

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE  
REGULAR SESSION, 2017  
FOURTEENTH DAY

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Charleston, West Virginia, Tuesday, February 21, 2017

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Dylan Frercks, Heritage Baptist Church, Elkview, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Glenn D. Jeffries, a senator from the eighth district.

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

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

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

The Senate then proceeded to the third order of business.

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

**Eng. Com. Sub. for House Bill 2303**—A Bill to amend and reenact §22-15A-4 of the Code of West Virginia, 1931, as amended, relating to the criminal offense of littering, clarifying that no person may place, deposit, dump, throw or cause to be placed, deposited, dumped or thrown any litter on the private property of another, increasing criminal penalties for littering in an amount not exceeding one hundred pounds in weight or twenty-seven cubic feet in size, increasing criminal penalties for littering in an amount greater than one hundred pounds in weight or twenty-seven cubic feet in size, but less than five hundred pounds in weight or two hundred sixteen cubic feet in size, modifying the penalties for littering greater than five hundred pounds in weight or two hundred sixteen cubic feet in size or any amount which had been collected for commercial purposes, increasing penalties for second or subsequent violations for littering in an amount not exceeding one hundred pounds in weight or twenty-seven cubic feet in size, increasing penalties for second or subsequent violations for littering in an amount greater than one hundred pounds in weight or twenty-seven cubic feet in size, but less than five hundred pounds in weight or two hundred sixteen cubic feet in size and increasing civil penalties for littering.

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 2319**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-8-15, relating to requiring timely disclosure of fund-raising events, including contributions, of candidates or candidate committees for legislative office while the Legislature is in session; defining terms; imposing the same reporting requirements upon former candidates or candidate committees for legislative office who are still in office; clarifying that reporting under this section does not relieve a candidate or candidate's committee from regular reporting requirements; requiring the Secretary of State to create a form for disclosure; requiring the Secretary of State to publish information on the Secretary of State's website; authorizing the Secretary of State to establish a means for electronic filing and disclosure as an alternative; and authorizing the Secretary of State to promulgate legislative and emergency rules.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

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 41**, Extending time person may be subject to probation.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 105, 106, 107, 108, 109, 110, 111, 112 and 113**, DEP rule relating to awarding of matching grants for local litter control programs.

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

**Com. Sub. for Senate Bill 113** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to awarding of matching grants for local litter control programs; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to alternative emission limitations during startup, shutdown and maintenance operations; authorizing the Department of

Environmental Protection to promulgate a legislative rule relating to permits for construction, modification, relocation and operation of stationary sources of air pollutants, notification requirements, administrative updates, temporary permits, general permits, permission to commence construction and procedures for evaluation; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to permits for construction and major modification of major stationary sources for the prevention of significant deterioration of air quality; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the control of air pollution from hazardous waste treatment, storage and disposal facilities; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards; and authorizing the Department of Environmental Protection to promulgate a legislative rule relating to voluntary remediation and redevelopment.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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 325**, Relating to crossbow hunting.

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

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

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 345**, Allowing hunting and trapping on Sundays.

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

**Com. Sub. for Senate Bill 345** (originating in the Committee on Natural Resources)—A Bill to repeal §20-2-19a of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-2-5, §20-2-42g and §20-2-42h of said code, all relating to hunting; repealing limitations on trappers on Sundays; eliminating local option election regarding hunting on Sunday on private

land; permitting hunting on Sunday on private land; and clarifying hunting on Sunday on public lands is unlawful.

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

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

The bill (Com. Sub. for S. B. 345), under the original double committee reference, was then referred to the Committee on the Judiciary.

The Senate proceeded to the sixth order of business.

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

**By Senators Weld, Plymale, Takubo, Miller, Maroney and Cline:**

**Senate Bill 357**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-63, relating to exempting certain persons from fees for hunting, fishing and trapping licenses; providing that fees for hunting, trapping and fishing licenses are waived for volunteer firefighters; including eligibility requirements; requiring compliance with all other requirements to obtain license; and granting rule-making authority.

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

**By Senators Trump, Sypolt and Boso:**

**Senate Bill 358**—A Bill to amend and reenact §36-9-15 of the Code of West Virginia, 1931, as amended, relating to permitting a timeshare-managing entity to foreclose upon its statutory lien for assessments in the manner of sales under trust deeds; providing for the naming of a trustee by the managing entity to carry out the sale; and requiring notice.

Referred to the Committee on the Judiciary.

**By Senators Rucker, Azinger, Cline, Karnes, Maynard and Sypolt:**

**Senate Bill 359**—A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18B-1-12; and to amend and reenact §21-1A-3 of said code, all relating to exemptions from mandated immunizations.

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

**By Senators Takubo, Stollings, Maroney, Plymale and Miller:**

**Senate Bill 360**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5Z-1, §16-5Z-2, §16-5Z-3, §16-5Z-4 and §16-5Z-5, all relating to creating the Legislative Coalition on Diabetes Management; setting forth findings and purpose; providing for administrative functions of the coalition to be performed by legislative staff; setting forth membership of the coalition; providing for appointments to be made by the President

of the Senate and Speaker of the House of Delegates; setting forth powers and duties of the coalition; setting forth required reporting; setting forth reporting data elements; providing for compensation of members; and providing a sunset date.

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

**By Senators Boley, Azinger, Takubo, Maroney and Cline:**

**Senate Bill 361**—A Bill to amend and reenact §16-2D-11 of the Code of West Virginia, 1931, as amended, relating to allowable exemptions from certificate of need to develop and operate a nursing home in any county in the state which is without a skilled nursing facility.

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

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 362**—A Bill to amend and reenact §23-2C-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-22A-10d and §29-22A-10e of said code, all relating to authorizing the redirection of certain amounts to the General Revenue Fund; authorizing the redirection of amounts collected from certain surcharges and assessments on Workers' Compensation insurance policies for periods prior to July 1, 2018; and authorizing the redirections of amounts collected from certain deposits of revenues from net terminal income for periods prior to July 1, 2018.

Referred to the Committee on Finance.

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 363**—A Bill to amend and reenact §11-24-3 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act; and specifying effective dates.

Referred to the Committee on Finance.

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 364**—A Bill to amend and reenact §11-15B-2a and §11-15B-32 of the Code of West Virginia, 1931, as amended, all relating to incorporating changes to the Streamlined Sales and Use Tax Agreement; and providing new effective dates.

Referred to the Committee on Finance.

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 365**—A Bill to amend and reenact §21A-8-16 of the Code of West Virginia, 1931, as amended, relating to maintaining the solvency of the Unemployment Compensation Fund; and extending the time period for borrowing funds from the Revenue Shortfall Reserve Fund for the Unemployment Compensation Fund to September 1, 2018.

Referred to the Committee on Finance.

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 366**—A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to the creation of the West Virginia Second Chance Act; defining terms;

expanding eligibility for expungement to persons convicted of nonviolent felonies; defining “nonviolent felony”; providing exceptions to eligibility and timing of filing a petition for expungement; creating petition requirements and court procedure for evaluating preliminary and final orders of expungement for nonviolent felonies; providing limitations on preliminary orders of expungement; clarifying disclosure requirements with respect to the information sealed pursuant to an order of expungement, including exemptions; providing standard for inspection of sealed records; and making technical changes.

Referred to the Committee on the Judiciary.

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 367**—A Bill to amend and reenact §5A-3-44 and §5A-3-52 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §5A-12-1, §5A-12-2, §5A-12-3 and §5A-12-4; to amend and reenact §17A-3-23 of said code; to amend said code by adding thereto a new section, designated §17A-3-23a; and to amend and reenact §29B-1-4 of said code, all relating to state vehicles; creating the Fleet Management Office; defining terms; establishing powers and duties of the director; continuing the special fund; requiring reporting of state vehicles; authorizing a rental pool; requiring new title, registration and license plates for state vehicles; allowing the Commissioner of the Division of Motor Vehicles to issue special plates to organizations and entities; requiring agencies to apply for a new uniform vehicle title and registration plate; and exempting confidential information relating to certain vehicles from public disclosure.

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

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 368**—A Bill to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of “federal adjusted gross income” and certain other terms used in the West Virginia Personal Income Tax Act; and specifying effective dates.

Referred to the Committee on Finance.

**By Senators Sypolt, Miller, Boso, Maroney and Smith:**

**Senate Bill 369**—A Bill to amend and reenact §11A-3-19, §11A-3-21, §11A-3-23, §11A-3-52, §11A-3-54 and §11A-3-56 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto two new sections, designated §11A-3-23a and §11A-3-58a; and to amend and reenact §11A-4-4 of said code, all relating to permitting surface owners to purchase the mineral interests that lay below the property when the mineral interest becomes subject to a tax lien; establishing procedures; requiring notice; establishing the purchase prices; establishing nonrefundable \$20 administrative fee; providing a procedure if more than one surface owner seeks to purchase the delinquent mineral interest; modifying notices to redeem that are sent to property owners; and providing remedies relating to tax sales.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on the Judiciary.

**By Senators Sypolt, Facemire, Boso, Maroney and Smith:**

**Senate Bill 370**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §37-4-9, relating to requiring proceeds of partition of any interest in real property that includes oil and gas but not surface that are due to a person whose

name or location are unknown and are unclaimed for five years be paid to the Oil and Gas Reclamation Fund rather than paid or delivered to the Treasurer as abandoned and unclaimed property.

Referred to the Committee on Energy, Industry and Mining; and then to the Committee on Finance.

**By Senators Gaunch and Boso:**

**Senate Bill 371**—A Bill to amend and reenact §18-7A-11 of the Code of West Virginia, 1931, as amended, relating to requiring the Consolidated Public Retirement Board to adopt a four-year smoothing method relating to actuarial gains and losses on Teachers Retirement System Fund assets.

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

**By Senator Boso:**

**Senate Bill 372**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5A-1, relating to prohibiting the requesting of employee wage verification.

Referred to the Committee on Government Organization.

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

**Senate Bill 373**—A Bill to amend and reenact §16-30-6 of the Code of West Virginia, 1931, as amended, relating to authorizing a medical power of attorney representative under stated circumstances to sign a binding arbitration agreement with a nursing home or assisted living facility.

Referred to the Committee on the Judiciary.

**By Senator Ferns:**

**Senate Bill 374**—A Bill to amend and reenact §5-10-2 and §5-10-52 of the Code of West Virginia, 1931, as amended, all relating to the manner of computing retirement benefits for certain members of the Legislature under the West Virginia Public Employees Retirement Act; and requiring that the final average salary for members of the Legislature taking office after June 30, 2017, and thereafter participating in the retirement system as a member of the Legislature be the average of the member's annual rate of compensation during his or her total years of credited service.

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

**By Senators Boso and Smith:**

**Senate Bill 375**—A Bill to amend and reenact §11-13A-3 of the Code of West Virginia, 1931, as amended, relating to the rate and measure of severance taxes on certain natural resources; changing the rate of tax on limestone, sandstone and other stone products from a percentage of sale price to a flat rate; clarifying the effect of existing law on rates of coal produced by underground mining methods; correcting an internal reference; and removing outdated language.

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

**By Senator Boso:**

**Senate Bill 376**—A Bill to amend and reenact §15-12-2 of the Code of West Virginia, 1931, as amended, relating to requiring any person who has been convicted or adjudicated delinquent of a qualifying offense to comply with registration requirements of the Sex Offender Registration Act.

Referred to the Committee on the Judiciary.

**By Senators Karnes, Miller, Boso, Maroney, Mullins, Gaunch, Cline and Weld:**

**Senate Bill 377**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13D-1, §11-13D-2, §11-13D-3 and §11-13D-4, all relating to creating a fixed income credit for low income senior citizens; establishing procedures for claiming credit; and defining terms.

Referred to the Select Committee on Tax Reform; and then to the Committee on Finance.

**By Senators Karnes, Miller, Boso, Maroney, Mullins, Gaunch, Cline and Weld:**

**Senate Bill 378**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13D-1, §11-13D-2, §11-13D-3 and §11-13D-4, all relating to creating an earned income tax credit for low income workers; establishing procedures for claiming credit; and defining terms.

Referred to the Select Committee on Tax Reform; and then to the Committee on Finance.

**By Senators Gaunch and Jeffries:**

**Senate Bill 379**—A Bill to amend and reenact §17A-6A-3 of the Code of West Virginia, 1931, as amended, relating to excluding certain manufacturers and motor vehicles from the definitions of “manufacturer” and “motor vehicle” under the law regulating motor vehicle dealers, distributors, wholesalers and manufacturers.

Referred to the Committee on the Judiciary.

**By Senators Maynard and Plymale:**

**Senate Bill 380**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-3-3a, relating to creating a two-year pilot program permitting all-terrain or recreational vehicles on designated roads and trails in Cabwaylingo State Forest; and making it unlawful to operate all-terrain or recreational vehicles in Cabwaylingo State Forest without a special permit.

Referred to the Committee on Natural Resources; and then to the Committee on Government Organization.

**By Senator Boso:**

**Senate Bill 381**—A Bill to amend and reenact §17-16A-18 of the Code of West Virginia, 1931, as amended, relating to Parkways Authority and maintaining status quo if bond indebtedness relative to Parkways Authority is eliminated; continuing tolls; and maintaining projects with Parkways Authority.

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



**By Senator Boso:**

**Senate Bill 382**—A Bill to amend and reenact §17-24A-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17A-4-10 of said code, all relating to allowing automobile auctions to obtain title to abandoned vehicles.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Government Organization.

**By Senator Boso:**

**Senate Bill 383**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-5C-2a, relating to prohibiting local government entities from setting prevailing wages.

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

**By Senator Boso:**

**Senate Bill 384**—A Bill to amend and reenact §11-1C-2 of the Code of West Virginia, 1931, as amended, relating to the definition of “managed timberland”; and providing that property that is described as “any tract or parcel of real estate that is being leased by the owner to another party for monetary gain” is not considered as managed timberland.

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

**By Senator Stollings:**

**Senate Bill 385**—A Bill to amend and reenact §11-19-1 and §11-19-2 of the Code of West Virginia, 1931, as amended, all relating to the tax on bottled soft drinks; modifying the tax to one cent per ounce; redistributing the revenue generated to all three medical schools in the state; rearranging and updating definitions; and providing an effective date.

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

**By Senators Ojeda, Beach, Facemire, Miller, Palumbo, Plymale, Romano, Rucker, Stollings, Swope, Woelfel and Boso:**

**Senate Bill 386**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-8A-1, §16-8A-2, §16-8A-3, §16-8A-4, §16-8A-5, §16-8A-6, §16-8A-7, §16-8A-8, §16-8A-9, §16-8A-10, §16-8A-11, §16-8A-12, §16-8A-13, §16-8A-14, §16-8A-15 and §16-8A-16, all relating to creating the West Virginia Medical Cannabis Act; defining terms; creating the West Virginia Medical Cannabis Commission; setting forth members of the West Virginia Medical Cannabis Commission; setting forth responsibilities for the West Virginia Medical Cannabis Commission; creating a special revenue account known as the West Virginia Medical Cannabis Commission Fund; detailing the fund’s revenue sources and disbursements; detailing requirements of the commission to implement the provisions of the act; setting requirements for becoming a certifying physician; authorizing the commission to approve physician applications for certain medical conditions; requiring certain annual reports to the Governor and Legislature; authorizing the commission to license medical cannabis growers and grower agents that meet certain requirements; setting forth certain parameters for licensed growers and grower agents; authorizing the commission to license dispensaries and register dispensary agents; setting forth certain requirements for dispensaries and dispensary agents; authorizing the commission to license medical cannabis processors and register processor

agents; authorizing testing laboratories; naming the Marshall University Forensic Science Center as the primary testing laboratory; stating requirements for the commission's registration of independent laboratories; requiring the State Police and commission to enter a memorandum of understanding for criminal records checks and setting forth basic requirements; providing that certain persons licensed, registered and authorized under the act may not be subject to arrest, prosecution or any civil or administrative penalty, including a civil penalty or disciplinary action by a professional licensing board, or be denied any right or privilege, for the medical use of cannabis; creating a new criminal offense of distributing, possessing, manufacturing or using cannabis that has been diverted from an authorized medicinal use; specifically stating conduct related to cannabis that is not protected by the provisions of the act; authorizing state employees to recover certain counsel fees; empowering the Governor to suspend implementation of the act if the Governor determines certain federal action may occur; and requiring promulgation of emergency rules and the submission of legislative rules for approval by the Legislature.

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

Senators Hall, Stollings and Beach offered the following resolution:

**Senate Concurrent Resolution 18**—Requesting the Division of Highways to name bridge number 20-60-2.86, EB-WB (20A820-20A821), (38.39623, -81.84824), locally known as Amandaville Railroad Overpass, carrying US 60 over CSX Railroad in Kanawha County the “U. S. Marine Corps CPL Walter Vincent Filipek Memorial Bridge”.

Whereas, Walter V. Filipek was born in Raleigh, West Virginia, on June 16, 1925, into a family with a tremendous tradition of service to the United States. Walter's father, Anton, served as an Army Sergeant in a machine gun crew. Walter's brothers also served: Joseph served in the Army in Italy during World War II; Edward served in the Navy during the Korean War from 1952-1954; Theodore served in the Air Force in Korea from 1955-1959; and Andrew served in the Army in Korea; and

Whereas, Walter served with the Sixth Marine Division and fought at Okinawa. During the Battle of Okinawa, while under intense enemy fire, Walter moved forward from his concealed position and rescued his wounded squad leader. Thereafter, Walter neutralized an enemy machine gun that was impeding the advance of his platoon. His selfless actions earned him a Bronze Star; and

Whereas, On May 29, 1945, Walter sustained injuries from shrapnel to his right side at Okinawa Island, Ryuku Islands, but, after receiving treatment, returned to duty on the same day; and

Whereas, On June 23, 1945, Walter similarly sustained shrapnel injuries to his left knee, but, after receiving treatment, once again returned to duty on the same day; and

Whereas, In August 1945, while serving in Guam, Walter received a Purple Heart; and

Whereas, On October 25, 1945, Walter participated in the ceremony of surrender of the Japanese military forces in the area of Tsingtao, China; and

Whereas, For his bravery and exemplary service, Walter was awarded numerous medals including a Purple Heart, Gold Star, Combat Action Medal, Good Conduct Medal, American

Campaign Medal, Asiatic-Pacific Campaign Medal, Bronze Star, World War II Victory Medal, Rifle Marksmanship Badge, Presidential Unit Citation and Combat V Medal; and

Whereas; Walter's service honors his family, his community and the entire State of West Virginia; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 20-60-2.86, EB-WB (20A820-20A821), (38.39623, -81.84824), locally known as Amandaville Railroad Overpass, carrying US 60 over CSX Railroad in Kanawha County the "U. S. Marine Corps CPL Walter Vincent Filipek Memorial Bridge"; and, be it

*Further Resolved,* That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Marine Corps CPL Walter Vincent Filipek Memorial Bridge"; 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 Maynard, Boley, Trump, Stollings and Beach offered the following resolution:

**Senate Concurrent Resolution 19**—Requesting the Division of Highways name bridge number 19-0.01 (24A293), (37.41606, -81.43625), originally known as the Northfork Bridge, located in Northfork, McDowell County, carrying County Route 24-52 over Elkhorn Creek, the "Blue Demon Bridge".

Whereas, The Northfork High School's sobriquet, going back to 1966, was the Blue Demons; and

Whereas, Sports fans from across this state still talk about the Blue Demon's boys' basketball teams that won Class AA state championships in 1971 and 1984, as well as a national record eight straight from 1974 through 1981; and

Whereas, When this state inaugurated the first girls' basketball tournament in 1976, the Demonettes won then as well in 1977 and 1979; and

Whereas, The Blue Demons' 1973 football team had a perfect season record of 12 and 0; and

Whereas, Over the nineteen years in which Northfork High School was in existence, the boys' basketball team compiled an amazing record of 112 wins to only 12 losses on their home floor; and

Whereas, Although Northfork High School has been closed for over thirty years, the memories are just as vivid today as when they were being made decades ago for all who attended this legendary school, forever holding a place in the hearts of former students and teachers; and

Whereas, This school will always be remembered by all who saw the Blue Demons play or heard of their exploits, as the source of the nickname for the town that is still known today as the basketball capital of the United States; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 19-0.01 (24A293), (37.41606, -81.43625), originally known as the Northfork Bridge, located in Northfork, McDowell County, carrying County Route 24-52 over Elkhorn Creek, the “Blue Demon Bridge”; and, be it

*Further Resolved,* That the Commissioner of Highways is hereby requested to have made and be placed signs identifying the bridge as the “Blue Demon Bridge”; 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 Azinger, Plymale, Boso, Rucker, Stollings, Beach and Cline offered the following resolution:

**Senate Resolution 17**—Designating February 21, 2017, as West Virginia Child Care Association—Celebrating Children and Families Day at the Legislature.

Whereas, The State of West Virginia and the West Virginia Child Care Association have some of the best child welfare professionals and agencies in the country. These child welfare professionals and agencies have dedicated their time to making life better for West Virginia’s children and families and these West Virginian professionals and agencies have a compassion that never ends, a hope for a better tomorrow and a dedication to their efforts over the long haul. They work with West Virginia’s child welfare and behavioral health stakeholders to eliminate policy barriers and day to day practices that reduce the effective utilization of in-state resources; and

Whereas, These professionals and agencies are regulated by the State of West Virginia through legislation and by oversight of the West Virginia Department of Health and Human Resources and Department of Education. By using West Virginian child welfare professionals and agencies our State is doing what is best for West Virginia’s children and their families. These West Virginia child care professionals and agencies advocate for, and deliver services and support to provide for, the safety, wellbeing and opportunities for children and families to achieve their hopes, dreams and goals. They provide family driven, youth guided, culturally competent and trauma informed care for the citizens of West Virginia; and

Whereas, The West Virginia professionals, who care for the at-risk children in our state and the organizations that exist to impact the lives of these children and their families, provide quality care in our communities. This quality care is provided in a variety of settings, including community agencies, hospitals, residential treatment, family and treatment foster care and educational institutions, and seeks to provide resources and guidance that promotes the safety, wellbeing and permanency of West Virginia’s children and families. West Virginia’s child welfare providers dedicate themselves to excellence in their profession through licensing, advocacy, education and professional development; and

Whereas, The West Virginia Senate recognizes and appreciates the outstanding dedication, devotion and care of the West Virginia Child Care Association professionals and agencies for their caring, commitment and for making a difference in the lives of children in the State of West Virginia, their families and communities; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates February 21, 2017, as West Virginia Child Care Association—Celebrating Children and Families Day at the Legislature; and, be it

*Further Resolved,* That the Clerk of the Senate is hereby directed to forward a copy of this resolution to all the appropriate officials, including those representing the West Virginia Child Care Association.

At the request of Senator Azinger, 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.

Following a point of inquiry by Senator Woelfel, with resultant response by Senator Ferns,

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 134,** Authorizing Bureau of Commerce to promulgate legislative rules.

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, 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)—32.

The nays were: None.

Absent: Beach and Hall—2.

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. 134) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, 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)—32.

The nays were: None.

Absent: Beach and Hall—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 134) takes effect from passage.

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

**Eng. Com. Sub. for Senate Bill 202**, Relating to pawnbrokers generally.

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: Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Jeffries, Mann, Maroney, Maynard, Miller, Mullins, Ojeda, Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—30.

The nays were: Azinger and Karnes—2.

Absent: Beach and Hall—2.

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. 202) 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 249**, Relating to information required in abstract of judgment.

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, 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)—32.

The nays were: None.

Absent: Beach and Hall—2.

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. 249) passed with its title.

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

The Senate proceeded to the ninth order of business.

**Senate Bill 188**, Correcting definition of “telehealth” in medication-assisted treatment programs.

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 222**, Relating to disqualification for unemployment benefits.

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 242**, Relating to school calendars.

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

**Senate Bill 330**, Relating to WV Workplace Freedom Act.

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.

The Senate proceeded to the tenth order of business.

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

**Com. Sub. for Senate Bill 182**, Providing procedures that prevent disqualifying low bids for government construction contracts due to document technicalities.

And,

**Com. Sub. for Senate Bill 240**, Creating crime of nonconsensual distribution of sexual images.

Pending announcement of meetings of standing committees of the Senate,

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

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## **SENATE CALENDAR**

**Wednesday, February 22, 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. 18 - US Marine CPL Walter Vincent Filipek Memorial Bridge  
S. C. R. 19 - Blue Demon Bridge

### **THIRD READING**

- Eng. S. B. 188 - Correcting definition of “telehealth” in medication-assisted treatment programs (original similar to HB2460)  
Eng. Com. Sub. for  
Com. Sub. for S. B. 222 - Relating to disqualification for unemployment benefits (original similar to HB2435, HB2575, HB2582)  
Eng. Com. Sub. for S. B. 242 - Relating to school calendars (original similar to HB2412, HB2584)

### **SECOND READING**

- Com. Sub. for S. B. 182 - Providing procedures that prevent disqualifying low bids for government construction contracts due to document technicalities  
Com. Sub. for S. B. 240 - Creating crime of nonconsensual distribution of sexual images  
S. B. 330 - Relating to WV Workplace Freedom Act

### **FIRST READING**

- S. B. 41 - Extending time person may be subject to probation (original similar to HB2607)  
Com. Sub. for S. B. 113 - Authorizing DEP promulgate legislative rule awarding matching grants for litter control programs (original similar to HB2229)  
S. B. 325 - Relating to crossbow hunting



**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2017**

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**Wednesday, February 22, 2017**

10 a.m.	Workforce	(Room 208W)
1 p.m.	Economic Development	(Room 208W)