereas, Anna Lindquist, at the urging of several women competitors and without any real experience, pitched her first national horseshoe pitching event at the age of thirteen; and

Whereas, Anna Lindquist was a resident of Morgantown, West Virginia, married to the late Arner Lindquist, himself an avid horseshoe pitcher who won many prizes in and around the Morgantown region and qualified for the world championships nine times; and

Whereas, Anna Lindquist, in 1948 and again in 1949, became the Women’s World Champion Horseshoe Pitcher. Little documentation remains of her 1949 achievements; however, 1948 documentation shows Anna won the 1948 championship with a 7-0 record; and

Whereas, Anna Lindquist went on to compete in seven additional Women's World Tournament events placing second three additional times and third in three events. Anna failed to make the top three in just two of her championship events, yet still managed to finish with a sixth and eighth place finish; and

Whereas, Anna Lindquist is noted for winning 48 matches in her championship appearances; and

Whereas, Anna Lindquist is credited with establishment of the Horseshoe Pitchers Association of West Virginia charter in 1947 and served as the charter secretary-treasurer from 1948-1963. She was elected the National Horseshoe Pitching Association Vice President in 1963; and

Whereas, Sadly, Anna Lindquist passed away on February 5, 1968, following a lengthy illness; and

Whereas, Anna Lindquist, having won two world championships, averaged at least seventy-five percent in the top five of one or more championship division finals at least four times, and participated in nine championships with a seventy percent score or better, was inducted into the National Horseshoe Pitching Association Hall of Fame in 1996; and

Whereas, It is most fitting that the West Virginia Legislature pay tribute to the accomplishments of Anna Lindquist; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to erect a sign along each side of Interstate 68 between mile markers one and seven, in Monongalia County, proclaiming "Home of Anna Lindquist — 1996 NHSPA Hall of Fame Inductee"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed along each side of Interstate 68 between mile markers one and seven, in Monongalia County, a sign indicating, "Home of Anna Lindquist — 1996 NHSPA Hall of Fame Inductee"; 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, Prezioso, Stollings, Takubo, Beach and Plymale offered the following resolution:

Senate Resolution 48—Congratulating the Charleston Catholic golf team for winning the 2016 Class A State Championship.

Whereas, The Charleston Catholic golf team had a spectacular year on its way to winning the school's sixth consecutive state championship; and

Whereas, By capturing the 2016 State Golf Championship, Charleston Catholic became the first school in state history to win six consecutive state titles in any division; and

Whereas, The Charleston Catholic golf team is led by coach Sam Helmick and assistant coach Dr. Eric Persily, and includes team members: Alexander Giatras, Cameron Blakley, Nate DeTemple and Jack Cimino; and

Whereas, The Charleston Catholic golf team lead the competition each day during the state tournament in route to winning the title by twenty-two shots; and

Whereas, The 2016 Charleston Catholic golf team will go down in state history as one of the best high school golf teams ever assembled in the State of West Virginia; and

Whereas, The accomplishment of six straight state titles is unparalleled by any school in any sport; and

Whereas, The 2016 Charleston Catholic golf 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 Charleston Catholic golf team for winning the 2016 Class A State Championship; and, be it

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

At the request of Senator Palumbo, 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 Palumbo regarding the adoption of Senate Resolution 48 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 Weld, Prezioso, Stollings, Boso, Beach and Plymale offered the following resolution:

Senate Resolution 49—Designating March 22, 2017, as Civil Air Patrol Day in West Virginia.

Whereas, The Civil Air Patrol (CAP) is the official auxiliary of the U. S. Air Force and, in 2016, was placed on equal footing as part of the Air Force's "total force", along with the active duty elements, the Air National Guard and the Air Force Reserve; and

Whereas, The West Virginia wing of CAP has 16 units throughout the state with a total of nearly 600 volunteer cadet and senior members; and

Whereas, The West Virginia wing performs vital homeland security missions that help ensure the protection of our citizens, infrastructure and the state as a whole by performing search and rescue, photographic and other homeland security-related missions and operations in support of the West Virginia Army and Air National Guard units, Division of Homeland Security and

Emergency Management and other state and local emergency and law-enforcement agencies; and

Whereas, The West Virginia wing works very closely with our state's Army and Air National Guard units, emergency services and homeland security agencies and personnel in training for response to natural disasters, terrorist attacks as well as air and ground search and rescue operations; and

Whereas, The West Virginia wing, with its small, single-engine aircraft, vehicles and all-volunteer force, trains for and is constantly prepared to immediately respond to search, rescue, disaster relief and other emergency and homeland security missions here in West Virginia; and

Whereas, As soon as the skies cleared following the historic, devastating 2016 flooding across many West Virginia counties, the West Virginia wing immediately initiated a search and rescue mission from June 24-27, and then transitioned into two disaster relief missions on June 28, 2016, the longest of these two missions lasting a month, until July 28, 2016; and

Whereas, During these missions, more than 40 wing personnel seamlessly conducted disaster relief operations throughout the state. On 93 air sorties, mission aircrews logged 159.3 flight hours and produced, for FEMA, the National Guard and the West Virginia Division of Homeland Security and Emergency Management, 5,982 geotagged, high resolution photos, assisting greatly in the ongoing recovery efforts, efforts that lasted for many months to come and which are still ongoing today, the wing's photos even being used to brief the Joint Chiefs of Staff on the ongoing disaster relief operations; and

Whereas, During the mission, the onsite incident commander received the following short note from the West Virginia National Guard's Joint Operations Center: "Fantastic. Looking forward to more great imagery. You guys are making a big impact on ops across the spectrum. Thank you."; and

Whereas, On the ground, mission staff ensured that the information generated from each air sortie was accurately documented, categorized, processed and sent to the appropriate emergency services agencies for their actions as soon as the wing's aircraft landed and began refueling for the next sorties; and

Whereas, The timely tagging and coding of impact assessment photos became a high priority as the flights were of no use to anyone without the substantive information they generated; and

Whereas, The wing's mission staff ensured that 100% of all federal, state and local disaster relief mission taskings were completely fulfilled in a timely manner, and as a result they provided the citizens of West Virginia with exemplary volunteer emergency response services during a critical, statewide disaster; and

Whereas, The most amazing fact of all is that the West Virginia wing accomplished this month-long mission at a cost to the taxpayers of less than \$18,000, or less than it would have cost to fly a single Blackhawk helicopter for only three hours; and

Whereas, Another vital, yet largely unknown, mission performed by the wing is counterdrug operations, and in 2016, the West Virginia wing conducted counterdrug operations over portions of the Monongahela National Forest, spanning across five counties on behalf of the U. S. Forestry Service; and

Whereas, CAP also operates one of the most effective Drug Demand Reduction programs in the nation, assisting units at all levels to instill an aggressive, positive, drug-free attitude in CAP members, Air Force families, DoD civilians and school-age children through a comprehensive program that: Promotes CAP as a positive community service lifestyle; encourages youth to remain in school; focuses on drug abuse awareness, education and prevention; and provides positive activities as an alternative to drugs and gang violence through programs such as the Red Ribbon Campaign; and

Whereas, The West Virginia wing endeavors to educate its cadets in the principles of cyber defense and cyber ethics through participation in CyberPatriot, a National Youth Cyber Defense Competition, which tasks teams of high school and middle school students with finding cybersecurity vulnerabilities within an IT network and hardening the system while maintaining critical services. The wing's teams compete for top placement within West Virginia, the Civil Air Patrol nationally or to be the top team in the nation across all service branches. Cadets are also encouraged to pursue careers in cybersecurity with opportunities to earn scholarships and internships, helping to grow West Virginia's technical workforce; and

Whereas, CAP provides other exceptional education and growth opportunities for youth through its nearly 26,000-member strong cadet program, celebrating its 75th anniversary in 2017, which annually provides access to top national summer flight academies to learn to fly powered and glider aircraft; state and regional youth leadership academies; as well as to approximately 30 national programs emphasizing leadership and careers in aviation; therefore, be it

Resolved by the Senate:

That the Senate hereby designates March 22, 2017, as Civil Air Patrol Day in West Virginia; and, be it

Further Resolved, That the Senate hereby commends the officers and cadets of the West Virginia wing of the Civil Air Patrol and extends its sincere appreciation and gratitude to them for their service; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia wing of the Civil Air Patrol.

At the request of Senator Weld, 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 Weld and Miller regarding the adoption of Senate Resolution 49 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.

Petitions

Senator Miller presented a petition from Edith McKinley and numerous West Virginia residents, opposing Senate Bill 246 (*Implementing water quality standards for drinking water*).

Referred to the Committee on the Judiciary.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 243, Relating to domestic relations.

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

The nays were: None.

Absent: Ojeda—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. 243) 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 288, Increasing penalty for crime of child abuse causing death by parent, guardian, custodian or other person.

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

The nays were: None.

Absent: Ojeda—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. 288) 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 Com. Sub. for Senate Bill 339, Creating Legislative Coalition on Chronic Pain Management.

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

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 360, Creating Legislative Coalition on Diabetes Management.

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, 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)—31.

The nays were: Azinger and Facemire—2.

Absent: Ojeda—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 Com. Sub. for S. B. 360) 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 398, Creating Emergency Volunteer Health Practitioners 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, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Ojeda—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. 398) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 18, Requiring new comprehensive statewide student assessment.

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

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

Com. Sub. for Senate Bill 362, Authorizing redirection of certain amounts to General Revenue Fund.

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 382, Allowing automobile auctions obtain abandoned vehicles' titles.

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 414, Creating Division of Multimodal Transportation.

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 461, Exempting WV State Police from state purchasing requirements.

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 467, Removing restrictions on maximum wager per limited video lottery game and bill denominations accepted by video lottery terminals.

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 472, Permitting bear hunting with guides.

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 479, Relating to regulation of liquor sales.

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

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

On page three, section eighteen, by striking out lines one through four and inserting in lieu thereof the following:

Retail licensees may not sell liquor between the hours of 12:00 a.m. and 1:00 p.m. on Sundays ~~and~~ , at any time on Christmas day, or between the hours of 12:00 a.m. and 8:00 a.m. on all other days, except that wine and fortified wines may be sold on those days and at such times as authorized in section thirty-four, article eight of this chapter.

The bill (Com. Sub. for S. B. 479), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 499, Creating Debt Resolution Services Division in Auditor's office.

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 523, Converting to biweekly pay cycle for state employees.

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 533, Relating to taxes on wine and intoxicating liquors.

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 572, Relating to nonpartisan election of county surveyors.

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

Senate Bill 585, Relating to locomotive crew size.

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

Senate Bill 595, Allowing county assessors make separate entries in land books when real property is partly used for exempt and partly nonexempt purposes.

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

Senate Bill 684, Relating generally to WV State Police.

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

The Senate proceeded to the tenth order of business.

The following bills on first reading, coming up in regular order, were each read a first time and ordered to second reading:

Com. Sub. for Senate Bill 61, Providing consumers sales and service tax and use tax exemption for certain services and tangible personal property sold for repair, remodeling and maintenance of aircraft.

Com. Sub. for Senate Bill 76, Creating WV Second Chance for Employment Act.

Com. Sub. for Senate Bill 183, Transferring Division of Forestry from Department of Commerce to Department of Agriculture.

Com. Sub. for Senate Bill 419, Creating special revenue fund sources for Division of Labor to meet statutory obligations.

Senate Bill 464, Eliminating taxation on annuity consideration received by life insurer.

Com. Sub. for Com. Sub. for Senate Bill 486, Relating to health care provider taxes.

Senate Bill 504, Defining “special aircraft property”.

Com. Sub. for Senate Bill 535, Reorganizing Division of Tourism.

And,

Com. Sub. for Senate Bill 538, Creating special conditions of parole.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Miller, Maroney and Prezioso.

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

At the request of Senator Plymale, unanimous consent being granted, the remarks by Senator Prezioso 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 Ojeda.

At the request of Senator Maroney, the name of Senator Maroney was removed as a sponsor of Senate Bill 613 (*Relating to composition of State Fire Commission*).

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

On motion of Senator Ferns, the Senate adjourned until tomorrow, Thursday, March 23, 2017, at 11 a.m.

SENATE CALENDAR

Thursday, March 23, 2017
11:00 AM

UNFINISHED BUSINESS

S. C. R. 45 - Home of Anna Lindquist, 1996 NHSPA Hall of Fame Inductee highway sign

THIRD READING

Eng. Com. Sub. for Com. Sub. for S. B. 339 - Creating Legislative Coalition on Chronic Pain Management

Eng. Com. Sub. for S. B. 362 - Authorizing redirection of certain amounts to General Revenue Fund

Eng. Com. Sub. for Com. Sub. for S. B. 382 - Allowing automobile auctions obtain abandoned vehicles' titles

Eng. Com. Sub. for S. B. 414 - Creating Division of Multimodal Transportation (original similar to HB2717)

Eng. Com. Sub. for Com. Sub. for S. B. 461 - Exempting WV State Police from state purchasing requirements

Eng. Com. Sub. for S. B. 467 - Removing restrictions on maximum wager per limited video lottery game and bill denominations accepted by video lottery terminals

Eng. Com. Sub. for S. B. 472 - Permitting bear hunting with guides

Eng. Com. Sub. for S. B. 479 - Relating to regulation of liquor sales

Eng. Com. Sub. for S. B. 499 - Creating Debt Resolution Services Division in Auditor's office (original similar to HB2791)

Eng. Com. Sub. for S. B. 523 - Converting to biweekly pay cycle for state employees

Eng. Com. Sub. for S. B. 533 - Relating to taxes on wine and intoxicating liquors (original similar to HB2894)

Eng. Com. Sub. for S. B. 572 - Relating to nonpartisan election of county surveyors

Eng. S. B. 585 - Relating to locomotive crew size

Eng. S. B. 595 - Allowing county assessors make separate entries in land books when real property is partly used for exempt and partly nonexempt purposes

Eng. S. B. 684 - Relating generally to WV State Police

SECOND READING

- Com. Sub. for S. B. 18 - Requiring new comprehensive statewide student assessment
- Com. Sub. for S. B. 61 - Providing consumers sales and service tax and use tax exemption for certain services and tangible personal property sold for repair, remodeling and maintenance of aircraft (original similar to HB2774, HB2806)
- Com. Sub. for S. B. 76 - Creating WV Second Chance for Employment Act (original similar to HB2107, HB2536, HB2657, SB366)
- Com. Sub. for S. B. 183 - Transferring Division of Forestry from Department of Commerce to Department of Agriculture (original similar to HB2790)
- Com. Sub. for S. B. 419 - Creating special revenue fund sources for Division of Labor to meet statutory obligations (original similar to HB2776)
- S. B. 464 - Eliminating taxation on annuity consideration received by life insurer
- Com. Sub. for Com. Sub. for S. B. 486 - Relating to health care provider taxes
- S. B. 504 - Defining "special aircraft property"
- Com. Sub. for S. B. 535 - Reorganizing Division of Tourism (original similar to HB2899)
- Com. Sub. for S. B. 538 - Creating special conditions of parole

FIRST READING

- Com. Sub. for S. B. 74 - Allowing fire departments to charge fees for service calls (original similar to HB2638)
- Com. Sub. for S. B. 388 - Relating to dangerous weapons
- Com. Sub. for S. B. 428 - Relating to partial filling of prescriptions (original similar to HB2989)
- S. B. 433 - Permitting counties increase excise tax on privilege of transferring real property (original similar to HB2461, SB647)
- Com. Sub. for S. B. 477 - Increasing State Road Fund by raising DMV fees and motor fuel excise taxes (original similar to HB2814)
- Com. Sub. for S. B. 602 - Creating uniform system of recording and indexing fictitious names used by sole proprietors
- Com. Sub. for S. B. 622 - Relating generally to tax procedures and administration
- S. B. 658 - Establishing procedure for retitling mobile and manufactured homes

Eng. Com. Sub. for H. B. 2486 - Providing that when a party's health condition is at issue in a civil action, medical records and releases for medical information may be requested and required without court order

Eng. Com. Sub. for H. B. 2811 - Relating to the definition of above ground storage tanks

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2017

Thursday, March 23, 2017

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