

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

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

Charleston, West Virginia, Tuesday, March 21, 2017

The Senate met at 11 a.m.

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

Prayer was offered by Pastor LaDeana Teets, Brookside Church of the Brethren, Aurora, West Virginia.

Preston County High School JROTC from Kingwood, West Virginia, proceeded in the presenting of the Colors. The Honorable C. Edward Gaunch, a senator from the eighth district, then led the Senate in the recitation of the Pledge of Allegiance.

Pending the reading of the Journal of Monday, March 20, 2017,

At the request of Senator Boso, 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 concurrence by that body in the passage of, to take effect from passage, of

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

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 2833—A Bill to amend and reenact §30-1-12 of the Code of West Virginia, 1931, as amended, relating to specifying the contents and categories of information for inclusion in annual reports to be submitted by professional licensing boards.

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 2898—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-3-6, relating to authorizing the Joint Committee on Government and Finance to request and obtain criminal background checks of employees of the Legislature.

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 2916—A Bill to amend and reenact §6-1-3a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §7-15-19; to amend said code by adding thereto a new section, designated §8-15-28; and to amend said code by adding thereto a new section, designated §16-4C-24, all relating to authorizing certain first responders to carry firearms; authorizing supervising entities to authorize reserve deputy sheriffs, ambulance crew members, firefighters, rescue squad members and emergency service personnel to carry firearms; specifying the training required for them to be eligible to carry a firearm; and allowing reimbursement for the cost of the training.

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 20th day of March, 2017, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

(S. B. 231), Relating to State Board of Education and Medicaid-eligible children.

Respectfully submitted,

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

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 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.

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

Respectfully submitted,

Mike Hall,
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 76, Creating WV Second Chance for Employment Act.

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

Com. Sub. for Senate Bill 76 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to the creation of the West Virginia Second Chance for Employment Act; defining terms; eliminating age limitations for petitioners seeking to expunge certain misdemeanors; expanding eligibility for criminal expungement to persons convicted of certain nonviolent felonies; defining “nonviolent felony”; providing exclusions to eligibility; establishing time limitations for filing a petition for expungement; creating petition requirements and court procedure for evaluating preliminary and final orders of expungement for nonviolent felonies; providing for preliminary orders of expungement; requiring a five year period under a preliminary order of expungement for a felony before one may obtain a final order of expungement; clarifying disclosure requirements with respect to the information sealed pursuant to an order of expungement, including exemptions; providing standard for inspection of sealed records; and making technical changes.

And,

Senate Bill 538, Requiring parolees engage in alcohol or drug therapy as condition of parole.

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

Com. Sub. for Senate Bill 538 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-12-17a, relating generally to creating special conditions of parole; authorizing the Board of Parole to require parolees to engage in alcohol or antagonist drug opioid therapy as a special condition of parole if recommended by the Commissioner of Corrections; and establishing conditions for imposition and maintenance of the special condition.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
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 183, Transferring Division of Forestry from Department of Commerce to Department of Agriculture.

And reports the same back with the recommendation that it 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 419, Creating special revenue fund sources for Division of Labor to meet statutory obligations.

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

Com. Sub. for Senate Bill 419 (originating in the Committee on Finance)—A Bill to amend and reenact §21-3-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-3C-11 of said code; to amend and reenact §21-3D-8 of said code; to amend and reenact §21-5-5c of said code; to amend and reenact §21-9-9 of said code; to amend and reenact §21-10-4 of said code; to amend and reenact §21-11-17 of said code; to amend and reenact §21-14-9 of said code; to amend and reenact §21-15-7 of said code; to amend and reenact §21-16-10 of said code; to amend and reenact §47-1-8, §47-1-20, §47-1-21 and §47-1-22 of said code; and to amend and reenact §47-1A-10 and §47-1A-14 of said code, all relating to creating special revenue funding sources for the Division of Labor to meet its statutory obligations; establishing Steam Boiler Fund; establishing HVAC Fund; establishing Plumbing Work Fund; establishing Psychophysiological Examiners Fund; establishing Bedding and Upholstery Fund; removing requirement that fees from issuing licenses to administer psychophysiological detection of deception, lie detector or similar examinations be deposited in the General Revenue Fund; authorizing the commissioner to charge fees for the registration of service persons and service agencies, and the registration of businesses that use weighing and measuring devices for commercial purposes and directing such fees to the Weights and Measures Fund; authorizing the commissioner to promulgate emergency legislative rules to administer and enforce fees on service persons and service agencies and businesses using weighing and measuring devices; directing civil penalty fees to the Weights and Measures Fund; removing requirement that the commissioner approve applications for sterilization permits held in states other than West Virginia only after personal inspection of such sterilizer or disinfectant; increasing fees for the issuance of certificates of operation of elevators; establishing late fees; establishing reissuance fee for revoked or expired permits; increasing registration fees for manufacturers of bedding, upholsters and renovators; increasing permitting fees for sterilizers; authorizing the commissioner to promulgate legislative rules; and making general edits and clarifications.

With the recommendation that the committee substitute 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 464, Eliminating taxation on annuity consideration received by life insurer.

And,

Senate Bill 504, Defining “special aircraft property”.

And reports the same back with the recommendation that they each 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

Com. Sub. for Senate Bill 486 (originating in the Committee on Health and Human Resources), Relating to health care provider taxes.

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

Com. Sub. for Com. Sub. for Senate Bill 486 (originating in the Committee on Finance)—A Bill to amend and reenact §11-27-38 of the Code of West Virginia, 1931, as amended, relating to health care provider taxes; making conforming amendments consistent with federal law; changing the rate of tax on eligible acute care hospitals for fiscal year 2018; specifying purposes for which funds may be collected; providing for distribution of remaining funds at the end of fiscal year; providing for an effective date; and extending the expiration date for the tax.

With the recommendation that the committee substitute for committee substitute 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 507, Allowing pharmacists inform customers about lower cost alternatives to prescribed drugs.

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

Com. Sub. for Senate Bill 507 (originating in the Committee on Banking and Insurance)—A Bill to amend and reenact §30-5-10 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-5-12c, all relating to permitting pharmacists to inform customers about lower cost alternatives for their prescription, dispense and deliver such alternatives, and to inform customers if their copay exceeds the cost for their prescription; expanding permissible scope of practice for licensed pharmacists; and declaring public policy.

And,

Senate Bill 601, Adjusting limits on consumer loans for which certain finance charges may be imposed.

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

Com. Sub. for Senate Bill 601 (originating in the Committee on Banking and Insurance)—A Bill to amend and reenact §46A-4-101 and §46A-4-107 of the Code of West Virginia, 1931, as amended, all relating to requirements for making consumer loans in West Virginia; modifying authority to make loans; and adjusting limits on consumer loans for which certain finance charges can be imposed.

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

Respectfully submitted,

C. Edward Gaunch,
Chair.

The bills (Com. Sub. for S. B. 507 and 601), under the original double committee references, were 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 535, Reorganizing Division of Tourism.

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

Com. Sub. for Senate Bill 535 (originating in the Committee on Government Organization)—A Bill to repeal §5B-2-8, §5B-2-8a, §5B-2-9, §5B-2-11, §5B-2-12 and §5B-2-12a of the Code of West Virginia, 1931, as amended; to amend and reenact §5B-1-2 of said code; and to amend said code of by adding thereto a new article, designated §5B-2I-1, §5B-2I-2, §5B-2I-3, §5B-2I-4, §5B-2I-5, §5B-2I-6, §5B-2I-7 and §5B-2I-8, all relating to the reorganization of the Division of

Tourism; transferring all powers and duties of the Tourism Commission to the new West Virginia Tourism Office; requiring quarterly meetings; restructuring the Tourism Advertising Partnership Program as a cooperative advertising program administered by the West Virginia Tourism Office; vesting in the executive director all authority for expenditures of funds in the Tourism Promotion Fund; and requiring confidentiality of certain private information.

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

Respectfully submitted,

Craig Blair,
Chair.

At the request of Senator Hall, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from 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

Eng. Com. Sub. for House Bill 2619, Risk Management and Own Risk and Solvency Assessment Act.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; 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, with amendments from the Committee on Banking and Insurance pending.

The Senate proceeded to the sixth order of business.

Senators Mullins, Beach, Plymale, Stollings, Boso, Prezioso, Takubo and Cline offered the following resolution:

Senate Resolution 44—Designating March 21, 2017, as Down Syndrome Awareness Day.

Whereas, There are 1 in 700 babies born with Down syndrome each year; and

Whereas, Individuals with Down syndrome, like all others, have the right to live, work and fully participate in their communities in order to attain their goals and dreams; and

Whereas, Individuals with Down syndrome have the right to a free and appropriate public education alongside their peers without disabilities so they can learn and develop to their fullest potential; and

Whereas, Individuals with Down syndrome have the right to an equal opportunity to live full productive lives as valued community members in the neighborhoods of their choice; and

Whereas, People with Down syndrome have the right to receive the support they need to exercise self-determination, achieve independence and become productive employees; and

Whereas, The Down Syndrome Network of West Virginia has become a statewide organization to enhance the lives of individuals with Down syndrome and to increase awareness and acceptance of individuals with Down syndrome; and

Whereas, The purpose of Down Syndrome Awareness Day is to increase awareness and understanding of our legislators, administrators, policymakers and the public about the issues that are important to individuals with Down syndrome; therefore, be it

Resolved by the Senate:

That the Senate hereby designates March 21, 2017, as Down Syndrome Awareness Day; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Down Syndrome Awareness Day.

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

The question being on the adoption of the resolution, and on this question, Senator Beach demanded the yeas and nays.

The roll being taken, 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 resolution (S. R. 44) adopted.

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senator Mullins regarding the adoption of Senate Resolution 44 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 Sypolt, Smith, Beach, Plymale and Stollings offered the following resolution:

Senate Resolution 45—Designating March 21, 2017, as Preston County Day at the Legislature.

Whereas, Preston County is home to many outdoor recreation opportunities; and

Whereas, Preston County outdoor recreation opportunities contribute to the economic success in Preston County; and

Whereas, Outdoor recreation in West Virginia generates \$7.6 billion and creates 82,000 direct jobs; and

Whereas, Preston County outdoor recreation choices include bicycling, camping, fishing, hunting, paddling, snow sports, trail use and wildlife viewing; and

Whereas, Outdoor recreation creates jobs, supports communities, generates tax revenue and helps drive the economy; and

Whereas, Outdoor recreation in Preston County attracts and sustains families and businesses, creates healthy communities and fosters a high quality of life; and

Whereas, The citizens of Preston County are proud to be outdoor recreation leaders in the state; and

Whereas, The citizens of Preston County travel to the state Capitol on an annual basis during the legislative session to share this heritage and participate in the democratic process, in which they share their accomplishments, aspirations and concerns with lawmakers; and

Whereas, It is fitting to recognize Preston County for its history, culture, economy, natural beauty and future development in the State of West Virginia; therefore, be it

Resolved by the Senate:

That the Senate hereby designates March 21, 2017, as Preston County Day at the Legislature; and, be it

Further Resolved, That the Senate acknowledges the many important contributions the citizens and businesses of Preston County make in the State of West Virginia and encourages those citizens to participate in the democratic process; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Preston County.

At the request of Senator Sypolt, 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 Romano, and by unanimous consent, the remarks by Senators Sypolt and Smith regarding the adoption of Senate Resolution 45 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 Unger, Beach, Plymale, Stollings, Prezioso and Rucker offered the following resolution:

Senate Resolution 46—Recognizing Leadership Jefferson for its service, dedication and commitment to Jefferson County.

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

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

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

Whereas, The 2017 membership of Leadership Jefferson consists of Raul Carvajal, III, Hollywood Casino at Charles Town Races; Liz Cook, Charles Town Kiwanis Club; Amanda Friend, The Bennett Agency; Natalie Harvey, American Public University System; David Hartness, For Love of Children Outdoor Education Center; Elizabeth Kerwin-Nisbet, Harpers Ferry National Historic Park; David Kling, Jefferson County Parks and Recreation; J. P. Lynch, Teacher of the Year for Jefferson County Schools; Michele Maiden, Insurance Outfitters; Joshua Nidgett, Contemporary American Theater Festival; Jessica Moore, Jefferson Medical Center; Terry Mumaw, Jr., United Bank; Chris Peterson, Bowles Rice; Joy Quezada, Bank of Charles Town; Keshia Skahill, U. S. Customs and Border Protection, Advanced Training Center; Julia Yuhasz, Hospice of the Panhandle; Nick Zaglifa, City of Charles Town; Andrew Skinner, Skinner Law Firm; and Heather Morgan McIntyre, Jefferson County Chamber of Commerce; therefore, be it

Resolved by the Senate:

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

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

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

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

Upon expiration of the recess, the Senate reconvened and resumed business under the sixth order.

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

Senate Resolution 47—Celebrating the achievements and contributions of Monongalia County and its citizens to the great State of West Virginia.

Whereas, Monongalia County, the mother county in whole or part of eighteen northern West Virginia counties and three southwestern Pennsylvania counties, was founded in 1776 from the West Augusta County of Virginia, following small settlements along the Monongahela River and its tributaries to the Ohio River; and

Whereas, Monongalia County, being the third largest county by population (106,262) of the 55 counties of West Virginia, has had an annual growth rate exceeding 1.6 percent for more than a decade; and

Whereas, Monongalia County was recognized by the West Virginia Association of Counties with the first Patti Hamilton Imagine award for the efforts of community leaders from the public and private sectors to cooperate and collaborate on new ways to solve the region's problems; and

Whereas, Monongalia County is home to West Virginia University, a public land-grant institution, founded in 1867, and recognized as a top research university by the Carnegie Foundation for the Advancement of Teaching. WVU welcomes and shapes the minds of students from across the State of West Virginia, every state in the United States and approximately one hundred other nations; and

Whereas, Monongalia County has an award-winning baseball park which is the home of the West Virginia University baseball team and the home of the West Virginia Black Bears minor league team that provide all our citizens the ability to follow our baseball heroes throughout their Pittsburgh Pirates career; and

Whereas, Monongalia County offers to its citizens and visitors from around the world the best in medical care; tourism experiences from Mountainfest to the University Arts Series; a beautiful view from Cooper's Rock to a peaceful stroll on the Caperton Trail; top-rated educational experiences at all levels; a thriving and innovative business community; a nationally acclaimed economic model; and a place that offers big city amenities with the neighborly feel of small town life; and

Whereas, Monongalia County has been recognized in recent years in the following ways: Best Performing Small Metros (Milken Institute); Best Small Metros for Business and Careers (Forbes); Best Quality of Life and Knowledge Worker Metros (Expansion Manage.); Smart Places to Live (Kiplinger's); Boom Town (Inc.); Morgantown-Top College Destination (American Institute for Economic Research); Designated Retirement Community (CLIC); Best Places to Retire for under \$100 a Day (AARP); Most Secure Small Cities (Farmer's Insurance); Adventure Town (National Geographic Adventure Magazine); Best Small Town to Live (Men's Journal); and Best Sports Cities (Sporting News); and

Whereas, In Monongalia County, from Blacksville to Star City, from Westover to Granville, in the heart of Morgantown and everywhere in between, every day is a great day to be a mountaineer; therefore, be it

Resolved by the Senate:

That the Senate hereby celebrates the achievements and contributions of Monongalia County and its citizens to the great State of West Virginia; and, be it

Further Resolved, That the Senate acknowledges the vibrancy and contributions made to our state and nation by the people, past and present, of Monongalia County; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Monongalia County.

At the request of Senator Beach, 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 Beach regarding the adoption of Senate Resolution 47 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 eighth order of business.

Eng. Com. Sub. for Com. Sub. for Senate Bill 27, Relating to microprocessor 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, 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 Com. Sub. for S. B. 27) 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 36, Permitting school nurses to possess and administer opioid antagonists.

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. 36) 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 216, Permitting exclusion, modification or limitation of warranties in sale of used motor vehicles.

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 216 pass?”

Senator Maynard 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 Maynard 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, 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)—33.

The nays were: Beach—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. 216) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, 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)—33.

The nays were: Beach—1.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 216) takes effect from passage.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 219, Relating to conspiracy to commit crimes under Uniform Controlled Substances Act.

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

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Committee Substitute for Senate Bill 219 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 Com. Sub. for S. B. 219) 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 341, Establishing WV business growth in low-income communities 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. Com. Sub. for Com. Sub. for S. B. 341) 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 468, Removing restrictions on where traditional lottery games may be played.

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, Boso, Clements, Cline, Facemire, Ferns, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Palumbo, Plymale, Romano, Rucker, Smith, Stollings, Swope, Takubo, Trump, Weld, Woelfel and Carmichael (Mr. President)—27.

The nays were: Azinger, Boley, Gaunch, Ojeda, Prezioso, Sypolt 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. S. B. 468) 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 480, Authorizing local government adopt energy efficiency partnership programs.

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. 480) 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 547, Modifying fees paid to Secretary of State.

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 547 pass?”

On the passage of the bill, the yeas were: Beach, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maroney, Maynard, Mullins, Palumbo, Plymale, Prezioso, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—28.

The nays were: Azinger, Facemire, Jeffries, Miller, Ojeda and Romano—6.

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. 547) 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 548, Providing for specific escheat of US savings bonds.

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. 548) 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 564, Relating to Statewide Independent Living Council.

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. 564) passed with its title.

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

Eng. House Bill 2300, Regulating step therapy protocols.

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. 2300) passed with its title.

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

Eng. Com. Sub. for House Bill 2447, Renaming the Court of Claims the state Claims Commission.

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 2447 pass?”

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

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

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2447) 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 2447—A Bill to repeal §14-2-6 and §14-2-18 of the Code of West Virginia, 1931, as amended; to repeal §14-2A-7 of said code; to amend and reenact §14-2-3, §14-2-4, §14-2-4a, §14-2-5, §14-2-7, §14-2-8, §14-2-9, §14-2-10, §14-2-11, §14-2-12, §14-2-13, §14-2-14, §14-2-15, §14-2-16, §14-2-17, §14-2-19, §14-2-20, §14-2-21, §14-2-22, §14-2-23, §14-2-24, §14-2-25, §14-2-26, §14-2-27 and §14-2-28 of said code; and to amend and reenact §14-2A-5, §14-2A-6, §14-2A-9, §14-2A-10, §14-2A-11, §14-2A-12, §14-2A-13, §14-2A-14, §14-2A-15, §14-2A-16, §14-2A-17, §14-2A-18, §14-2A-19, §14-2A-19a, §14-2A-19b, §14-2A-20, §14-2A-21, §14-2A-25, §14-2A-26 and §14-2A-28 of said code, all relating to certain claims against the state generally; renaming the West Virginia Court of Claims the West Virginia Legislative Claims Commission; renaming judges commissioners; clarifying that commissioners are not judicial officers; modifying definitions; providing explicit power of removal of commissioners to the President of the Senate and the Speaker of the House of Delegates; providing authority to the President of the Senate and the Speaker of the House of Delegates for the hiring of a clerk, chief deputy clerk, deputy clerks, and support staff and setting salaries for said positions; increasing the monetary limit for agency agreed to claims from \$1,000 to \$3,000; and updating and modifying and clarifying procedures and practices of the commission.

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

Eng. House Bill 2766, Establishing a new special revenue fund, designated the Adult Drug Court Participation Fund.

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 House Bill 2766 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. H. B. 2766) 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 243, Relating to domestic relations.

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 288, Increasing penalty for crime of child abuse causing death by parent, guardian, custodian or other person.

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 339, Creating Legislative Coalition on Chronic Pain Management.

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 360, Creating Legislative Coalition on Diabetes Management.

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

On motion of Senator Stollings, the following amendment to the bill was reported by the Clerk:

On page two, section two, after line seventeen, by adding thereto a new subdivision, designated subdivision (6), to read as follows:

(6) A dietitian licensed or registered to practice in this state pursuant to article thirty-five, chapter thirty of this code who is also a diabetic educator who shall be appointed by the President of the Senate and the Speaker of the House of Delegates in consultation with the cochairs of the Joint Committee on Health.;

And,

By renumbering the remaining subdivisions.

Following discussion,

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

The bill (Com. Sub. for Com. Sub. for S. B. 360), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 398, Creating Emergency Volunteer Health Practitioners Act.

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 18, Requiring new comprehensive statewide student assessment.

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

Com. Sub. for Com. Sub. for Senate Bill 382, Allowing automobile auctions obtain abandoned vehicles' titles.

Com. Sub. for Senate Bill 414, Creating Division of Multimodal Transportation.

Com. Sub. for Com. Sub. for Senate Bill 461, Exempting WV State Police from state purchasing requirements.

Com. Sub. for Senate Bill 467, Removing restrictions on maximum wager per limited video lottery game and bill denominations accepted by video lottery terminals.

Com. Sub. for Senate Bill 472, Permitting bear hunting with guides.

Com. Sub. for Senate Bill 479, Relating to regulation of liquor sales.

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

Com. Sub. for Senate Bill 523, Converting to biweekly pay cycle for state employees.

Com. Sub. for Senate Bill 533, Relating to taxes on wine and intoxicating liquors.

Com. Sub. for Senate Bill 572, Relating to nonpartisan election of county surveyors.

Senate Bill 585, Relating to locomotive crew size.

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

And,

Senate Bill 684, Relating generally to WV State Police.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Cline, Beach and Karnes.

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

At the request of Senator Plymale, unanimous consent being granted, the remarks by Senator Beach were ordered printed in the Appendix to the Journal.

At the request of Senator Stollings, unanimous consent being granted, it was ordered that the Journal show had Senator Stollings been present in the chamber on Saturday, March 18, 2017, he would have voted "yea" on the passage of Engrossed Committee Substitute for Senate Bill 16, Engrossed Committee Substitute for Committee Substitute for Senate Bill 308, Engrossed Senate Bill 524, Engrossed Senate Bill 554, Engrossed Committee Substitute for Senate Bill 559, Engrossed Committee Substitute for Senate Bill 581, Engrossed Senate Bill 620 and Engrossed Committee Substitute for House Bill 2028 and "nay" on the passage of Engrossed Committee Substitute for Senate Bill 500.

Pending announcement of meetings of standing and select committees of the Senate,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Wednesday, March 22, 2017, at 11 a.m.

SENATE CALENDAR

Wednesday, March 22, 2017

11:00 AM

THIRD READING

- Eng. Com. Sub. for S. B. 243 - Relating to domestic relations (original similar to SB317)
- Eng. Com. Sub. for S. B. 288 - Increasing penalty for crime of child abuse causing death by parent, guardian, custodian or other person
- Eng. Com. Sub. for Com. Sub. for S. B. 339 - Creating Legislative Coalition on Chronic Pain Management
- Eng. Com. Sub. for Com. Sub. for S. B. 360 - Creating Legislative Coalition on Diabetes Management
- Eng. Com. Sub. for S. B. 398 - Creating Emergency Volunteer Health Practitioners Act

SECOND READING

- Com. Sub. for S. B. 18 - Requiring new comprehensive statewide student assessment
- Com. Sub. for S. B. 362 - Authorizing redirection of certain amounts to General Revenue Fund
- Com. Sub. for Com. Sub. for S. B. 382 - Allowing automobile auctions obtain abandoned vehicles' titles
- Com. Sub. for S. B. 414 - Creating Division of Multimodal Transportation (original similar to HB2717)
- Com. Sub. for Com. Sub. for S. B. 461 - Exempting WV State Police from state purchasing requirements
- Com. Sub. for S. B. 467 - Removing restrictions on maximum wager per limited video lottery game and bill denominations accepted by video lottery terminals
- Com. Sub. for S. B. 472 - Permitting bear hunting with guides
- Com. Sub. for S. B. 479 - Relating to regulation of liquor sales
- Com. Sub. for S. B. 499 - Creating Debt Resolution Services Division in Auditor's office (original similar to HB2791)
- Com. Sub. for S. B. 523 - Converting to biweekly pay cycle for state employees
- Com. Sub. for S. B. 533 - Relating to taxes on wine and intoxicating liquors (original similar to HB2894)
- Com. Sub. for S. B. 572 - Relating to nonpartisan election of county surveyors

- S. B. 585 - Relating to locomotive crew size
- S. B. 595 - Allowing county assessors make separate entries in land books when real property is partly used for exempt and partly nonexempt purposes
- S. B. 684 - Relating generally to WV State Police

FIRST READING

- 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

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2017

Wednesday, March 22, 2017

10 a.m.	Workforce	(Room 208W)
10 a.m.	Interstate Cooperation	(Room 451M)
2 p.m.	Agriculture & Rural Development	(Room 208W)
5:30 p.m.	Select Committee on Tax Reform	(Room 451M)