

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE  
REGULAR SESSION, 2017  
SECOND DAY

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Charleston, West Virginia, Thursday, February 9, 2017

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Ford Price, Epworth United Methodist Church, Ripley, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Richard N. Ojeda II, a senator from the seventh district.

Pending the reading of the Journal of Wednesday, February 8, 2017,

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

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

The Clerk presented the following communications from various state agencies as required by the provisions of law:

Accountancy, Board of (§30-1-12)

Architects, Board of (§30-1-12)

Acupuncture, Board of (§30-1-12)

Children's Health Insurance Program (§5-16B-3)

Chiropractic, Board of (§30-1-12)

Counseling, Board of Examiners in (§30-1-12)

Dentistry, Board of (§30-1-12)

Dietitians, Board of Licensed (§30-1-12)

Forestry, Division of

Outdoor Heritage Conservation Fund (§5B-2G-6)

Funeral Service Examiners, Board of (§30-1-12)

Geological and Economic Survey (§29-2-6)

Health and Human Resources, Department of

Youth Services (§49-5B-7)

Juvenile Services, Division of (§49-5-13e)

Landscape Architects, Board of (§30-1-12)

Licensed Practical Nurses, Board of Examiners for (§30-1-12)

Massage Therapy Licensure Board (§30-1-12)

Medical Imaging and Radiation Therapy Technology Board of Examiners (30-1-12)

Natural Resources, Division of (§20-1-7)

Nursing Home Administrators Licensing Board (§30-1-12)

Osteopathic Medicine, Board of (§30-1-12)

Personnel, Division of (§29-6-7)

Physical Therapy, Board of (§30-1-12)

Professional Engineers, Board of Registration for (§30-1-12)

Professional Surveyors, Board of (§30-1-12)

Psychologists, Board of Examiners of (§30-1-12)

Real Estate Appraiser Licensing and Certification Board (§30-1-12)

Respiratory Care, Board of (§30-1-12)

Sanitarians, Board of (§30-1-12)

Senior Services, Bureau of (§16-5P-14)

Social Work, Board of (§30-1-12)

Special Investigations, Commission on (§4-5-2)

Speech-Language Pathology and Audiology, Board of Examiners for (§30-1-12)

State Police

Female/Minority Recruiting Effectiveness (§15-2-7)

Tax Department, State

Alternative-Fuel Motor Vehicle Tax Credit (§11-6D-8)

Veterinary Medicine, Board of (§30-1-12)

Water Development Authority (§22C-1-17)

The Senate proceeded to the sixth order of business.

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

**By Senators Karnes and Maroney:**

**Senate Bill 200**—A Bill to amend and reenact §5-16-2 and §5-16-22 of the Code of West Virginia, 1931, as amended; to amend and reenact §18-7A-3 of said code; to amend and reenact §18-7B-2 of said code; to amend and reenact §18-9A-2 of said code; to amend said code by adding thereto a new section, designated §18-9A-12a; to amend and reenact §18-20-5 of said code; to amend said code by adding thereto a new article, designated §18-33-1, §18-33-2, §18-33-3, §18-33-4, §18-33-5, §18-33-6, §18-33-7, §18-33-8, §18-33-9, §18-33-10, §18-33-11, §18-33-12 and §18-33-13; and to amend and reenact §29-12-5a of said code, all relating to providing for the authorization and oversight of public charter schools; providing for charter school employee participation in public employee insurance and applicable Teachers Retirement System; including charter school students in net enrollment of county; providing calculation of charter school basic foundation program and corresponding reduction in county's basic foundation program; defining "exceptional child with high cost/high acuity special needs"; providing for establishment of method for disbursing state appropriated funds; providing for charter school application for funds; removing certain reports; creating charter school act to establish process for creation; providing for governance and oversight accountability of public charter schools; stating purposes; establishing charter schools as public schools and part of public education system; providing for liberal interpretation; prohibiting conversion of private schools into charter schools under act; prohibiting establishment of charter virtual schools under act; providing general definitions; limiting county board management and control of charter school; prohibiting state board as authorizing authority; defining terms; providing for authorizations, eligibilities, compliances and prohibitions; providing for general supervision by state board for meeting student performance standards required of other public school students; providing powers of public charter schools; establishing processes for determining capacity and enrolling students; prohibiting discrimination in enrollment decisions; providing for credit transfers; authorizing charter student participation in state and school district sponsored interscholastic leagues, competitions, awards, scholarships and recognition programs and specifying parameters; requiring access to, and requiring utilization of, electronic education information system for reporting certain information and subject to student data accessibility, transparency and accountability; providing for certification of charter school enrollment, attendance and program participation to county board and department; providing for distribution of charter school basic foundation program funds and allowing authorizer charge for oversight costs; providing for payment of special education and federal funds to charter schools; requiring charter school submission of budget and sources of funds to state board and requiring public availability; creating public charter school oversight and authorizer board and specifying

mission, agency status and degree of oversight and supervision by state board; providing for appointment of members, qualifications, terms, removal, civil liability and limited scope of acts of ex officio members; requiring appointment of executive director and duties and qualifications; setting forth meetings, expenses, powers and duties of board; requiring annual report to state board and availability to public and Legislature; granting authority to require annual reports from charter schools; establishing limitations on regulation by state board, oversight and authorizer board and county board authorizers; requiring annual request for proposals; providing contents of requests for proposals; providing for application for authorization of public charter school; requiring notice of intent to establish by organizers; requiring timelines for notice and submission of application; providing option for county board to proceed as authorizer or forward application to oversight and authorizer board; establishing process for application review and evaluation; granting period for applicant response to authorizer decision prior to final determination; requiring report of final action; setting forth registration of approved charters by state superintendent; stating effect of approved application; providing authorizer powers and duties respecting charter contracts; providing timelines for execution of charter contract and authorization to appeal to executive director to finalize terms; providing minimum provisions of contract, including performance provisions; prohibiting delegation and assignment of powers; setting forth obligations and responsibilities set forth in charter contract; requiring performance report prior to contract renewal and period to rectify weaknesses; requiring offer of contract application renewal guidance; requiring timelines for submission of renewal application; provisions for authorizer decisions on renewals; permitting authorizer report of renewal decisions; prohibiting contract renewal of school given failing level of accreditation during final operating year; authorizing contract revocation at any time or nonrenewal for certain violations and failures; requiring report of revocation and nonrenewal with statement of reasons; providing for options of county board for disposition of school when contract revoked or not renewed; duties of authorizer when contract revoked or not renewed; establishing supremacy of article when inconsistent with any other laws, rules or regulations; granting authorization for one or more schools under single contract; granting authorization of one or more contracts for single governing board; providing that a public charter school authorized by the authorizer board is a local education agency; providing for county board accreditation accountability for charter school authorized by county board; prohibiting county board requiring employee to be employed in charter school; prohibiting any retaliatory action against district employee involved in application to establish charter school; prohibiting discrimination against charter school in district advertising of educational options; providing for accrual of seniority with the county board of personnel employed in charter school; and authorizing charter school liability coverage through Board of Risk and Insurance Management.

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

**By Senator Blair:**

**Senate Bill 201**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-25, relating to the potential sale, renovation or leasing of certain state-owned health care facilities; requiring the Secretary of the Department of Health and Human Resources to employ a consultant to study the potential sale, renovation or lease of those facilities; requiring the study be submitted to the Governor and Joint Committee on Government and Finance by November 30, 2017; identifying the minimum contents of the study; exempting the hiring of the consultant from certain purchasing requirements; requiring the secretary to update the Joint Committee on Government and Finance regarding the selection of the consultant; requiring the Director of the Division of Personnel to assist the secretary to develop a strategy related to the employees of the facilities subject of the study; creating a special revenue account to be known as the Health Care Facilities Liquidation Fund; requiring the secretary to prepare an accounting of all assets; providing that expenditures from the fund are not authorized

from collections deposited in the fund but are to be made only in accordance with appropriation by the Legislature; and prohibiting the secretary from acting pursuant to the study and any resultant plan without authorization from the Legislature.

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

**By Senators Weld and Trump:**

**Senate Bill 202**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §47-26-2a, relating to the pawn of gift cards; defining “gift card”; and limiting the purchase, pawn, receipt, sale or exchange of a gift card with a pawnbroker.

Referred to the Committee on the Judiciary.

**By Senators Boso and Blair:**

**Senate Bill 203**—A Bill to amend and reenact §5A-3B-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-5-9a of said code, all relating to defining “professional services” with respect to energy saving contracts.

Referred to the Committee on Government Organization.

**By Senators Boso, Blair and Facemire:**

**Senate Bill 204**—A Bill to amend and reenact §5-1-22 of the Code of West Virginia, 1931, as amended, relating to filling vacancies in offices by appointment of the Governor; and requiring that persons appointed to fill a vacancy have the same qualifications for the vacated office and receive same compensation and expenses for the office otherwise provided by law.

Referred to the Committee on Government Organization.

**By Senators Azinger, Boley, Boso, Ferns and Blair:**

**Senate Bill 205**—A Bill to amend and reenact §6-3-3 of the Code of West Virginia, 1931, as amended, relating to deputy officers and providing that when there is a death, conviction or impeachment, failure to qualify, resignation or other disability of any principal officer a deputy shall continue to discharge the duties of the principal until a successor is elected or appointed; and making technical changes.

Referred to the Committee on Government Organization.

**By Senator Weld:**

**Senate Bill 206**—A Bill to amend and reenact §61-2-14a of the Code of West Virginia, 1931, as amended, relating to the criminal offense of kidnapping; making unlawful the taking or gaining custody of, confining or concealing another person by force or threat of force, or by duress, fraud, deceit, misrepresentation or enticement; and providing penalties.

Referred to the Committee on the Judiciary.

**By Senators Weld and Maroney:**

**Senate Bill 207**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-16-1, §62-16-2, §62-16-3, §62-16-4, §62-16-5, §62-16-6, §62-16-7, §62-16-8, §62-16-9, §62-16-10, §62-16-11, §62-16-12 and §62-16-13, all relating to establishing a Mental Health and Military Service Member Court program within Supreme Court

of Appeals; defining terms; granting authority to oversee court to Administrator of Supreme Court of Appeals; setting forth structure of court; providing for written agreement to participate in court; setting forth incentives for successful participation; providing for sanctions for violation of provisions of court; setting out disposition on successful completion; providing for teams to function within court; setting forth eligibility requirements for participation; setting forth procedure to participate in court; allowing for mental health and drug treatment services for participants; providing for governance of court by Supreme Court of Appeals; setting forth information to be maintained on participants; providing for funding mechanisms which may include court fees; and providing for limitation of liability.

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

**By Senator Weld:**

**Senate Bill 208**—A Bill to amend and reenact §17C-4-1 of the Code of West Virginia, 1931, as amended, relating to modifying the crime of fleeing the scene of an accident involving injuries; and increasing criminal penalties.

Referred to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 209**—A Bill to amend and reenact §59-1-2a of the Code of West Virginia, 1931, as amended, relating to defining the term “veteran” as that term pertains to veteran-owned businesses.

Referred to the Committee on Military; and then to the Committee on Government Organization.

**By Senators Boso, Rucker and Unger:**

**Senate Bill 210**—A Bill to amend and reenact §7-20-1, §7-20-2, §7-20-3, §7-20-6, §7-20-7, §7-20-7a, §7-20-14, §7-20-15, §7-20-16, §7-20-23 and §7-20-24 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto twenty-seven new sections, designated §7-20-25, §7-20-26, §7-20-27, §7-20-28, §7-20-29, §7-20-30, §7-20-31, §7-20-32, §7-20-33, §7-20-34, §7-20-35, §7-20-36, §7-20-37, §7-20-38, §7-20-39, §7-20-40, §7-20-41, §7-20-42, §7-20-43, §7-20-44, §7-20-45, §7-20-46, §7-20-47, §7-20-48, §7-20-49, §7-20-50 and §7-20-51; and to amend said code by adding thereto a new section, designated §31-15-16d, all relating generally to County Local Powers Act; fees, taxes and expenditures for county development; restating short title; amending its purpose and legislative findings; amending certain definitions and adding definitions; amending criteria and requirements to implement and collect certain fees; amending authorization for county commissions to impose impact fees, services fees and other taxes; providing that certain fees and taxes collected may be deposited in special fund and used to pay debt service on revenue bonds issued to finance capital improvements or to finance them on a pay-as-you-go basis; making technical corrections; allowing county commissions and Commissioner of Highways to enter into intergovernmental agreements for construction and modernization of state roads, bridges and related infrastructure and financing in their respective counties; providing procedures for creation and finalization or project plans and amendments of plans; requiring notice to certain locally elected public officials and general public on proposed road, bridge and related infrastructure construction projects and project amendments with opportunity for public comment; providing means to finance cost of proposed road, bridge and related infrastructure construction projects and project amendments; allowing reallocation of ad valorem property taxes after ratification of constitutional amendment of certain property tax collections to finance, in whole or in part, capital improvements to infrastructure; providing for

applications for a construction project and the contents of applications; providing rule-making authority; creating special fund; requiring approval of boards of education for reallocation of regular property tax levies; providing for termination of reallocation of levies; authorizing West Virginia Economic Development Authority to issue revenue bonds and refunding bonds to finance road, bridge and related infrastructure projects financed, in whole or in part, by county commissions; providing that all bonds are exempt from tax, are negotiable and are lawful investments; providing procedures for issuance of bonds; allowing projects to also be constructed on a pay-as-you-go basis; providing that these powers are supplemental powers of county commissions, Commissioner of Highways and West Virginia Economic Development Authority; requiring reports; exempting public officials from personal liability; providing a severability clause; effective dates; and generally directing how the West Virginia Economic Development Authority implements and manages bonds issued for road, bridge and related infrastructure projects.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

**By Senators Trump, Blair and Maroney:**

**Senate Bill 211**—A Bill to amend and reenact §7-11-5 of the Code of West Virginia, 1931, as amended, relating generally to rules and regulations for county parks, recreational properties and facilities; prohibiting county parks and recreation commissions from promulgating or enforcing rules and regulations that prohibit possession of firearms; and providing magistrate courts with concurrent jurisdiction to determine misdemeanor violations of the rules and regulations.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

**By Senators Trump, Blair and Maroney:**

**Senate Bill 212**—A Bill to amend and reenact §17C-5-2, §17C-5-2b, §17C-5-4 and §17C-5-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §17C-5A-1, §17C-5A-1a and §17C-5A-3 of said code; to amend said code by adding thereto two new sections, designated §17C-5A-1b and §17C-5A-1c; and to amend said code by adding thereto a new section, designated §17C-5C-6, all relating generally to the procedures for drivers' license suspensions and revocations for driving under the influence of alcohol, controlled substances or drugs; transferring authority for hearing matters related to suspensions or revocations of drivers' license for operating a motor vehicle while under the influence of alcohol, controlled substances or drugs from the Office of Administrative Hearings to magistrate courts; granting authority to magistrate courts to suspend or revoke driver's licenses in such cases; establishing mandatory revocation periods for individuals convicted of driving under the influence; authorizing alternate revocation period involving participation in motor vehicle alcohol test and lock period for certain first offenses; establishing mandatory revocation periods for individuals upon subsequent convictions for driving under the influence; requiring individuals whose driver's licenses have been revoked upon conviction for driving under the influence to complete comprehensive safety and treatment program; making individuals who are found guilty of driving under the influence ineligible for deferral of further proceedings upon condition of participation in Motor Vehicle Alcohol Test and Lock Program; making individuals who refuse to submit to a secondary chemical test ineligible for deferral of further proceedings upon condition of participation in Motor Vehicle Alcohol Test and Lock Program; prohibiting secondary test of blood without issuance of warrant signed by a magistrate or circuit judge; requiring that individual arrested for driving under the influence be advised orally of certain consequences for refusal to submit to secondary chemical test; requiring that individual arrested for driving under the influence be given written statement informing the individuals of legal consequences of taking or refusing to take a preliminary breath

test and informing the individual of right to receive secondary blood test; requiring that officer give second oral warning fifteen minutes after first warning given and before refusal is considered final; requiring that, following an individual's refusal to take a preliminary breath test, an arresting officer execute a signed statement that the officer administered all required warnings; directing officer to submit copy of written statement to court having jurisdiction over charges filed against the individual; eliminating all statutory provisions authorizing or requiring the Commissioner of the Division of Motor Vehicles to take administrative action upon an individual's driver's license on the basis of a driving under the influence arrest; limiting administrative jurisdiction of Division of Motor Vehicles and Office of Administrative Hearings to offenses occurring on or before June 30, 2017; providing that administrative hearings relating to refusal to undergo a secondary chemical test does not apply to offenses occurring on or after July 1, 2017; eliminating requirement for an order entered by the Division of Motor Vehicles revoking a driver's license to advise of procedures for requesting administrative hearing when the offense is driving under the influence; limiting the right of individuals to challenge suspension or revocation of driver's licenses to the issue of mistaken identity; requiring the commissioner to take corrective action if a driver's license is incorrectly suspended or revoked based on mistaken identity; providing that plea of no contest constitutes a conviction; requiring pretrial suspension of driver's licenses if individual refuses to submit to secondary chemical test; permitting pretrial suspension of driver's license by court under certain circumstances; establishing right to request and receive judicial review of suspension orders pending criminal proceedings; establishing the scope of review for judicial review of pretrial driver's license suspension for refusal to submit to secondary chemical test; requiring the clerk of a court to transmit a copy of an order suspending or revoking a driver's license to the Division of Motor Vehicles; providing terms and length of pretrial license suspension; giving person's convicted of driving under the influence credit for pretrial suspension time against period of revocation imposed; making persons convicted of driving under the influence eligible for participation in comprehensive safety and treatment program and related reductions in length of revocation for successful completion thereof; establishing procedures and timeline for the Division of Motor Vehicles to transfer jurisdiction of driver's license suspension and revocation to the courts; and making technical corrections.

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 213**—A Bill to amend and reenact §15-2-25 of the Code of West Virginia, 1931, as amended, relating to requiring West Virginia State Police disciplinary records be retained in perpetuity; and requiring rulemaking.

Referred to the Committee on Government Organization.

**By Senator Trump:**

**Senate Bill 214**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §39-6-1, §39-6-2, §39-6-3, §39-6-4, §39-6-5, §39-6-6, §39-6-7, §39-6-8, §39-6-9, §39-6-10 and §39-6-11, all relating to adopting the Uniform Electronic Legal Material Act; providing a short title; definitions; applicability; legal material in official records; authentication of electronic records; effects of authentication, preservation and security of legal material in official electronic record; public access to legal materials in electronic records; standards; uniformity of application and construction; and its effect on the Electronic Signatures in Global and National Commerce Act.

Referred to the Committee on the Judiciary.



**By Senators Trump and Maroney:**

**Senate Bill 215**—A Bill to amend and reenact §16-13A-9 of the Code of West Virginia, 1931, as amended, relating to giving county commissions the authority to amend the proposed rates, fees and charges, in its sole discretion, proposed by public service districts.

Referred to the Committee on Government Organization.

**By Senators Trump and Blair:**

**Senate Bill 216**—A Bill to amend and reenact §46A-6-107 of the Code of West Virginia, 1931, as amended, relating to disclaimers of warranties with respect to goods which are the subject of, or are intended to become the subject of, a consumer transaction; prohibition against exclusion, modification or limitation of any warranty or remedy; waiver of warranty on used motor vehicle as to particular defect or malfunction which dealer has disclosed; conditions permitting as-is sale of used motor vehicle; conspicuous disclosure of as-is sale; as-is sale does not waive express warranties made by dealer; and dealer to conform to federal regulations.

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 217**—A Bill to amend and reenact §46A-6-107 of the Code of West Virginia, 1931, as amended, relating to disclaimers of warranties with respect to goods which are the subject of, or are intended to become the subject of, a consumer transaction; permitting exclusion, modification or limitation of warranty upon sale of a used manufactured home under certain circumstances; permitting consumer to waive a warranty as to a particular defect or malfunction which dealer has disclosed; and setting requirements for waiver to be effective.

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 218**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-14-1, §61-14-2, §61-14-3, §61-14-4 and §61-14-5, all relating to the use of unmanned aircraft systems; providing operational requirements for unmanned aircraft systems; requiring compliance with Federal Aviation Administration regulations; providing for the use by a law-enforcement agency; providing criminal penalties; and defining terms.

Referred to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 219**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-414, relating to conspiracy to commit violations of the Uniform Controlled Substances Act; creating the felony offense of conspiracy; providing penalties; establishing a sentencing guideline based upon quantity for certain controlled substances; authorizing the court to make the determination of applicable quantity; and authorizing the aggregation of quantities from all participants and members of the conspiracy.

Referred to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 220**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-414, relating to offenses and penalties under the

Uniform Controlled Substances Act; creating a new felony offense for a drug delivery that results in the death of another person; and providing a felony criminal penalty.

Referred to the Committee on the Judiciary.

**By Senators Blair and Maroney:**

**Senate Bill 221**—A Bill to amend and reenact §5-16-4 of the Code of West Virginia, 1931, as amended, relating to the composition of the Public Employees Insurance Agency Finance Board; reducing the number of members; and changing the experience requirements for members.

Referred to the Committee on Government Organization.

**By Senators Weld, Trump and Maroney:**

**Senate Bill 222**—A Bill to amend and reenact §21A-6-3 of the Code of West Virginia, 1931, as amended, relating to disqualification for unemployment benefits; providing that an individual is disqualified for benefits for any week or portion of a week in which he or she left or lost his or her job as a result of a strike; clarifying that a lockout is not a strike; providing that workers replaced with new prepayment employees are not eligible for unemployment benefits; establishing the circumstances when a worker is determined to leave or lose employment by reason of a lockout; providing the circumstances when a worker is determined to be permanently replaced by another employee; and providing that contractor employees who perform the work of a striking worker are not to be determined to have permanently replaced a striking worker.

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

**By Senators Weld and Maroney:**

**Senate Bill 223**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-406a, relating to increased penalties for manufacturing or transportation of a controlled substance in the presence of a minor; providing for increased penalty for adult persons convicted of manufacturing, delivering or possessing with the intent to manufacture or deliver a controlled substance in the presence of a minor; and providing for increased penalty for adult persons convicted of transporting a controlled substance into this state with the intent to deliver or manufacture a controlled substance while being in the presence of a minor at the time of the offense.

Referred to the Committee on the Judiciary.

**By Senators Hall, Azinger and Trump:**

**Senate Bill 224**—A Bill to repeal §21-5-14, §21-5-14a and §21-5-16 of the Code of West Virginia, 1931, as amended; and to amend and reenact §21-5-15 of said code, relating to repealing the requirement for an employer's bond for wages and benefits for certain designated employers; and related requirements.

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

**By Senators Trump and Blair:**

**Senate Bill 225**—A Bill to amend and reenact §48-27-402 of the Code of West Virginia, 1931, as amended, relating to permitting magistrates to conduct a proceeding for a temporary emergency protective order dealing with a temporary custody order entered by a family court.

Referred to the Committee on the Judiciary.

**By Senators Trump and Blair:**

**Senate Bill 226**—A Bill to amend and reenact §60A-7-702, §60A-7-703, §60A-7-704, §60A-7-705, §60A-7-706 and §60A-7-707 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §60A-7-708 and §60A-7-709, all relating to the West Virginia Contraband Forfeiture Act; adopting a clear and convincing evidence standard; shortening time to institute forfeiture proceedings; designating persons be made respondents to a petition for forfeiture; redirecting disposition of all forfeited property; providing for disposition of property when forfeiture is not ordered; and providing for effects of amendments to the law on pending actions.

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

**By Senators Trump, Blair and Maroney:**

**Senate Bill 227**—A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to carrying a firearm for self-defense in a state park, state forest, state wildlife management area or state rail trail; and providing an exception for rifles and shotguns.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

**By Senator Boso:**

**Senate Bill 228**—A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to workers' compensation disability and death benefits; defining "professional firefighter"; and requiring the Insurance Commissioner to study the effects of the rebuttable presumptions created on the premiums charged for workers' compensation for professional firefighters and the overall impact of the risk management programs, wage replacement, premium calculation for the cost providing coverage and the separation of professional firefighter functions from nonactive, nonfirefighting or support functions in volunteer fire departments.

Referred to the Committee on Government Organization.

**By Senators Trump and Blair:**

**Senate Bill 229**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-4-3c, relating to declaring that the mere addition of a mini-distillery does not change the nature or use of agricultural property for building code and property tax classification purposes.

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

**By Senators Trump, Blair and Maroney:**

**Senate Bill 230**—A Bill to amend and reenact §7-4-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-29-12, all relating to West Virginia officials carrying concealed firearm nationwide as provided in the federal Law-Enforcement Officers Safety Act, 18 U. S. C. §926B; providing statutory authority necessary to give prosecuting attorneys and assistant prosecuting attorneys the option to carry firearms pursuant to that federal act upon completion of required training and annual background check; granting prosecuting attorneys and assistant prosecuting attorneys arrest powers under certain circumstances; providing that law-enforcement agencies are neither prohibited from nor required to permit an officer to carry his or her service weapon off duty; and requiring West Virginia law-enforcement agencies to offer access to training and certification for honorably retired officers to be permitted to carry a concealed firearm nationwide as a qualified retired law-enforcement officer as provided in the federal Law-Enforcement Officers Safety Act of 2004.

Referred to the Committee on the Judiciary.

**By Senator Hall:**

**Senate Bill 231**—A Bill to amend and reenact §18-2-5b of the Code of West Virginia, 1931, as amended, relating to the State Board of Education and Medicaid-eligible children; and providing that the state board may delegate its provider status and subsequent reimbursement to regional educational service agencies or county boards subject to the county board determining that there is a net benefit and no detracting from the educational program of the county.

Referred to the Committee on Education.

**By Senator Hall:**

**Senate Bill 232**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-80, relating to delinquent personal income taxes; setting maximum interest rate; prohibiting certain penalties; requiring certain notification; and compensation for erroneous notification of delinquency.

Referred to the Committee on Finance.

**By Senator Trump:**

**Senate Bill 233**—A Bill to amend and reenact §62-1D-2 of the Code of West Virginia, 1931, as amended, relating to Wiretapping and Electronic Surveillance Act; excluding from protection under the act oral communications uttered in a child care center where there are notices posted informing persons that their oral communications are being intercepted; and defining “child care center”.

Referred to the Committee on the Judiciary.

**By Senators Trump and Maroney:**

**Senate Bill 234**—A Bill to amend §50-1-14 of the Code of West Virginia, 1931, as amended, relating to civilian employees for service of civil process court security; permitting sheriff's to employ civilians for service of process and court security; and authorizing these civilian employees to carry dangerous and deadly weapons when designated and permitted by the county sheriff.

Referred to the Committee on the Judiciary.

**By Senators Rucker, Azinger, Blair, Boso, Clements, Cline, Gaunch, Jeffries, Karnes, Maynard, Mullins, Smith, Swope, Takubo, Trump and Weld:**

**Senate Bill 235**—A Bill to amend and reenact §17A-10-3 of the Code of West Virginia, 1931, as amended, relating to providing that, after its initial registration, the annual registration fees of motorcycles are owed in the same month as the original registration.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

**By Senators Trump and Weld:**

**Senate Bill 236**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-31, relating to damages for medical monitoring; establishing requirements for an order for payment of medical monitoring expenses; and providing that an increased risk of disease is not a compensable basis for damages in any civil action.

Referred to the Committee on the Judiciary.

**By Senators Trump and Blair:**

**Senate Bill 237**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §64-12-1, §64-12-2 and §64-12-3, all relating generally to repealing certain legislative, procedural or interpretive rules promulgated by certain agencies and boards which are no longer authorized or are obsolete; repealing certain legislative and procedural rule promulgated by certain agencies and boards under the Department of Revenue; repealing the Tax Division legislative rule relating to listing of interests in natural resources for purposes of first statewide appraisal; repealing the Tax Division legislative rule relating to guidelines for assessors to assure fair and uniform nonutility personal property values; repealing the Tax Division legislative rule relating to review by circuit court on certiorari; repealing the Tax Division legislative rule relating to review of appraisals by the county commission sitting as an administrative appraisal review board; repealing the Tax Division legislative rule relating to additional review and implementation of property appraisals; repealing the Tax Division legislative rule relating to review by circuit court on certiorari; repealing the Tax Division legislative rule relating to revision of levy estimates; repealing the Tax Division legislative rule relating to inheritance and transfer tax; repealing the Tax Division legislative rule relating to annual tax on incomes of certain carriers; repealing the Tax Division legislative rule relating to the telecommunications tax; repealing the Tax Division legislative rule relating to tax credit for employing former members of Colin Anderson Center; repealing the Tax Division legislative rule relating to tax credits for new value-added, wood manufacturing facilities; repealing the Tax Division legislative rule relating to tax credits for new steel, aluminum and polymer manufacturing operations; repealing the Tax Division legislative rule relating to the business investment and jobs expansion tax credit, corporation headquarters relocation tax credit and small business tax credit; repealing the Tax Division legislative rule relating to appraisal of property for periodic statewide reappraisals for ad valorem property tax purposes; repealing the Banking Commissioner legislative rule relating to the West Virginia Consumer Credit and Protection Act; repealing the Banking Commissioner procedural rule relating to West Virginia Board of Banking and Financial Institutions; repealing the Office of the Insurance Commissioner legislative rule relating to utilization management; and repealing the Office of the Insurance Commissioner legislative rule relating to Medicare supplement insurance coverage.

Referred to the Committee on the Judiciary.

**By Senators Ferns, Plymale, Weld and Maroney:**

**Senate Bill 238**—A Bill to amend and reenact §11-21-8a of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-24-23a of said code, all relating to increasing the tax credits allowed for rehabilitation of certified historic structures.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

**By Senators Karnes, Blair, Ferns, Rucker and Weld:**

**Senate Bill 239**—A Bill to amend and reenact §3-8-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §21-1A-4 of said code; and to amend and reenact §21-5-1 of said code, all relating to limitations on the use of wages and agency shop fees by employers and labor organizations for political activities; prohibiting any person from coercing or intimidating any employee into making a political contribution or engaging in any form of political activity; prohibiting employers and any other persons responsible for the disbursement of wages and salaries from withholding or diverting any portion of an employee's wages or salary for political activities without express, written authorization; providing for criminal penalties; setting forth requirements for employees to provide written authorization for disbursement of wages and

salaries by an employer or other person for political activities; requiring the Secretary of State to promulgate forms; defining terms “political activities” and “agency shop fees”; modifying definition of “deductions” to exclude amounts for union or club dues; and making it an unfair labor practice under the Labor-Management Relations Act for the Private Sector for a labor organization to use agency shop fees paid by nonmembers for political activities, unless expressly authorized by the individual.

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

**By Senators Boso, Rucker and Weld:**

**Senate Joint Resolution 4**—Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof, by adding thereto a new section, designated section one-d, relating to authorizing the Legislature to, by general law, allocate a portion of ad valorem property taxes paid by owners of certain new manufacturing facilities and large capital additions to existing manufacturing facilities located in counties in which county commissions elect to fund infrastructure capital improvements, in whole or in part, using property taxes; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

**By Senators Trump, Blair and Maroney:**

**Senate Joint Resolution 5**—Proposing an amendment to the Constitution of the State of West Virginia, relating to authorizing the Legislature to issue and sell state bonds not exceeding the aggregate amount of \$2 billion to be used for improvement and construction of state roads and bridges; establishing the authority of the Legislature to impose a levy on real property and public utility property in this state to retire the indebtedness; limiting the amount and duration of the levy to repayment of the bond indebtedness; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

Senators Plymale and Beach offered the following resolution:

**Senate Concurrent Resolution 7**—Requesting Division of Highways to name County Route 58/2 in Salt Rock, Cabell County, from County Route 58 to the Guyandotte River, currently known as Calvary Lane, the “U. S. Army PFC Floyd H. Edmonds Memorial Road”.

Whereas, Private Edmonds was born in Milton, West Virginia; and

Whereas, Private Edmonds was an enlistee in the United States Army. He was awarded the Sharpshooter Badge and the Good Conduct Medal; and

Whereas, On October 31, 1962, Private Edmonds was honorably discharged from the United States Army; and

Whereas, Private Edmonds passed away on March 25, 2003, and he will be greatly missed by the people who reside in Cabell County; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name County Route 58/2 in Salt Rock, Cabell County, from County Route 58 to the Guyandotte River, currently known as Calvary Lane, the "U. S. Army PFC Floyd H. Edmonds Memorial Road"; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying that road as the "U. S. Army PFC Floyd H. Edmonds Memorial Road"; and, be it

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

Which, under the rules, lies over one day.

Senators Boley, Azinger and Beach offered the following resolution:

**Senate Resolution 9**—Congratulating the St. Mary's boys' cross country team for winning the 2016 Class AA/A cross country state championship.

Whereas, The St. Mary's boys' cross country team had an extraordinary season in route to winning the 2016 Class AA/A state championship; and

Whereas, This was St. Mary's High School's first state championship in boys' cross country; and

Whereas, The St. Mary's boys' cross country team is led by head coach Steven Nutter and assistant coach Dave Davis; and

Whereas, The St. Mary's boys' cross country team roster consists of senior: Devon Amos; juniors: Brady Gorrell, Walker Hashman, Jacob Pethtel and Spencer Wren; sophomore: Jayden Wolfe; and freshmen, J. T. Covey and Aaron Henderson; and

Whereas, The St. Mary's boys' cross country team displayed its strong will and determination for an entire season and is a shining example of what can be accomplished with hard work, dedication and spirit; and

Whereas, The 2016 St. Mary's boys' cross country team will be remembered as one of the best teams ever assembled in West Virginia high school cross country history; therefore, be it

*Resolved by the Senate:*

That the Senate hereby congratulates the St. Mary's boys' cross country team for winning the 2016 Class AA/A cross country state championship; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to St. Mary's High School.

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

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 Boley and Azinger offered the following resolution:

**Senate Resolution 10**—Congratulating the St. Mary's High School football team for winning the 2016 Class A state football championship.

Whereas, St. Mary's high school has a proud 104-year history on the grid iron; and

Whereas, The 2016 St. Mary's football team had a dominant year on the field, finishing with a perfect 14-0 record and in route to making history by winning the school's first ever football state championship; and

Whereas, The St. Mary's football team roster consists of players: Aaron Pinkerton, Jacob Hoyt, William Steele, Eric Illar, Sam Kincaid, Elijah Eades, Will Billeter, Zac Long, Joey Sanchez, Hunter White, Dalton Houser, Ian Kelley, Matt Eichorn, Jaiden Smith, Creston Snodgrass, Alex McCartney, Derick Smith, Ryan Miller, Clayton Studer, Georg Krogh, Braden Barnhart, Dylan Gray, Austin Ebert, Dylan Templeton, Tucker Dalrymple, Elijah Hearn, Devin Boley, Jacob Northrop, Jonathan Davis, Isaac Snodgrass, Brett Mitchell, Antone Herring, Jeremy Smith, Zac Neiswanger, Jacob Farris, Austin Phillips, Richard Dornon and Corbin Bussey; and

Whereas, The St. Mary's football team is led by head coach Jodi Mote and assistant coaches Bill Auxier, Bill Dalrymple, Bill Hanlin, Chris Metz, Jay Powell and J. D. Smith; and

Whereas, The St. Mary's football team is supported by student manager Owen Dornon, trainer Garry Clark, Superintendent Mike Wells, Principal Jeff Sole, Assistant Principal Shelley Taylor, physician Dr. Heather Straight and the entire community and surrounding areas of St. Mary's; and

Whereas, The 2016 St. Mary's football team will go down in state history as one of the best teams ever assembled in the state of West Virginia; and

Whereas, The St. Mary's football team is a shining example to all West Virginians of what can be accomplished with dedication, commitment and teamwork; therefore, be it

*Resolved by the Senate:*

That the Senate hereby congratulates the St. Mary's High School football team for winning the 2016 Class A state football championship; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to St. Mary's High School.

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

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

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



**Senate Concurrent Resolution 3**, Urging Congress call convention of states to impose fiscal restraints on federal government.

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

**Senate Concurrent Resolution 4**, US Navy MM2 Carl E. Keeney and US Army PFC Carl M. Nicholas Memorial Bridge.

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

**Senate Concurrent Resolution 5**, US Army PFC John Ira Pinkerman Memorial Bridge.

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

**Senate Concurrent Resolution 6**, US Army SSG Styish R. Morris Memorial Road.

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

Pending announcement of meetings of standing and select committees of the Senate, including a majority party caucus,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Friday, February 10, 2017, at 11 a.m.

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**SENATE CALENDAR**

**Friday, February 10, 2017  
11:00 AM**

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**SPECIAL ORDER OF BUSINESS  
Thursday, March 09, 2017 – 11:00 AM**

Consideration of executive nominations

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**UNFINISHED BUSINESS**

S. C. R. 7 - US Army PFC Floyd H. Edmonds Memorial Road

**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2017**

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**Friday, February 10, 2017**

10 a.m.	Confirmations	(Room 208W)
1 p.m.	Select Committee on Tax Reform	(Room 451M)