

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

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

Charleston, West Virginia, Monday, March 27, 2017

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Frank Miller, Director of Operations, West Virginia Baptist Conference in Ripley, West Virginia, and Interim Pastor, Big Chimney Baptist Church, Big Chimney, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Gregory L. Boso, a senator from the eleventh district.

Pending the reading of the Journal of Saturday, March 25, 2017,

At the request of Senator Rucker, 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, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2219—A Bill to amend and reenact §64-9-1, §64-9-2, §64-9-3, §64-9-4, §64-9-5, §64-9-6, §64-9-7, §64-9-8, §64-9-9, §64-9-10 §64-9-11, §64-9-12, §64-9-13, §64-9-14, §64-9-15, §64-9-16, §64-9-17, §64-9-18, §64-9-19, §64-9-20 and §64-9-21 of the Code of West Virginia, 1931, as amended, all relating generally to the promulgation of administrative rules by various executive or administrative agencies of the state; authorizing certain agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain agencies to promulgate certain legislative rules with amendments recommended by the Legislative Rule-Making Review Committee; authorizing certain agencies to promulgate certain legislative rules with amendments recommended by the Legislature; directing various agencies to amend and promulgate certain legislative rules; authorizing the Commissioner of Agriculture to

promulgate a legislative rule relating to animal disease control; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to dangerous wild animals; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to livestock care standards; authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to captive cervid; authorizing the Board of Architects to promulgate a legislative rule relating to the registration of architects; authorizing the Athletic Commission to promulgate a legislative rule relating to administrative rules of the West Virginia State Athletic Commission; authorizing the Athletic Commission to promulgate a legislative rule relating to regulation of mixed martial arts; authorizing the Auditor's Office to promulgate a legislative rule relating to standards for requisitions for payment issued by state officers on the Auditor; authorizing the Auditor's Office to promulgate a legislative rule relating to the procedure for local levying bodies to apply for permission to extend time to meet as levying body; authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to qualifications, training, examination and certification of instructors in barbering and cosmetology; authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to licensing schools of barbering, cosmetology, nail technology and aesthetics; authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to operational standards for schools of barbering, cosmetology, hair styling, nail technology and aesthetics; authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to the operation of barber, beauty, nail and aesthetic shops/salons and schools of barbering and beauty culture; authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to a schedule of fees; authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to continuing education; authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to barber apprenticeships; authorizing the Board of Barbers and Cosmetologists to promulgate a legislative rule relating to waxing specialists; authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to licensed professional counselor fees; authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to licensed professional counselor license renewal and continuing professional education requirements; authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to marriage and family therapist fees; authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to marriage and family therapist license renewal and continuing professional education requirements; authorizing the Dangerous Wild Animal Board to promulgate a legislative rule relating to dangerous wild animals; authorizing the board of Dentistry to promulgate a legislative rule relating to the board; authorizing the Board of Medicine to promulgate a legislative rule relating to licensing and disciplinary procedures: physicians; podiatrists; authorizing the Board of Medicine to promulgate a legislative rule relating to licensure, disciplinary and complaint procedures, continuing education, physician assistants; authorizing the Board of Medicine to promulgate a legislative rule relating to the dispensing of legend drugs by practitioners; authorizing the Board of Optometry to promulgate a legislative rule relating to continuing education; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to licensing procedures for osteopathic physicians; authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the licensure and practice of pharmacy; authorizing the Board of Pharmacy to promulgate a legislative rule relating to mail-order and non-resident pharmacies; authorizing the Board of Pharmacy to promulgate a legislative rule, relating to the registration of pharmacy technicians; authorizing the Board of Pharmacy to promulgate a legislative rule, relating to a controlled substances monitoring program; authorizing the Board of Physical Therapy to promulgate a legislative rule relating to fees for physical therapist and physical therapist assistant; authorizing the Public Service Commission to promulgate a legislative rule relating to telephone conduit occupancy; authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to

requirements for registration and licensure and conduct constituting professional misconduct; authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to limited prescriptive authority for nurses in advanced practice; authorizing the State Board of Sanitarians to promulgate a legislative rule relating to practice of public health sanitation; authorizing the Secretary of State to promulgate a legislative rule relating to voter registration at the division of motor vehicles; authorizing the Secretary of State to promulgate a legislative rule relating to voter registration list maintenance by the Secretary of State; authorizing the Board of Social Work Examiners to promulgate a legislative rule relating to continuing education for social workers and providers; authorizing the Board of Speech-Language Pathology and Audiology to promulgate a legislative rule relating to licensure of speech-pathology and audiology; authorizing the Treasurer's Office to promulgate a legislative rule relating to procedures for deposit of moneys with the State Treasurer's Office by state agencies; authorizing the Treasurer's Office to promulgate a legislative rule relating to selection of state depositories for disbursement accounts through competitive bidding; authorizing the Treasurer's Office to promulgate a legislative rule relating to selection of state depositories for receipt accounts; authorizing the Treasurer's Office to promulgate a legislative rule relating to procedures for processing payments from the state treasury; authorizing the Treasurer's Office to promulgate a legislative rule relating to the procedure for fees in collections by charge, credit or debit card or by electronic payment; authorizing the Treasurer's Office to promulgate a legislative rule relating to procedures for providing services to political subdivisions; and authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to standards of practice.

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 2346—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-3-14a, relating to motor vehicle license plates; requiring the Commissioner of the Division of Motor Vehicles to conduct a study on the cost effectiveness of flat license plates; to study the privatization of the creation and issuance of license plates; and requiring a report to the Legislative Oversight Commission on Department of Transportation Accountability.

Referred to the Committee on Transportation and Infrastructure; and then 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 2515—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-1-8c, relating to the West Virginia Monument and Memorial Protection Act of 2017; prohibiting the removal, renaming, alteration, or relocation, of any statue, monument, memorial, nameplate, plaque, school, street, bridge, building, park, preserve, or reserve recognized by the West Virginia State Historic Preservation Office and which is located on public property and has been erected for, or named, or dedicated in honor of certain historical military, labor, civil rights, and Native American events, figures, and organizations; prohibiting any person from preventing the governmental entity having responsibility for maintaining the items, structures, or areas from taking proper measures to protect, preserve, care for, repair, or restore the items, structures, or areas recognized by the

West Virginia State Historic Preservation Office; and authorizing the West Virginia State Historic Preservation Office to grant waivers under certain circumstances.

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 2721—A Bill to amend and reenact §17-27-5 and §17-27-9 of the Code of West Virginia, 1931, as amended, all relating to the public-private transportation facilities act; reducing the cost threshold limitation on projects completed by the Division of Highways that are eligible for funding from the state road fund; extending time limitation by which agreements must be made; and requiring certain reporting.

At the request of Senator Ferns, and by unanimous consent, the bill was taken up for immediate consideration and reference of the bill to a committee dispensed with.

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 2722—A Bill to amend and reenact §17-2D-2 of the Code of West Virginia, 1931, as amended, relating to increasing the monetary amount that may be expended for projects using the design-build program for highway construction.

At the request of Senator Ferns, and by unanimous consent, the bill was taken up for immediate consideration and reference of the bill to a committee dispensed with.

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 2724—A Bill to amend and reenact §5-26-1 and §5-26-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5-26-3, all relating to the Herbert Henderson Office of Minority Affairs; requiring the office to report to the Select Committee on Minority Affairs; requiring the director to review and consider any recommendations of the Select Committee on Minority Affairs; continuing the Minority Affairs Fund; establishing a community-based pilot demonstration project; providing for funding of a pilot project; setting forth objectives for the pilot project; and requiring the leveraging of existing resources.

Referred to the Committee on Health and Human Resources; and then 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. House Bill 2745—A Bill to amend and reenact §8-15-20A of the Code of West Virginia, 1931, as amended, relating to special examination for firefighter paramedic by adding the examination of Advanced Care Technician.

Referred to the Committee on Health and Human Resources.

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 2788—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-15-16b, relating to allowing military veterans with certain military ratings to qualify for examinations required of a probationary firefighter.

Referred to the Committee on Military; and then 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 2838—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-24-8, relating to qualifications of emergency medical technicians; establishing an application; allowing military veterans who meet certain qualifications to qualify for examination for license as an emergency medical technician; requiring additional training if a certain amount of time has elapsed; and providing for reexamination in certain circumstances.

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

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 2841—A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §5F-2-8, relating to requiring board members to have attended a board meeting in order to be compensated for the meeting; requiring the member to attest to his or her attendance and it be witnessed; and requiring records be kept for at least five years.

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 2846—A Bill to amend the Code of West Virginia, 1931, as amended by adding thereto a new section, designated §30-5-11a, all relating to pharmacy technician trainees; establishing qualifications; requiring a criminal background check; providing rulemaking authority; and providing emergency rulemaking authority.

Referred to the Committee on Health and Human Resources.

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 2935—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-15-1; and to amend said code by adding thereto a new article, designated §29-30-1, §29-30-2, §29-30-3 and §29-30-4, all relating to state flood protection planning; providing legislative findings; defining terms; establishing the state

Flood Protection Planning Council; describing certain duties; requiring reports; and establishing a Joint Legislative Committee on Flooding.

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 2948—A Bill to amend and reenact §17C-17A-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-1A-3a of said code; to amend and reenact §19-2A-4 of said code; to amend and reenact §19-9A-3 of said code; to amend and reenact §19-12D-7 of said code; to amend and reenact §19-15-2 of said code; to amend and reenact §19-34-6 of said code; to amend and reenact §19-35-3 of said code; to amend and reenact §20-3-5 of said code; to amend and reenact §20-7A-5 of said code; to amend and reenact §21-10-7 of said code; to amend and reenact §21-12-7 of said code; to amend and reenact §21-15-10 of said code; to amend and reenact §24A-3-3 of said code; to amend and reenact §29-3-12 of said code; to amend and reenact §29-29-4 of said code; to amend and reenact §47-1A-10 of said code, all relating generally to establishing timelines for taking final action on certain permits.

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 2949—A Bill to amend and reenact §20-1-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-5-15 of said code, all relating to exempting Division of Natural Resources' contracts for the replacement, repair or design of repairs to revenue-producing facilities and related infrastructure where protecting public safety or public enjoyment and use of the facilities from the Purchasing Division; and exempting intergovernmental cooperative agreements and operational contracts for Prickett's Fort from review and approval requirements of the Purchasing Division.

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 2980—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-24d; and to amend and reenact §59-1-11 of said code, all relating to fees for services rendered by circuit clerks in certain civil actions; imposing additional fees in certain civil actions that include two or more named defendants, respondents or third-party defendants; providing for distribution of the additional fees; and creating a special revenue account for the purpose of the deposit of portion of the fees.

Referred to the Committee on the Judiciary; 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. House Bill 3018—A Bill to amend and reenact §61-2-10b of the Code of West Virginia, 1931, as amended, relating to crimes against the person; adding the definition of correctional employee; including correctional employees as a group to which the criminal penalties of malicious assault, unlawful assault, battery and assault in this section apply; providing that any person convicted of any crime in this section who is incarcerated at a facility operated by the West Virginia Division of Corrections or the West Virginia Regional Jail Authority at the time the offense was committed and whose victim is a correctional employee may not be sentenced in a manner that the sentence would run concurrently with any other sentence being served at the time of sentencing, but shall run consecutively to the current sentence.

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 3020—A Bill to amend and reenact §20-7-9 of the Code of West Virginia, 1931, as amended, relating to criminal penalties for the offense of hunting, trapping or fishing on the lands of another person; criminal penalties for the offense of entering on to posted lands; criminal penalties for the offense of destroying posted land signs; and setting those criminal penalties for such offenses to be equivalent to those of the offense of criminal trespass.

Referred to the Committee on Natural Resources; and then 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 3053—A Bill to amend and reenact §17C-15-2 and §17C-15-17 of the Code of West Virginia, 1931, as amended, all relating to motor vehicle lighting; clarifying when certain lights are functional; allowing certain lamps and lighting devices be uncovered in certain circumstances; and allowing two auxiliary lamps.

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 3064—A Bill to amend and reenact §17C-17-11 of the Code of West Virginia, 1931, as amended, relating to permitting the Commissioner of Highways to issue permits allowing vehicles of a size and weight exceeding certain specifications to operate over routes specified by the commissioner; requiring an engineering analysis; providing for maximum gross vehicle weight of 120,000; limiting routes to specified roads; and authorizing additional terms and conditions set by the Public Service Commission and the Commissioner of Highways.

Referred to the Committee on Transportation and Infrastructure.

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 3093—A Bill to repeal §31-15C-1, §31-15C-2, §31-15C-3, §31-15C-4, §31-15C-5, §31-15C-6, §31-15C-7, §31-15C-8, §31-15C-9, §31-15C-12 and §31-15C-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding

thereto a new chapter, designated §31G-1-1, §31G-1-2, §31G-1-3, §31G-1-4, §31G-1-5, §31G-1-6, §31G-1-7, §31G-1-8, §31G-1-9, §31G-1-10, §31G-1-11, §31G-1-12, §31G-1-13; §31G-1-14, §31G-2-1, §31G-2-2, §31G-2-3, §31G-2-4, §31G-2-5, §31G-2-6, §31G-2-7, §31G-2-8, §31G-2-9, §31G-2-10, §31G-2-11, §31G-2-12, §31G-2-13; §31G-2-14, §31G-2-15, §31G-2-16, §31G-2-17, §31G-2-18, §31G-2-19, §31G-2-20, §31G-2-21, §31G-2-22, §31G-2-23, §31G-2-24, §31G-2-25, §31G-2-26, §31G-2-27; §31G-3-1, §31G-3-2, §31G-4-1, §31G-4-2, §31G-4-3, §31G-5-1 and §31G-5-2, all relating to establishing Broadband Enhancement and Expansion Polices; re-establishing and continuing the Broadband Enhancement Council; defining terms; revising council powers and duties; directing council to publish an annual assessment and map of broadband in the state; authorizing council to create an interactive map of broadband services; revising terms for retention of expert consultants; authorizing collection of data by council; authorizing creation of guidelines and recommendations to the Legislature for pilot project for municipalities and counties to form non-profit cooperative associations for internet services; authorizing creation of guidelines and recommendations to the Legislature for voluntary pipeline donation program to facilitate broadband services; authorizing creation of guidelines and recommendations to the Legislature for easement program to facilitate broadband services; authorizing council to seek, utilize and dispense non-state funding and grants; providing for legislative rulemaking authority; authorizing formation of cooperative associations for internet services; providing for who may organize a cooperative association; defining terms; setting forth legislative findings and purpose; establishing the powers of such associations; setting forth all conditions, rights and responsibilities of such cooperative associations; declaring that cooperative association not deemed a restraint in trade; providing for the application of corporation laws; providing for microtrenching; defining terms; providing for make-ready pole access; defining terms; setting forth procedure for attaching items to third-party facilities and poles; providing for exceptions to make-ready pole access; prohibiting internet service providers from advertising the downstream data rate or upstream data rate service solely in terms of the maximum anticipated data rate or as an "up to" speed; authorizing advertisement in terms of minimum data speeds; declaring violation to be an unfair or deceptive act or practice; and authorizing enforcement and remedy under the Consumer Credit and Protection Act.

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. House Bill 3101—A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to catching, taking, killing or attempting to catch, take or kill any fish by any means within two hundred feet of agency personnel stocking fish into public waters; creating a misdemeanor for violations thereof; and providing for criminal penalties.

Referred to the Committee on Natural Resources; and then 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 3105—A Bill to amend and reenact §29-22A-10 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-25-22 and §29-25-22b of said code, all relating to closing certain modernization funds and distribution of remaining unexpended balances; transferring funds remaining in the Licensed Racetrack Modernization Fund and the Historic Resort Hotel Modernization Fund to the General Revenue Fund of the state during the fiscal year ending June 30, 2017; providing exceptions for recoupment of certain expenditures for eligible

facility modernization improvements from the Licensed Racetrack Modernization Fund; prohibiting transfer of any moneys from any source for any purposes to the Licensed Racetrack Modernization Fund; and closing the Licensed Racetrack Modernization Fund and the Historic Resort Hotel Modernization Fund.

Referred 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. House Bill 3106—A Bill to amend and reenact §29-22B-1101 and §29-22B-1201 of the Code of West Virginia, 1931, as amended, relating to increasing number of limited video lottery terminals allowed at a licensed limited video lottery retailer; requiring Lottery Commission to conduct a bid for current permit holders prior to September 1, 2017; requiring that a public hearing be conducted prior to the placement of certain video lottery terminals; and requiring the reduction of the number of approved locations of video lottery terminals.

At the request of Senator Ferns, and by unanimous consent, the bill was taken up for immediate consideration and reference of the bill to a committee dispensed with.

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 27th 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:

(Com. Sub. for H. B. 2318), Relating generally to human trafficking.

Respectfully submitted,

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

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

Your Committee on Education has had under consideration

Com. Sub. for Senate Bill 40, Requiring inclusion of protocols for response to after-school emergencies in school crisis response plans.

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

Respectfully submitted,

Kenny Mann,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 40) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time and ordered to second reading.

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 282, Directing Office of Administrative Hearings to amend current legislative rule relating to appeal procedures.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (S. B. 282) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

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 286, Relating to grandparents' visitation rights.

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

Com. Sub. for Senate Bill 286 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §48-10-802 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §48-10-803, all relating to specifying forms of grandparent visitation; allowing daytime and overnight visits, as well as electronic communication; and defining the term electronic communication.

And,

Senate Bill 465, Relating to medical professional liability.

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

Com. Sub. for Senate Bill 465 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §55-7B-6 of the Code of West Virginia, 1931, as amended, relating to medical professional liability; clarifying requirements for screening certificates of merit; and requiring person who signs screening certificate of merit be from the profession and within the specialty field, if any, or another specialty field that encompasses the area of practice of the health care provider upon whom a notice is required to be served in a medical professional liability action.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bills (Com. Sub. for S. B. 286 and 465) contained in the preceding report from the Committee on the Judiciary were each taken up for immediate consideration, read a first time and ordered to second reading.

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

Your Committee on Government Organization has had under consideration

Com. Sub. for Senate Bill 343 (originating in the Committee on Transportation and Infrastructure), Prohibiting transportation network company drivers from soliciting rides or occupying designated cab stands.

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

Com. Sub. for Com. Sub. for Senate Bill 343 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-29-15a, relating to transportation network companies; prohibiting solicitation of rides; prohibiting occupation of designated taxi stands; and providing criminal penalties and fines.

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

Respectfully submitted,

Craig Blair,
Chair.

At the request of Senator Trump, as chair of the Committee on the Judiciary, unanimous consent was granted to dispense with the triple committee reference of the bill contained in the foregoing report from the Committee on Government Organization.

At the request of Senator Ferns, and by unanimous consent, the bill (Com. Sub. for Com. Sub. for S. B. 343) was taken up for immediate consideration, read a first time and ordered to second reading.

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 399, (originating in the Committee on the Workforce), Prohibiting political subdivisions from enacting local ordinances regulating benefits employers provide to employees.

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

Com. Sub. for Com. Sub. for Senate Bill 399 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5I-1, §21-5I-2, and §21-5I-3, all relating to prohibiting political subdivisions from enacting any ordinance, regulation, local policy, local resolution or other legal requirement regulating certain ; establishing a short title; establishing areas where political subdivisions are prohibited from enacting or promulgating ordinances, local policies or local regulations; and providing for exceptions and applicability.

Com. Sub. for Senate Bill 469, (originating in the Committee on Natural Resources), Prohibiting waste of game animals, birds or fish.

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

Com. Sub. for Com. Sub. for Senate Bill 469 (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 §20-2-5i, relating to prohibiting the wanton waste of game animals, game birds and game fish or parts thereof; defining “wanton waste”; providing exclusions; and setting forth misdemeanor criminal penalties and fines.

And,

Com. Sub. for Senate Bill 507, (originating in the Committee on Banking and Insurance), 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 Com. Sub. for Senate Bill 507 (originating in the Committee on the Judiciary)—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 §30-5-12a, all relating to expanding permissible scope of practice for licensed pharmacists; permitting pharmacists to inform customers about lower cost alternatives for their prescriptions, dispense and deliver those alternatives and to inform customers if their copay exceeds the cost for their prescriptions; and declaring public policy.

With the recommendation that the three committee substitutes for committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bills (Com. Sub. for Com. Sub. for S. B. 399, 469 and 507) contained in the preceding report from the Committee on the Judiciary were each taken up for immediate consideration, read a first time and ordered to second reading.

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 446, Authorizing Governor issue executive orders to furlough state employees.

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

Com. Sub. for Senate Bill 446 (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 §4-1-24; to amend said Code by adding thereto a new section, designated §4-2-13; to amend said Code by adding thereto a new section, designated §4-3-5; to amend said Code by adding thereto a new article, designated §5-30-1, §5-30-2, §5-30-3, §5-30-4, §5-30-5, and §5-30-6; and to amend said Code by adding thereto a new section, designated §51-3-19; all relating to the furlough of public employees during declared fiscal emergency generally; defining terms; permitting declaration of fiscal emergency by Governor under certain defined circumstances; permitting Governor to issue executive orders instituting furloughs of certain state employees; setting forth conditions of furlough; providing for termination of declared fiscal emergency; authorizing furlough of employees by constitutional officers; setting forth conditions of furlough of those employees; authorizing President of the Senate to furlough employees of State Senate; authorizing Speaker of the House of Delegates to furlough employees of the House of Delegates; authorizing President of the Senate and Speaker of the House of Delegates jointly to direct furlough of employees of Legislative Auditor and Joint Committee on Government and Finance; setting forth conditions of furlough of legislative employees; authorizing Supreme Court of Appeals to furlough employees and personnel of Supreme Court of Appeals; authorizing Supreme Court of Appeals to issue orders directing or authorizing furlough of other employees and personnel of circuit courts, family courts, and magistrate courts; and setting forth terms of furlough of judicial employees.

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,

Charles S. Trump IV,
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 the Judiciary.

Senator Ferns requested unanimous consent that the bill (Com. Sub. for S. B. 446) be taken up for immediate consideration.

Which consent was not granted, Senator Beach objecting.

Thereafter, on motion of Senator Ferns, the bill (Com. Sub. for S. B. 446) was taken up for immediate consideration, read a first time and ordered to second reading.

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 482 (originating in the Committee on Transportation and Infrastructure), Relating generally to WV Parkways Authority.

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

Com. Sub. for Com. Sub. for Senate Bill 482 (originating in the Committee on Finance)—A Bill to repeal §17-16A-18a, §17-16A-23 and §17-16A-30 of the Code of West Virginia, 1931, as amended; to amend and reenact §17-16A-1, §17-16A-5, §17-16A-6, §17-16A-10, § 17-16A-11, §17-16A-13, §17-16A-13a, §17-16A-18, §17-16A-21, §17-16A-22 and §17-16A-29 of said code; to amend said code by adding thereto a new section, designated §17-16A-11a; to amend and reenact §17-16D-3 of said code; to amend said code by adding thereto a new section, designated §17A-2-25; to amend and reenact §17A-3-7 of said code; and to amend said code by adding thereto a new section, designated §17A-10-17, all relating generally to the West Virginia Parkways Authority; defining terms; adding the power of the authority to study, investigate and evaluate, and, if feasible, develop and implement, a single fee program; adding the power of the authority to impose in connection with any single fee program a flat fee in connection with any or all certificates of passenger motor vehicle registration and renewal thereof by the Division of Motor Vehicles; adding the power of the authority to enter into reciprocal toll enforcement agreements; creating and designating a special revenue account within the State Road Fund known as the State Road Construction Account; authorizing the deposit of proceeds of parkway revenue bonds to the State Road Construction Account; requiring that priority consideration be given to construction, maintenance and repair of public highways and bridges in certain counties within the state when determining expenditures from the State Road Construction Account; creating and designating a special revenue account within the State Treasury known as the West Virginia Parkways Authority Single Fee Program Fund; clarifying notice and public meeting requirements and procedures; clarifying the power of the Parkways Authority to fix rates or tolls for Corridor L toll collection facility; expanding the authority of the Parkways Authority to issue revenue bonds or refunding revenue bonds for parkways projects and for the West Virginia Turnpike; eliminating approval by county commissions and establishment by Governor of local committees prior to approval of any parkway project; authorizing electronic toll collection and enforcement of tolls on roads, highways and bridges; adding the power of the Division of Motor Vehicles to act as collection agent for the authority under any single fee program; expanding the grounds for refusing to register a motor vehicle; and creating a misdemeanor offense.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Mike Hall,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. 482) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

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 516, Establishing DOC responsibility for costs of housing and maintaining inmate.

And reports the same back with the recommendation that it do pass; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (S. B. 516) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

On motion of Senator Trump, the bill was referred to the Committee on Finance.

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 526 (originating in the Committee on Banking and Insurance), Requiring mandatory insurance coverage for inherited enzymatic disorders.

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

Com. Sub. for Com. Sub. for Senate Bill 526 (originating in the Committee on Finance)—A Bill to amend and reenact §5-16-7 and §5-16-9 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5-16B-6f; to amend said code by adding thereto a new section, designated §9-5-25; to amend said code by adding thereto a new section, designated §33-15-4o; to amend said code by adding thereto a new section, designated §33-16-3bb; to amend said code by adding thereto a new section, designated §33-24-7q; to amend said code by adding thereto a new section, designated §33-25-8n; and to amend said code by adding thereto a new section, designated §33-25A-8p, all relating to mandatory insurance coverage, up to the age of twenty, for certain medical foods for amino acid based formulas; providing a list of diagnosed conditions for which insurance coverage should extend; providing that coverage extends to medically necessary foods for home use when prescribed by a physician; defining terms; and providing for exclusions.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Mike Hall,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. 526) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

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 549 (originating in the Committee on Transportation and Infrastructure), 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 Com. Sub. for Senate Bill 549 (originating in the Committee on the Judiciary)—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; permitting certain persons to ride or operate motorcycle without a helmet; setting forth conditions that must be met by person to ride or operate motorcycle without a helmet; authorizing rulemaking; eliminating obsolete language; and exempting autocycle operators from requirement to wear a helmet.

Without recommendation as to passage for the committee substitute for committee substitute; but with the further recommendation that it be rereferred to the Committee on the Judiciary.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Ferns requested unanimous consent that the bill (Com. Sub. for Com. Sub. for 549) contained in the preceding report from the Committee on the Judiciary be taken up for immediate consideration.

Which consent was not granted, Senator Stollings objecting.

Thereafter, on motion of Senator Ferns, the bill (Com. Sub. for Com. Sub. for S. B. 549) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

On motion of Senator Trump, the bill was rereferred 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 557, Dissolving Information Services and Communications Division.

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,

Craig Blair,
Chair.

Senator Hall, as chair of the Committee on Finance, moved to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Government Organization.

Thereafter, at the request of Senator Hall, and by unanimous consent, his foregoing motion was withdrawn.

At the request of Senator Ferns, and by unanimous consent, the bill (S. B. 557) was taken up for immediate consideration, read a first time, ordered to second reading and, 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

Senate Bill 560, Creating medical malpractice peer review panel by Board of Medicine.

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

Com. Sub. for Senate Bill 560 (originating in the Committee on the Judiciary)—A Bill to amend and reenact section §55-7B-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto thirteen new sections, designated §55-7B-6d, §55-7B-6e, §55-7B-6f, §55-7B-6g, §55-7B-6h, §55-7B-6i, §55-7B-6j, §55-7B-6k, §55-7B-6l, §55-7B-6m, §55-7B-6n, §55-7B-6o and §55-7B-6p, all relating to establishing a medical malpractice review panel; defining terms; allowing the Board of Medicine to convene a review panel; making use of the panel voluntary; providing for selection of a chairperson; setting forth powers and duties of the chairperson; providing for selection of panel members; setting out a procedure to challenge panel members; setting out powers and duties of the review panel; providing for matters which the panel may consider in their deliberations; requiring the panel to issue findings and expert opinions; establishing a procedure for the payment of costs and fees; allowing the report to be admissible in court in certain circumstances; granting civil and criminal immunity to panel members; providing for compensation of panel members; and providing for rulemaking.

Without recommendation as to passage for the committee substitute; but with the further recommendation that it first be rereferred to the Committee on the Judiciary; and then, under the original double committee reference, to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 560) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

Thereafter, on motion of Senator Trump, the bill was rereferred to the Committee on the Judiciary, and then, under the original double committee reference, 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

Senate Bill 562, Relating to civil actions for damages brought against county commissions and municipalities.

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

Com. Sub. for Senate Bill 562 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §17-10-17 of the Code of West Virginia, 1931, as amended, relating to civil actions for damages brought against county commissions and municipalities by persons injured by reason of a slip, trip, fall or similar injury resulting from defect, disrepair, maintenance of, or failure to maintain or repair any road, bridge, street, sidewalk, alleyway or public walkway.

And,

Senate Bill 673, Providing procedure for WV to select delegates to Article V convention.

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

Com. Sub. for Senate Bill 673 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §3-11A-1, §3-11A-2, §3-11A-3, §3-11A-4 and §3-11A-5, all relating to providing procedure for West Virginia to select delegates to an Article V convention for proposing amendments to Constitution of the United States of America; defining terms; directing Legislature to establish committee of correspondence for Article V convention; authorizing participation by delegates in Article V convention only when each state has equal vote; setting forth delegate duties and responsibilities; setting forth oath for candidate for delegate or alternate; designating delegates and alternates as public officials and subject to West Virginia Governmental Ethics Act; providing for immediate recall of delegate casting unauthorized vote and replacement with alternate; directing Legislature to certify certain information to Article V convention; making violation of delegate's oath a felony; and providing criminal penalties for violation of a delegate's oath.

Without recommendation as to passage for the two committee substitutes; but with the further recommendation that they be rereferred to the Committee on the Judiciary.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bills (Com. Sub. for S. B. 562 and 673) contained in the preceding report from the Committee on the Judiciary were each taken up for immediate consideration, read a first time and ordered to second reading.

On motion of Senator Trump, the bills were rereferred 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 613, Relating to composition of State Fire Commission.

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

Respectfully submitted,

Craig Blair,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (S. B. 613) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time and ordered to second reading.

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 636, Authorizing State Fire Commission establish program to address problems facing VFDs.

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

Com. Sub. for Senate Bill 636 (originating in the Committee on Government Organization)—A Bill to amend and reenact §29-3-5d of the Code of West Virginia, 1931, as amended, relating to authorizing the State Fire Commission to establish and administrate a pilot project program to address problems facing volunteer fire departments; and requiring annual reports.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 636) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time and ordered to second reading.

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

Your Committee on Education has had under consideration

Senate Bill 656, Relating to Student Data Accessibility, Transparency and Accountability Act.

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

Com. Sub. for Senate Bill 656 (originating in the Committee on Education)—A Bill to amend and reenact §18-2-5h of the Code of West Virginia, 1931, as amended, relating to allowing certain

comprehensive statewide student assessment program vendors to only receive consideration for certain information if they obtain affirmative written consent solely for providing the student access to employment, educational scholarships or financial aid, and post-secondary educational opportunities; and providing that if a student forms a direct relationship with a certain vendor, the data sharing and consent requirements of the Student Data Accessibility, Transparency and Accountability Act do not apply to that relationship.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Kenny Mann,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 656) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time and ordered to second reading.

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

Your Committee on Finance has had under consideration

Senate Bill 664, Removing limitation on amount counties collect on hotel occupancy tax.

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

Respectfully submitted,

Mike Hall,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (S. B. 664) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

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

Your Committee on Natural Resources has had under consideration

Senate Bill 691 (originating in the Committee on Natural Resources)—A Bill to amend and reenact §17-2A-11 of the Code of West Virginia, 1931, as amended; to amend and reenact §17F-1-9 of said code; and to amend and reenact §20-15-2 of said code, all relating to off-highway vehicles; defining off-highway vehicle and off-road vehicle; creating digital road map for certain roads and vehicles, including off-highway vehicles; and making technical corrections.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (S. B. 691) contained in the preceding report from the Committee on Natural Resources was taken up for immediate consideration, read a first time and ordered to second reading.

The Senate proceeded to the sixth order of business.

Senators Beach, Cline, Stollings, Plymale and Rucker offered the following resolution:

Senate Resolution 53—Designating March 27, 2017, as West Virginia Industrial Hemp Day at the Capitol.

Whereas, In 2002, West Virginia adopted the Industrial Hemp Development Act to promote growth of industrial hemp farms and industry in the state; and

Whereas, The Agricultural Act of 2014 §7606, Legitimacy of Industrial Hemp Research, amended the Controlled Substances Act of 1970 to redefine “industrial hemp” and remove it from the current definition of “marijuana”, thereby allowing hemp to be grown, processed, transported and sold under state and federal laws; and

Whereas, A variety of products can be made from industrial hemp through its use of fiber, seed, seed oil, floral extracts and root. Industrial hemp can be found in products such as paper, fabric, auto parts, animal bedding, body care products and essential oils; and

Whereas, Industrial hemp has more protein per pound than beef, has essential amino acids and is a sustainable source of omega-3 making it a great replacement for fish oil and useful for many other health benefits; and

Whereas, Industrial hemp farmers and processors have begun evaluating the profitability of farming and processing operations within the state after successfully cultivating 9 acres of industrial hemp in 2016; and

Whereas, Licensed hemp farmers across the state are currently prepping ground to plant 30 acres of hemp in 2017; and

Whereas, Industrial hemp was grown on the organic farm at West Virginia University in 2016 for research and development; and

Whereas, Industrial hemp will provide new opportunity for innovation and entrepreneurship to revitalize agricultural industries and keep more young talent in the state; and

Whereas, The West Virginia Department of Agriculture has been very supportive of the hemp industry and is making efforts to expand the access for farmers to join the program and increase access to idle infrastructure across the state; and

Whereas, West Virginia agriculture will play a large role in the state’s future, ranking 11th in the United States in apple production, 16th in the United States turkey production and 18th in the United States chicken meat production; and could be a leader in industrial hemp farming, processing and advanced manufacturing of value added materials and products; therefore, be it

Resolved by the Senate:

That the Senate hereby designates March 27, 2017, as West Virginia Industrial Hemp Day at the Capitol; and, be it

Further Resolved, That the West Virginia Senate urges the promotion of increased production of industrial hemp to promote agricultural growth within the state; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to each member of West Virginia's delegation to the United States Congress.

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.

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 Ferns, Stollings, Plymale, Beach and Rucker offered the following resolution:

Senate Resolution 54—Designating March 27, 2017, as Women's and Girls' Day at the Legislature.

Whereas, March is Women's History Month, where we commemorate and encourage the study, observance and celebration of the vital role of women in American history; and

Whereas, West Virginia women of every race, class and ethnic background have made historic contributions to the growth and strength of our state and nation in countless recorded and unrecorded ways; and

Whereas, West Virginia women have played and continue to play critical economic, cultural and social roles in every sphere of the life of our state and the nation by constituting a significant portion of the labor force; and

Whereas, West Virginia women have served our country courageously in the military; and

Whereas, West Virginia citizens are proud of the accomplishments and achievements of women in our state, both in the private and public sectors and appreciate their many contributions to our communities as they continue to advance in leadership roles in our society; therefore, be it

Resolved by the Senate:

That the Senate designates March 27, 2017, as Women's and Girls' Day at the Legislature; and, be it

Further Resolved, That the Senate expresses its sincere gratitude and appreciation to women for the many contributions they make to the State of West Virginia in all facets of our society; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Women's and Girls' Day at the Legislature.

At the request of Senator Ferns, 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 proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 69, Creating Sexual Assault Victims' Bill of Rights.

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. 69) 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 74, Allowing fire departments to charge fees for service calls.

Having been read a third time on Saturday, March 25, 2017, and now 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 Senate Bill 167, Relating to DNA evidence.

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 167 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 S. B. 167) 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 210, Renaming Local Powers Act the County Local Powers 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, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Palumbo, Plymale, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Weld, Woelfel and Carmichael (Mr. President)—29.

The nays were: Facemire, Ojeda, Prezioso, Romano and Unger—5.

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. 210) 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 316, Requiring individuals receiving unemployment compensation apply for and accept seasonal employment.

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. 316) 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 380, Creating 2-year pilot program to allow all-terrain or recreational vehicles in Cabwaylingo State Forest.

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, 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. 380) 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 388, Relating to dangerous weapons.

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. 388) passed with its title.

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

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

The Senate then resumed consideration of the remainder of its third reading calendar, the next bill coming up in numerical sequence being

Eng. Com. Sub. for Senate Bill 412, Relating to WV Jobs Act reporting requirements.

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 412 pass?”

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

The nays were: Beach, Facemire, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger and Woelfel—11.

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. 412) passed with its title.

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

Com. Sub. for Senate Bill 437, Discontinuing WV Greyhound Breeding Development Fund.

On third reading, coming up in regular order, with the right having been granted on Saturday, March 25, 2017, for amendments to be received on third reading, was reported by the Clerk.

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

On page sixty-five, section twelve, line thirty, by striking out the word “a” and inserting in lieu thereof the words “an alternate”;

On page sixty-five, section twelve, line thirty-one, after the word “racetrack” by changing the period to a colon and adding the following proviso: *Provided further*, That nothing in this subdivision permits a racetrack to operate operational video lottery terminals or offer video lottery games in more than one location.;

On page seventy, section three, line one hundred twelve, by striking out the word “a” and inserting in lieu thereof the words “an alternate”;

And,

On page seventy, section three, line one hundred thirteen, after the word “racetrack” by changing the period to a colon and adding the following proviso: *Provided*, That nothing in this subdivision permits a racetrack to offer West Virginia lottery table games in more than one location.

There being no further amendments offered,

The bill, as just amended, was ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 437 was then read a third time and put upon its passage.

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 437 pass?”

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Cline, Karnes, Mann, Maynard, Miller, Plymale, Prezioso, Rucker, Smith, Swope, Sypolt, Trump, Unger, Woelfel and Carmichael (Mr. President)—19.

The nays were: Beach, Clements, Facemire, Ferns, Gaunch, Hall, Jeffries, Maroney, Mullins, Ojeda, Palumbo, Romano, Stollings, Takubo and Weld—15.

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. 437) passed.

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

Eng. Com. Sub. for Senate Bill 437—A Bill to amend and reenact §19-23-3, §19-23-7, §19-23-10, §19-23-12b, §19-23-13 and §19-23-13c of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §19-23-10a; to amend and reenact §29-22-18a of said code; to amend and reenact §29-22A-3, §29-22A-7, §29-22A-10, §29-22A-10b, §29-22A-10d, §29-22A-10e and §29-22A-12 of said code; and to amend and reenact §29-22C-3, §29-22C-8, §29-22C-10, §29-22C-27 and §29-22C-27a of said code, all relating generally to horse and dog racing lottery; modifying certain definitions; discontinuing the West Virginia Racing Commission special account known as the West Virginia Greyhound Breeding Development Fund; transferring all moneys in the West Virginia Greyhound Breeding Development Fund to the State Excess Lottery Revenue Fund for appropriation by the Legislature; requiring that upon transfer of moneys from the West Virginia Greyhound Breeding Development Fund to the State Excess Lottery Revenue Fund, a certain amount be withheld and deposited in the special account known as the Administration, Promotion, Education, Capital Improvement and Greyhound Adoption Programs to include Spaying and Neutering Account; requiring that all moneys previously required to be directed to the West Virginia Greyhound Breeding Development Fund be redirected to the State Excess Lottery Revenue Fund for appropriation by the Legislature; requiring that all moneys previously required to be directed into any fund or paid for the purpose of funding purses, awards or providing any other funding for greyhound races be redirected to the State Excess Lottery Revenue Fund for appropriation by the Legislature; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to qualify for such license; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to contract to receive telecasts and accept wagers; providing that a dog racetrack is required to hold a racing license to conduct simulcast racing regardless of whether the racetrack continues to conduct live dog racing; authorizing the West Virginia Racing Commission to promulgate rules, including emergency rules, regarding licensure of dog racetracks conducting only simulcast racing; eliminating the requirement that a video lottery licensee at a dog track must hold a racing license to renew a video lottery license or racetrack table games license; requiring the Lottery Commission to transfer a percentage of gross terminal revenue derived from racetrack video lottery at thoroughbred racetracks, and deducted for administrative costs and expenses, to the Racing Commission's general administrative account; eliminating the requirement that an applicant for a video lottery license or license renewal at a dog racetrack must provide evidence of the existence of an agreement regarding proceeds from video lottery terminals with certain parties; providing that a percentage of net terminal income originating at dog racetracks will be deposited in the State Excess Lottery Revenue Fund; providing that a percentage of net terminal income originating at thoroughbred racetracks will be deposited in the West Virginia Thoroughbred Development Fund; permitting a dog racetrack to continue to operate operational video lottery and racetrack table games in a location where live racing was previously conducted or in an alternate location within the county as approved by the Lottery Commission; and eliminating the requirement that a racetrack table games licensee at a dog racetrack must race a minimum number of dates.

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 453, Adding classification and base salaries of certain civilian employees of WV State Police Forensic Laboratory.

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. 453) 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 493, Providing increase in compensation for conservation officers.

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

Pending discussion,

The question being “Shall Engrossed Senate Bill 493 pass?”

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 493) 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 504, Defining “special aircraft property”.

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.

Com. Sub. for Senate Bill 539, Relating to regulation and control of financing elections.

On third reading, coming up in regular order, with Senator Miller's amendments pending and with the right having been granted on Saturday, March 25, 2017, for other amendments to be received on third reading, was reported by the Clerk.

The question being on the adoption of Senator Miller's amendments to the bill (*shown in the Senate Journal of Saturday, March 25, 2017, pages 72 and 73*).

Senator Trump then requested a division of the question contained in the amendments offered by Senator Miller.

The President then stated that, without objection, the question would be divided; and the body would first vote on Senator Miller's amendment to the bill on page nine, section one-a, line forty-nine, after the word "expenses" by inserting the words "paid by the volunteer".

Following discussion,

The question being on the adoption of Senator Miller's amendment to the bill (Com. Sub. for S. B. 539), the same was put and prevailed.

The question now being on the adoption of Senator Miller's amendments to the bill on page fifteen, section one-a, lines one hundred ninety-eight and one hundred ninety-nine, by striking out the words "total contributions or political expenditures of more than the threshold amount during any calendar year and the major purpose of which is the making of";

On page fifteen, section one-a, line two hundred, by striking out the words "which are made";

On pages fifteen and sixteen, section one-a, lines two hundred one through two hundred twenty-three, by striking out all of paragraphs (A), (B), (C) and (D) and inserting in lieu thereof the following:

The following are types of political action committees:

(A) A corporate political action committee, ~~as that term is defined by subdivision (8) of this section;~~

(B) A political action committee that is a separate segregated fund of a membership organization, as that term is defined by subdivision (18) of this section, and that organization may only accept contributions from its restricted group as outlined by the rules of the State Election Commission;

(C) An unaffiliated political action committee, ~~as that term is defined by subdivision (29) of this section; and~~

(D) A caucus campaign committee.;

On page seventeen, section one-a, line two hundred thirty-seven, after the word "candidate;" by inserting the word "and";

On page seventeen, section one-a, line two hundred thirty-nine, after the word "material" by changing the semicolon to a period and striking out the remainder of the subdivision;

On page thirty-six, section five-d, lines three and four, by changing the colon to a period and striking out the proviso;

On page forty-six, section nine, lines sixty-seven through seventy, by striking out all of subsection (b) and inserting in lieu thereof a new subsection, designated subsection (b), to read as follows:

(b) A political action committee may not contribute to another political action committee or receive contributions from another political action committee: *Provided*, That a political action committee may receive contributions from its national affiliate, if any.;

On page forty-nine, section eleven, lines twenty-three through thirty-one, by striking out all of subsection (d) and inserting in lieu thereof a new subsection, designated subsection (d), to read as follows:

(d) Any person who shall pay any owner, publisher, editor or employee or any newspaper or other periodical, to advocate or oppose editorially, any candidate for nomination or election, or any political party, or any measure to be submitted to the vote of the people or any owner, publisher, editor or employee, who shall solicit or accept such payment, is guilty of a misdemeanor and, on conviction thereof, shall be fined not more than \$10,000, or confined in jail for not more than one year or, in the discretion of the court, shall be subject to both such fine and imprisonment.;

And,

On page fifty-two, section twelve, lines sixty-nine and seventy, by striking out the words "other than another independent expenditure-only political action committee".

Following discussion,

The question being on the adoption of Senator Miller's amendments to the bill, the same was put and did not prevail.

On motion of Senator Jeffries, the following amendments to the bill (Com. Sub. for S. B. 539) were next reported by the Clerk and considered simultaneously:

On page sixteen, section one-a, line two hundred eighteen, after the word "organization" by changing the comma to a semicolon and striking out the rest of the subparagraph;

On pages thirty-three through thirty-seven, section five-a, lines eighty-two through one hundred seventeen, by striking out the remainder of the section and inserting in lieu thereof the following:

(k) Any membership organization which raises funds for political purposes by payroll deduction, assessing them as part of its membership dues or as a separate assessment, may report the amount raised as follows:

(1) If the portion of dues or assessments designated for political purposes equals \$25 or less per member over the course of a calendar year, the total amount raised for political purposes through membership dues or assessments during the period is reported by showing the amount required to be paid by each member and the number of members.

(2) If the total payroll deduction for political purposes of each participating member equals \$25 or less over the course of a calendar or fiscal year, as specified by the organization, the organization shall report the total amount received for political purposes through payroll deductions during the reporting period and, to the maximum extent possible, the amount of each yearly payroll deduction contribution level and the number of members contributing at each such specified level. The membership organization shall maintain records of the name and yearly payroll deduction amounts of each participating member.

(3) If any member contributes to the membership organization through individual voluntary contributions by means other than payroll deduction, membership dues, or assessments as provided in this subsection, the reporting requirements of subdivision (3), subsection (a) of this section shall apply. Funds raised for political purposes must be segregated from the funds for other purposes and listed in its report.

(l) Notwithstanding the provisions of section five of this article or of the provisions of this section to the contrary, an alternative reporting procedure may be followed by a political party committee in filing financial reports for fund-raising events if the total profit does not exceed \$5,000 per year. A political party committee may report gross receipts for the sale of food, beverages, services, novelty items, raffle tickets or memorabilia, except that any receipt of more than \$50 from an individual or organization shall be reported as a contribution. A political party committee using this alternative method of reporting shall report:

(i) The name of the committee;

(ii) The type of fund-raising activity undertaken;

(iii) The location where the activity occurred;

(iv) The date of the fundraiser;

(v) The name of any individual who contributed more than \$50 worth of items to be sold;

(vi) The name and amount received from any person or organization purchasing more than \$50 worth of food, beverages, services, novelty items, raffle tickets or memorabilia;

(vii) The gross receipts of the fundraiser; and

(viii) The date, amount, purpose and name and address of each person or organization from whom items with a fair market value of more than \$50 were purchased for resale.;

On pages forty-eight and forty-nine, section eleven, lines sixteen through nineteen, after the word "communication" by changing the colon to a period and striking out the remainder of the subsection;

On page fifty-four, section twelve, lines one hundred seventeen through one hundred thirty-one, by striking out all of subsection (n);

And,

By relettering the remaining subsections.

Following discussion,

The question being on the adoption of Senator Jeffries' amendments to the bill, the same was put and did not prevail.

On motion of Senator Romano, the following amendments to the bill (Com. Sub. for S. B. 539) were next reported by the Clerk and considered simultaneously:

On page nineteen, section two, line thirty, by striking out "\$1,000" and inserting in lieu thereof "\$250";

On page nineteen, section two, line thirty-two, by striking out the word "explicit";

On page nineteen, section two, line thirty-six, by striking out "\$1,000" and inserting in lieu thereof "\$250";

On page twenty-three, section two-b, line twenty-six, by striking out the words "made for the explicit purpose of financing any" and inserting in lieu thereof "used to pay for";

On page twenty-four, section two-b, line thirty-one, by striking out "\$1,000" and inserting in lieu thereof "\$250";

And,

On page twenty-nine, section five, line fourteen, by striking out the word "explicit".

Following discussion,

The question being on the adoption of Senator Romano's amendments to the bill, and on this question, Senator Romano demanded the yeas and nays.

The roll being taken, the yeas were: Beach, Facemire, Jeffries, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Takubo, Unger and Woelfel—13.

The nays were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maynard, Mullins, Rucker, Smith, Swope, Sypolt, Trump, Weld and Carmichael (Mr. President)—20.

Absent: Maroney—1.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Romano's amendments to the bill rejected.

On motion of Senator Miller, the following amendment to the bill (Com. Sub. for S. B. 539) was next reported by the Clerk:

On page forty-nine, section eleven, line thirty-one, after the word "imprisonment" by changing the period to a colon and inserting the following proviso: *Provided*, That in addition to any reporting required by this article, any owner, publisher, editor or employee who accepts a monetary benefit to advocate or oppose editorially, any candidate for nomination or election, or any political party, or any measure to be submitted to the vote of the people, shall disclose the identity of the person

who made the payment and the amount of the payment in the first sentence of any column that contains such editorial advocacy or opposition.

Following discussion,

The question being on the adoption of Senator Miller's amendment to the bill, and on this question, Senator Miller demanded the yeas and nays

The roll being taken, the yeas were: Beach, Facemire, Jeffries, Maroney, Miller, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Stollings, Unger and Woelfel—14.

The nays were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maynard, Mullins, Smith, Swope, Sypolt, Takubo, Trump, Weld and Carmichael (Mr. President)—20.

Absent: None.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Miller's amendments to the bill rejected.

There being no further amendments offered,

The bill, as amended by Senator Palumbo on Saturday, March 25, 2017, and as amended by Senator Miller today, Monday, March 27, 2017, was ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 539 was then read a third time and put upon its passage.

(Senator Sypolt in the Chair.)

Pending discussion,

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

The question being "Shall Engrossed Committee Substitute for Senate Bill 539 pass?"

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Mann, Maynard, Mullins, Rucker, Smith, Swope, Sypolt, Takubo, Trump, Weld and Carmichael (Mr. President)—21.

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

Absent: Maroney—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. 539) 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 566, Claims against state.

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, 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: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 566) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, 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: None.

Absent: Maroney—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 566) takes effect from passage.

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

Com. Sub. for Senate Bill 576, Providing exception to waste for certain oil and gas development.

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 Senate Bill 586, Changing fees for custom slaughters from annual to triennial.

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 586 pass?”

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

The nays were: Azinger—1.

Absent: Maroney—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. 586) passed with its title.

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

Senator Plymale requested unanimous consent that the remarks by Senator Romano regarding the passage of Engrossed Committee Substitute for Senate Bill 586 be ordered printed in the Appendix to the Journal.

Which consent was not granted, Senator Romano objecting.

Eng. Senate Bill 614, Relating to expansion of broadband service.

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 614 pass?”

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 614) 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 628, Relating to providing funding for Statewide Interoperable Radio Network.

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. 628) passed with its title.

Senator Ferns moved that the bill take effect July 1, 2017.

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 628) takes effect July 1, 2017.

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 631, Prosecuting violations of municipal building code.

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 631 pass?”

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Mann, Maroney, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—31.

The nays were: Karnes, Maynard and Rucker—3.

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. 631) 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 671, Relating to WV Anatomical Board.

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. 671) 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 685, Creating a one-day special license for charitable events sell nonintoxicating beer.

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. 685) 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 Joint Resolution 10, Eliminating Office of Surveyor of Lands Amendment.

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

Pending discussion,

Senator Boso moved to table the resolution.

Which motion, the President ruled out of order as Senator Sypolt had the floor.

Pending discussion,

Senator Boso moved to table the resolution.

The question being on the adoption of Senator Boso's aforestated motion, the same was put and prevailed and the resolution (Eng. S. J. R. 10) was laid upon the table

Eng. Com. Sub. for House Bill 2001, Relating to ethics and transparency in government.

On third reading, coming up in regular order, with the unreported Judiciary committee amendment pending, and with the right having been granted on Saturday, March 25, 2017, for further amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect and with the unreported Judiciary committee amendment pending.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, the Senate recessed until 7:30 p.m. tonight.

Night Session

Upon expiration of the recess, the Senate reconvened and proceeded to the ninth order of business.

Com. Sub. for Com. Sub. for Senate Bill 60, Relating to eligibility and fraud requirements for public assistance.

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

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

On page thirteen, section twelve, line seven, by striking out the words "retail liquor stores,";

On page thirteen, section twelve, line eight, by striking out the words "jewelry stores,";

And,

On page thirteen, section twelve, line nine, by striking out the words "tobacco paraphernalia stores,".

On motion of Senator Facemire, the following amendments to bill (Com. Sub. for Com. Sub. for S. B. 60) were next reported by the Clerk and considered simultaneously:

On page two, section one, lines four through twelve, by striking out all of subdivision (2);

And by renumbering the remaining subdivisions;

On pages four through six, lines one through fifty-three, by striking out all of section three;

And,

By renumbering the remaining sections.

Following discussion,

The question being on the adoption of Senator Facemire's amendments to the bill, the same was put and did not prevail.

On motion of Senator Palumbo, the following amendments to the bill (Com. Sub. for Com. Sub. for S. B. 60) were next reported by the Clerk and considered simultaneously:

On page eleven, section nine, line eleven, by striking out the word “may” and inserting in lieu thereof the word “shall”;

On page thirteen, section twelve, line twenty, after the word “offense,” by inserting the words “for up to one year following the second offense,”;

And,

On page thirteen, section twelve, line twenty-one, by striking out the word “second” and inserting in lieu thereof the word “third”.

Following discussion,

The question being on the adoption of Senator Palumbo’s amendments to the bill, the same was put and prevailed.

The bill (Com. Sub. for Com. Sub. for S. B. 60), as amended by Senators Gaunch and Palumbo, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 217, Relating to disclaimers of warranties regarding used manufactured homes.

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 281, Increasing number of limited video lottery machines allowed at retail location.

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 376, Relating generally to Sex Offender Registration Act.

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

Senate Bill 401, Allowing county board of education base employment decisions on individual’s qualifications.

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

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

On page one, section seven-a, line two, by striking out the words “transfers, reassignments, reductions in classroom teaching positions and reductions in force”;

On page one, section seven-a, lines six through eight, by striking out the comma and the words “transfers, reassignments, reducing the number of professional personnel, reductions in classroom teaching positions and reductions in force”;

On page four, section seven-a, line seventy-seven, after the word “qualifications” by striking out the remainder of the subsection and inserting in lieu thereof the following: as set forth in a county board policy. Furthermore, for the purposes of this subsection and subsections (k) through (s) of this section, the word “qualifications” means the qualifications as set forth in county board policy and only means qualifications set forth in subsection (b) to the extent those qualifications are set forth in county board policy.;

On page four, section seven-a, line eighty, by striking out the words “subsection (b) of this section” and inserting in lieu thereof the words “county board policy”;

On page five, section seven-a, line one hundred sixteen, by striking out the word “shall” and inserting in lieu thereof the word “may”;

On page five, section seven-a, line one hundred seventeen, after the word “level” by striking out the remainder of the subsection and inserting in lieu thereof the following: certification, licensure or both, along with the days in the period of employment.;

On pages six, section seven-a, line one hundred twenty, by striking out the words “subsection (b) of this section” and inserting in lieu thereof the words “county board policy”;

On page six, section seven-a, lines one hundred twenty-seven through one hundred thirty-three, by striking out all of subsection (n) and inserting in lieu thereof a new subsection, designated subsection (n), to read as follows:

(n) The board shall annually notify professional personnel on the preferred list of job application procedures and any websites used to advertise vacancies. The notice shall be sent by certified U. S. postal mail to the last known address of the employee, and it shall be the duty of each professional person to notify the board of continued availability annually of any change in address, or of any change in certification, licensure or both.;

On page six, section seven-a, line one hundred thirty-eight, by striking out the word “post” and inserting in lieu thereof the word “repost”;

On page six, section seven-a, line one hundred thirty-nine, by striking out the words “one additional time”;

On page six, section seven-a, line one hundred forty, by striking out the words “only if fewer than three individuals apply during the first posting”;

On page six, section seven-a, line one hundred forty-three, after the word “days” by inserting the words, “which may include any website maintained by the county board”;

On page seven, section seven-a, line one hundred sixty-nine, by striking out the words “subsection (b) of this section” and inserting in lieu thereof the words “county board policy”;

On page eight, section seven-a, line one hundred seventy-four, by striking out the word “most” and inserting in lieu thereof the word “least”;

On page eight, section seven-a, line one hundred seventy-six, by striking out the word “most” and inserting in lieu thereof the word “least”;

On page eight, section seven-a, lines one hundred eight-five through one hundred eighty-seven, by striking out all of subsection (s);

And,

By relettering the remaining subsection.

Following discussion

The question being on the adoption of Senator Gaunch's amendments to the bill, the same was put and prevailed.

The bill (S. B. 401), as amended, was then ordered to engrossment and third reading.

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

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

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

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

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

On page one, section two, line thirteen, after the word "program" by striking out the comma and the words "but shall not be included in expenditure limits provided by subsection (b) of this section"

The bill (S. B. 417), as amended, was then ordered to engrossment and third reading.

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

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 484, Relating generally to taxation.

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

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

Senate Bill 578, Relating generally to copies of health care records furnished to patients.

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 601, Relating to requirements for making consumer loans.

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

Senate Bill 621, Providing certain rules inapplicable after county board of education notifies state board of possible closing or consolidations.

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 630, Establishing Accessibility and Equity in Public Education Enhancement Act.

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 634, Relating generally to certain agreements between DHHR and two largest state universities.

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

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

On page one, section nine-a, line two, after the words "West Virginia University" by inserting a comma and the words "West Virginia School of Osteopathic Medicine".

The bill (Com. Sub. for S. B. 634), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 647, Relating generally to additional county excise taxes on real property transfer.

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

At the request of Senator Ferns, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

Senate Bill 686, Exempting facilities governed by DHHR that provide direct patient care.

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

Eng. Com. Sub. for House Bill 2506, Relating to the permit limit calculations and allowing overlapping mixing zones for calculating permit limits for drinking water criteria.

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

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

On page two, section seven-b, line twenty-four, after the word “flow” by inserting the words “for known or suspected carcinogens”.

Following extended discussion,

The question being on the adoption of Senator Miller’s amendment to the bill, and on this question, Senator Miller demanded the yeas and nays.

The roll being taken, the yeas were: Facemire, Jeffries, Mann, Miller, Ojeda, Palumbo, Prezioso, Romano, Takubo, Unger and Woelfel—11.

The nays were: Azinger, Blair, Boley, Boso, Clements, Cline, Ferns, Gaunch, Hall, Karnes, Maynard, Plymale, Rucker, Smith, Swope, Sypolt, Trump and Carmichael (Mr. President)—18.

Absent: Beach, Maroney, Mullins, Stollings and Weld—5.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Miller’s amendment to the bill rejected.

On motion of Senator Romano, the following amendments to the bill (Eng. Com. Sub. for H. B. 2506) were next reported by the Clerk and considered simultaneously:

On page two, section seven-b, line twenty-seven, after the word “may” by inserting the word “not”;

And,

On page two, section seven-b, line twenty-seven, after the word “overlap” by inserting the words “except for the specific purpose of redeveloping brownfield sites, as defined in section two, article twenty-two of this chapter”.

Following discussion,

The question being on the adoption of Senator Romano’s amendments to the bill, the same was put and did not prevail.

The bill (Eng. Com. Sub. for H. B. 2506) was then ordered to third reading.

Eng. House Bill 2774, Defining special aircraft property.

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

Eng. Com. Sub. for House Bill 2868, Relating generally to Uniform Unclaimed Property Act.

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

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

By striking out everything after the enacting section and inserting in lieu thereof the following:

ARTICLE 8. UNIFORM UNCLAIMED PROPERTY ACT**§36-8-2. PRESUMPTIONS OF ABANDONMENT.**

(a) Property is presumed abandoned if it is unclaimed by the apparent owner during the time set forth below for the particular property:

(1) Traveler's check, fifteen years after issuance;

(2) Money order, seven years after issuance;

(3) Stock or other equity interest in a business association or financial organization, including a security entitlement under article eight of the uniform commercial code, five years after the earlier of: (i) The date of the most recent dividend, stock split or other distribution unclaimed by the apparent owner; or (ii) the date of the second mailing of a statement of account or other notification or communication that was returned as undeliverable or after the holder discontinued mailings, notifications or communications to the apparent owner;

(4) Debt of a business association or financial organization, other than a bearer bond or an original issue discount bond, five years after the date of the most recent interest payment unclaimed by the apparent owner;

(5) A noninterest bearing demand, savings or time deposit, including a deposit that is automatically renewable, five years after the earlier of maturity or the date of the last indication by the owner of interest in the property; an interest-bearing demand, savings or time deposit including a deposit that is automatically renewable, seven years after the earlier of maturity or the date of the last indication by the owner of interest in the property. A deposit that is automatically renewable is deemed matured for purposes of this section upon its initial date of maturity, unless the owner has consented to a renewal at or about the time of the renewal and the consent is in writing or is evidenced by a memorandum or other record on file with the holder;

(6) Money or credits owed to a customer as a result of a retail business transaction, three years after the obligation accrued;

(7) Gift certificate, three years after December 31, of the year in which the certificate was sold, but if redeemable in merchandise only, the amount abandoned is deemed to be sixty percent of the certificate's face value;

(8) Amount owed by an insurer on a life or endowment insurance policy or an annuity that has matured or terminated, three years after the obligation to pay arose or, in the case of a policy or annuity payable upon proof of death, three years after the insured has attained, or would have attained if living, the limiting age under the mortality table on which the reserve is based: Provided, That the obligations set forth in this subdivision and the application of subsection (e) of this section relating to this subdivision are guided by policies, requirements and interpretations of the Insurance Commissioner pursuant to article thirteen-d, chapter thirty-three of this code, the Unclaimed Life Insurance Benefits Act: *Provided, however,* That proceeds paid by an insurer to the beneficiary with applicable interest are not presumed to have been abandoned prior to the insurer's compliance with section two of said article. The insurer shall remit any unpaid proceeds to the Unclaimed Property Fund in accordance with subsection (i) of said section: *Provided further,* That with respect to the amendments to this subsection passed in 2017, such

amendments shall not have any force or effect, whatsoever, on any litigation pending prior to the effective date of the amendments;

(9) Property distributable by a business association or financial organization in a course of dissolution, one year after the property becomes distributable;

(10) Property received by a court as proceeds of a class action, and not distributed pursuant to the judgment, one year after the distribution date;

(11) Property held by a court, government, governmental subdivision, agency or instrumentality, one year after the property becomes distributable;

(12) Wages or other compensation for personal services, one year after the compensation becomes payable;

(13) Deposit or refund owed to a subscriber by a utility, two years after the deposit or refund becomes payable;

(14) Property in an individual retirement account, defined benefit plan or other account or plan that is qualified for tax deferral under the income tax laws of the United States, three years after the earliest of the date of the distribution or attempted distribution of the property, the date of the required distribution as stated in the plan or trust agreement governing the plan, or the date, if determinable by the holder, specified in the income tax laws of the United States by which distribution of the property must begin in order to avoid a tax penalty;

(15) Warrants for payment issued by the State of West Virginia which have not been presented for payment, within six months of the date of issuance;

(16) All funds held by a fiduciary, including the state Municipal Bond Commission, for the payment of a note, bond, debenture or other evidence of indebtedness, five years after the principal maturity date, or if such note, bond, debenture or evidence of indebtedness is called for redemption on an earlier date, then the redemption date, such premium or redemption date to also be applicable to all interest and premium, if any, attributable to such note, bond, debenture or other evidence of indebtedness; and

(17) All other property, five years after the owner's right to demand the property or after the obligation to pay or distribute the property arises, whichever first occurs.

(b) At the time that an interest is presumed abandoned under subsection (a) of this section, any other property right accrued or accruing to the owner as a result of the interest, and not previously presumed abandoned, is also presumed abandoned.

(c) Property is unclaimed if, for the applicable period set forth in subsection (a) of this section, the apparent owner has not communicated in writing or by other means reflected in a contemporaneous record prepared by or on behalf of the holder, with the holder concerning the property or the account in which the property is held, and has not otherwise indicated an interest in the property. A communication with an owner by a person other than the holder or its representative who has not in writing identified the property to the owner is not an indication of interest in the property by the owner.

(d) An indication of an owner's interest in property includes:

(1) The presentment of a check or other instrument of payment of a dividend or other distribution made with respect to an account or underlying stock or other interest in a business association or financial organization or, in the case of a distribution made by electronic or similar means, evidence that the distribution has been received;

(2) Owner-directed activity in the account in which the property is held, including a direction by the owner to increase, decrease or change the amount or type of property held in the account;

(3) The making of a deposit to or withdrawal from a bank account; and

(4) The payment of a premium with respect to a property interest in an insurance policy; but the application of an automatic premium loan provision or other nonforfeiture provision contained in an insurance policy does not prevent a policy from maturing or terminating if the insured has died or the insured or the beneficiary of the policy has otherwise become entitled to the proceeds before the depletion of the cash surrender value of a policy by the application of those provisions.

(e) Property is payable or distributable for purposes of this article notwithstanding the owner's failure to make demand or present an instrument or document otherwise required to obtain payment.

The bill (Eng. Com. Sub. for H. B. 2868), as amended, was then ordered to 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 Com. Sub. for Senate Bill 38, Creating 5-year tax credit for new businesses locating on post-mine sites.

Com. Sub. for Senate Bill 57, Continuing personal income tax adjustment for certain retirees.

Com. Sub. for Senate Bill 238, Increasing tax credits allowed for rehabilitation of certified historic structures.

Senate Bill 294, Relating to Community Sustainability Investment Pilot Program.

Com. Sub. for Com. Sub. for Senate Bill 333, Requiring all DHHR-licensed facilities access WV Controlled Substances Monitoring Program Database.

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

Com. Sub. for Senate Bill 406, Relating to generic drug products.

Com. Sub. for Com. Sub. for Senate Bill 501, Relating to WV Economic Development Authority.

Com. Sub. for Senate Bill 515, Relating to parole requirements for hearings and release.

Com. Sub. for Com. Sub. for Senate Bill 521, Relating generally to Public Defender Services.

Com. Sub. for Senate Bill 534, Relating to incentives for consolidating local governments.

Com. Sub. for Senate Bill 588, Relating to reproduction, distribution and sale of tax maps.

Com. Sub. for Senate Bill 606, Relating to minimum wage and maximum hours for employees.

Com. Sub. for Senate Bill 637, Relating to private club operations requirements.

Senate Bill 667, Limiting authority of Attorney General to disclose certain information provided by Tax Commissioner.

Senate Bill 687, Relating generally to coal mining, safety and environmental protection.

Senate Bill 688, Correcting technical error within Solid Waste Management Act.

Senate Bill 689, Relating to payment of small claims by DOH.

And,

Senate Bill 690, Authorizing WV State Police impose and collect fees for agencies and entities using their facilities.

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

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

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

Your Committee on Finance has had under consideration

Senate Bill 293, Providing increase in annual salary of employees in Division of Corrections.

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

Respectfully submitted,

Mike Hall,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (S. B. 293) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

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 375, Relating to rate and measure of severance taxes on certain natural resources.

Now on second reading, having been read a first time and referred to the Committee on Finance on March 25, 2017;

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

Com. Sub. for Senate Bill 369, Permitting surface owners purchase mineral interests when interest becomes tax lien.

And has amended same.

Now on second reading, having been read a first time and referred to the Committee on the Judiciary on March 25, 2017;

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

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 409 (originating in the Select Committee on Tax Reform), Relating generally to 2017 Tax Reform Act.

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

Com. Sub. for Com. Sub. for Senate Bill 409 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by repealing §11-8-6e; to amend said code by amending and reenacting §11-8-6f; to amend said code by repealing §11-8-6g; to amend said code by adding thereto a new section, designated §11-13A-26; to amend said code by amending and reenacting §11-15-3, §11-15-3a, §11-15-8, §11-15-9, §11-15A-2; to amend said code by adding thereto a new section, designated §11-21-4g; all relating generally to the 2017 Tax Reform Act; to the repeal of certain procedures relating to increased tax assessments; to the prospective balancing of the rate of the severance tax on the production of coal; to the increase of the rate of the consumers sales and service tax; to the elimination of certain exemptions from

the consumers sales and service tax; to the increase of the rate of the use tax; to the reduction of the rate of the personal income tax and establishing effective dates with respect thereto.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Mike Hall,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. 409) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

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 563, Relating to Consumer Credit and Protection Act.

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

Com. Sub. for Senate Bill 563 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §46A-2-105, §46A-2-122, §46A-2-128, §46A-5-101, §46A-5-102 and §46A-8-101 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §46A-2-140 and §46A-5-108; all relating to the Consumer Credit and Protection Act; modifying requirements for contracts allowing for balloon payments; establishing that agreements allowing for balloon payments shall contain certain language in form and substance substantially similar to existing requirements; modifying and clarifying definitions; excluding attorneys from the definition of “debt collector” under certain circumstances; changing the time period where direct contact with a consumer must cease after receipt of notice of representation from seventy-two hours to three business days; establishing means of notice to a debt collector of a consumer’s representation by legal counsel; requiring notice of representation to a debt collector be sent by certified mail, return receipt requested; establishing that contents of a pleading do not provide the basis for a claim of a violation of the Consumer Credit and Protection Act under certain circumstances; establishing exceptions for when a pleading may form the basis of a claim under the Consumer Credit Protection Act; providing for statutes of limitation in foreclosure matters; providing that counterclaims asserted under the article are subject to the appropriate statute of limitations; adopting a right to cure under articles two, three, four and five of this chapter; establishing procedures and remedies for the right to cure; addressing awards of attorney’s fees in certain circumstances involving the right to cure; and providing for applicability and effective dates of these amendments to the Consumer Credit Protection Act.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 563) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

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

And has amended same.

Now on second reading, having been read a first time and rereferred to the Committee on the Judiciary on March 27, 2017;

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

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 609, Creating additional flexibility for school systems in use of school aid funds.

And has amended same.

Now on second reading, having been read a first time and referred to the Committee on Finance on March 24, 2017;

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

Respectfully submitted,

Mike Hall,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (Com. Sub. for S. B. 609) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a second time and ordered to engrossment and third reading.

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

Your Committee on Finance has had under consideration

Senate Bill 692 (originating in the Committee on Finance)—A Bill to amend and reenact §11-1C-11 of the Code of West Virginia, 1931, as amended, relating to authorizing a fee to be imposed and collected on managed timberland and timberland or farm woodlot; establishing a new special revenue account, designated the Volunteer and Part-Volunteer Fire Departments Fee Fund; providing that the fees collected be deposited into the Volunteer and Part-Volunteer Fire Departments Fee Fund; providing that an amount in the Fund be deposited into the Volunteer Fire Department Workers' Compensation Subsidy Program; providing that the remaining balance in the Fund be distributed among the volunteer fire departments in the counties of West Virginia; and authorizing the Tax Commissioner to promulgate rules.

And reports the same back without recommendation as to passage.

Respectfully submitted,

Mike Hall,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (S. B. 692) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time and ordered to second reading.

On motion of Senator Hall, the bill was rereferred 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

Senate Bill 693 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §44-5B-1, §44-5B-2, §44-5B-3, §44-5B-4, §44-5B-5, §44-5B-6, §44-5B-7, §44-5B-8, §44-5B-9, §44-5B-10, §44-5B-11, §44-5B-12, §44-5B-13, §44-5B-14, §44-5B-15, §44-5B-16, §44-5B-17, §44-5B-18 and §44-5B-19, all relating to the West Virginia Uniform Fiduciary Access to Digital Assets Act; providing a short title; defining certain terms; setting forth to whom the article applies; providing for user direction for disclosure of assets; addressing terms of service agreements; setting forth procedure for disclosing digital assets; providing for disclosure of content of electronic communications and other digital assets of deceased users; providing for disclosure of content of electronic communications of a principal; addressing disclosure of digital assets of a principal; addressing disclosure of digital assets held in trust when the trustee is an original owner or user; addressing disclosure of digital assets held in trust when trustee is not an original owner or user; addressing disclosure of digital assets to conservator of a protected person; setting forth fiduciary's duties and authority; providing for custodian's compliance and immunity; providing for uniformity of application and construction of article; addressing relation of article to Electronic Signatures in Global and National Commerce Act; providing for severability of article; and setting date when article takes effect.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the bill (S. B. 693) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time and ordered to second reading.

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

Now on second reading, having been read a first time and referred to the Committee on Finance on March 25, 2017;

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Mike Hall,
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

Eng. Com. Sub. for House Bill 2459, Relating to regulation of health care and the certificate of need process.

And has amended same.

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

Respectfully submitted,

Tom Takubo,
Chair.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2679, Relating to the possession of firearms in parks and park facilities.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Ojeda.

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

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Tuesday, March 28, 2017, at 11 a.m.

SENATE CALENDAR

Tuesday, March 28, 2017
11:00 AM

THIRD READING

- Eng. Com. Sub. for Com. Sub. for S. B. 60 - Relating to eligibility and fraud requirements for public assistance (original similar to HB2741)
- Eng. Com. Sub. for S. B. 74 - Allowing fire departments to charge fees for service calls (original similar to HB2638)
- Eng. Com. Sub. for S. B. 217 - Relating to disclaimers of warranties regarding used manufactured homes (original similar to HB2464, HB2578, SB216)
- Eng. Com. Sub. for Com. Sub. for S. B. 281 - Increasing number of limited video lottery machines allowed at retail location
- Eng. Com. Sub. for S. B. 376 - Relating generally to Sex Offender Registration Act (original similar to HB2915)
- Eng. S. B. 401 - Allowing county board of education base employment decisions on individual's qualifications
- Eng. S. B. 416 - Relating to Public-Private Transportation Facilities Act (original similar to HB2721)
- Eng. S. B. 417 - Removing financial limitations on number of design-build projects undertaken by DOH (original similar to HB2722)
- Eng. S. B. 421 - Increasing amount of authorized federal Grant Anticipation Notes for which DOH may apply (original similar to HB2878)
- Eng. S. B. 504 - Defining "special aircraft property"
- Eng. Com. Sub. for S. B. 576 - Providing exception to waste for certain oil and gas development (With right to amend) (original similar to HB3094)
- Eng. S. B. 578 - Relating generally to copies of health care records furnished to patients
- Eng. Com. Sub. for Com. Sub. for S. B. 601 - Relating to requirements for making consumer loans
- Eng. S. B. 621 - Providing certain rules inapplicable after county board of education notifies state board of possible closing or consolidations
- Eng. Com. Sub. for S. B. 630 - Establishing Accessibility and Equity in Public Education Enhancement Act
- Eng. Com. Sub. for S. B. 634 - Relating generally to certain agreements between DHHR and state's medical schools

Com. Sub. for S. B. 647 -	Relating generally to additional county excise taxes on real property transfer - (With right to amend) (original similar to HB2461, SB433)
Eng. S. B. 686 -	Exempting facilities governed by DHHR that provide direct patient care
Eng. Com. Sub. for H. B. 2001 -	Relating to ethics and transparency in government – (With right to amend) (Com. amend. and title amend. pending)
Eng. Com. Sub. for H. B. 2506 -	Relating to the permit limit calculations and allowing overlapping mixing zones for calculating permit limits for drinking water criteria
Eng. H. B. 2774 -	Defining special aircraft property
Eng. Com. Sub. for H. B. 2868 -	Relating generally to Uniform Unclaimed Property Act - (Com. title amend. pending)

SECOND READING

Com. Sub. for Com. Sub. for S. B. 38 -	Creating 5-year tax credit for new businesses locating on post-mine sites
Com. Sub. for S. B. 40 -	Requiring inclusion of protocols for response to after-school emergencies in school crisis response plans
Com. Sub. for S. B. 57 -	Continuing personal income tax adjustment for certain retirees
Com. Sub. for S. B. 238 -	Increasing tax credits allowed for rehabilitation of certified historic structures (original similar to HB2416, SB323)
S. B. 282 -	Directing Office of Administrative Hearings to amend current legislative rule relating to appeal procedures
Com. Sub. for S. B. 286 -	Relating to grandparents' visitation rights (original similar to HB2547)
S. B. 293 -	Providing increase in annual salary of employees in Division of Corrections
S. B. 294 -	Relating to Community Sustainability Investment Pilot Program
Com. Sub. for Com. Sub. for S. B. 333 -	Requiring all DHHR-licensed facilities access WV Controlled Substances Monitoring Program Database
Com. Sub. for Com. Sub. for S. B. 343 -	Relating to transportation network companies
Com. Sub. for S. B. 369 -	Permitting surface owners purchase mineral interests when interest becomes tax lien - (Com. amend. and title amend. pending)
Com. Sub. for S. B. 375 -	Relating to rate and measure of severance taxes on certain natural resources

Com. Sub. for Com. Sub. for S. B. 399 - Prohibiting political subdivisions from enacting local ordinances regulating benefits employers provide to employees

Com. Sub. for S. B. 402 - Relating to covenants not to compete between physicians and hospitals

Com. Sub. for S. B. 406 - Relating to generic drug products

Com. Sub. for Com. Sub. for S. B. 409 - Relating generally to 2017 Tax Reform Act

Com. Sub. for S. B. 446 - Authorizing Governor issue executive orders to furlough state employees (original similar to HB2879)

Com. Sub. for S. B. 465 - Relating to medical professional liability

Com. Sub. for Com. Sub. for S. B. 469 - Prohibiting waste of game animals, birds or fish

Com. Sub. for Com. Sub. for S. B. 482 - Relating generally to WV Parkways Authority (original similar to HB2803)

Com. Sub. for S. B. 484 - Relating generally to taxation (original similar to HB2816)

Com. Sub. for Com. Sub. for S. B. 501 - Relating to WV Economic Development Authority (original similar to HB3086)

Com. Sub. for Com. Sub. for S. B. 507 - Allowing pharmacists inform customers about lower cost alternatives to prescribed drugs

Com. Sub. for S. B. 515 - Relating to parole requirements for hearings and release

Com. Sub. for Com. Sub. for S. B. 521 - Relating generally to Public Defender Services.

Com. Sub. for Com. Sub. for S. B. 526 - Requiring mandatory insurance coverage for inherited enzymatic disorders

Com. Sub. for S. B. 534 - Relating to incentives for consolidating local governments

Com. Sub. for Com. Sub. for S. B. 549 - Allowing individuals at least 21 or older operate or ride motorcycle without helmet - (Com. amend. and title amend. pending)

Com. Sub. for S. B. 563 - Relating to Consumer Credit and Protection Act

Com. Sub. for S. B. 588 - Relating to reproduction, distribution and sale of tax maps

Com. Sub. for S. B. 606 - Relating to minimum wage and maximum hours for employees

Com. Sub. for S. B. 609 - Creating additional flexibility for school systems in use of school aid funds - (Com. amend. and title amend. pending)

S. B. 613 - Relating to composition of State Fire Commission

Com. Sub. for S. B. 636 - Authorizing State Fire Commission establish program to address problems facing VFDs

Com. Sub. for S. B. 637 - Relating to private club operations requirements

Com. Sub. for S. B. 656 -	Relating to Student Data Accessibility, Transparency and Accountability Act
S. B. 664 -	Removing limitation on amount counties collect on hotel occupancy tax
S. B. 667 -	Limiting authority of Attorney General to disclose certain information provided by Tax Commissioner
S. B. 687 -	Relating generally to coal mining, safety and environmental protection (original similar to HB 2506, HB 3029, SB 246, SB 582)
S. B. 688 -	Correcting technical error within Solid Waste Management Act
S. B. 689 -	Relating to payment of small claims by DOH (original similar to HB 2608, HB 2977)
S. B. 690 -	Authorizing WV State Police impose and collect fees for agencies and entities using their facilities (original similar to HB 2149, HB 2316, HB 2507)
S. B. 691 -	All relating to off-road vehicles
S. B. 693 -	Creating WV Uniform Fiduciary Access to Digital Assets Act
Com. Sub. for Com. Sub. for S. J. R. 6 -	Roads to Prosperity Amendment of 2017 (original similar to HJR22)

FIRST READING

Eng. Com. Sub. for H. B. 2459 -	Relating to regulation of health care and the certificate of need process - (Com. amend. pending)
Eng. Com. Sub. for H. B. 2679 -	Relating to the possession of firearms in parks and park facilities - (Com. amend. and title amend. pending)
Eng. Com. Sub. for H. B. 2721 -	Removing the cost limitation on projects completed by the Division of Highways
Eng. Com. Sub. for H. B. 2722 -	Eliminating the financial limitations on utilizing the design-build program for highway construction
Eng. H. B. 3106 -	Relating to increasing the number of limited video lottery terminals

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2017

Tuesday, March 28, 2017

9 a.m.	Judiciary	(Room 208W)
9:30 a.m.	Finance	(Room 451M)
2 p.m.	Education	(Room 451M)