

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE
REGULAR SESSION, 2017
THIRTY-SIXTH DAY

Charleston, West Virginia, Wednesday, March 15, 2017

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Mike Long, Spring Fork Missionary Baptist Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Dave Sypolt, a senator from the fourteenth district.

Pending the reading of the Journal of Tuesday, March 14, 2017,

At the request of Senator Romano, 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 2007—A Bill to amend and reenact §17-1-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §17-16A-6a, all relating to eliminating the courtesy patrol program and the Courtesy Patrol Fund administered by the Division of Highways; limiting the use of expenditures from the Courtesy Patrol Fund; and prohibiting the Parkways Authority from operating a courtesy patrol program.

Referred to the Committee on Finance.

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

Eng. House Bill 2119—A Bill to repeal §33-16G-1, §33-16G-2, §33-16G-3, §33-16G-4, §33-16G-5, §33-16G-6, §33-16G-7, §33-16G-8, and §33-16G-9 of the Code of West Virginia, 1931, as amended; all relating to repealing the West Virginia Health Benefit Exchange Act.

Referred to the Committee on Health and Human Resources.

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

Eng. House Bill 2518—A Bill to amend and reenact §30-5-7 of the Code of West Virginia, 1931, as amended; relating to authorizing the Board of Pharmacy to create a legislative rule to permit a pharmacist or pharmacy intern to administer certain immunizations.

Referred to the Committee on Health and Human Resources.

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

House Concurrent Resolution 5—Requesting the Division of Highways to name Bridge Number :46-9-0.03 (46A094) (39.33990, -80.01680), locally known as New Bridge Street Bridge, carrying County Route 9 over Three Fork Creek and CSX Railroad in Grafton, Taylor County, the “U. S. Navy Rear Admiral Frederick Burdett Warder Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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

House Concurrent Resolution 6—Requesting the Division of Highways to name a portion of County Route 3/5, known as Wills Creek Road, in Kanawha County, beginning at latitude 38.472118, longitude -81.399248 and ending at latitude 38.501480, longitude -81.413276, the “U.S. Army SPC 4 Thurman “Duwayne” Young Memorial Road”.

Referred to the Committee on Transportation and Infrastructure.

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

House Concurrent Resolution 13—Requesting Division of Highways to name bridge number 44-36-4.34 (44A078) (38.59133, -81.17825), locally known as the Newton Bridge, carrying WV 36 over Middle Fork of Big Sandy Creek in Newton in Roane County, West Virginia, the “U.S. Army SSG Brian Curtis Rogers Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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

House Concurrent Resolution 36—Requesting the Division of Highways name bridge number 06-35-3.83 (06A086) (38.36457, - 82.37397), locally known as the “Green Valley Bridge,”

which, along County Route 35 traverses “Fourpole Creek” in Cabell County, the “U.S. Army PFC John Ira Pinkerman Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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

Com. Sub. for House Concurrent Resolution 37—Requesting the Division of Highways to name bridge number 40-60-0.03 (40A142) (38.41962, -82.05132), locally known as Culloden Railroad Overpass, carrying US 60 over CSX Railroad in Putnam County, the “U.S. Army SPC 4 William L. Amos Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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

House Concurrent Resolution 60—Requesting Division of Highways name bridge number SS-25-33-3.93 (39.47318, -80.05074), carrying County Route 33 over Piney Creek in Marion County, the “William “Bill” R. VanGilder Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the fourth order of business.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 15, Eliminating sunset on DOH public-private partnerships.

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

Com. Sub. for Senate Bill 15 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17-27-9 of the Code of West Virginia, 1931, as amended, relating to extending sunset on Division of Highways public-private partnership agreements; placing a limit on comprehensive agreements; and requiring annual reporting.

And,

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

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

Com. Sub. for Senate Bill 477 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §11-14C-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-15-18b of said code; to amend and reenact §17A-2-13 of said code; to amend and reenact §17A-3-4 of said code; to amend and reenact §17A-4-1 and §17A-4-10 of said code; to amend and reenact §17A-4A-10 of said code; to amend and reenact

§17A-7-2 of said code; to amend and reenact §17A-10-3 of said code; to amend said code by adding thereto a new section, designated §17A-10-3c; to amend and reenact §17A-10-10 and §17A-10-11 of said code; to amend and reenact §17B-2-1, §17B-2-3a, §17B-2-5, §17B-2-6, §17B-2-8 and §17B-2-11 of said code; to amend and reenact §17C-5A-2a of said code; and to amend and reenact §17D-2-2 of said code, all relating generally to increasing the funding for the State Road Fund by increasing Division of Motor Vehicles administrative fees and motor fuel excise taxes; changing the flat rate component of the motor fuel excise tax from 20.5 cents to 25 cents per invoiced gallon of motor fuel and on each gallon equivalent for alternative fuel; increasing the minimum average wholesale price of motor fuels for purposes of the five percent variable fuel tax as of specified date; deleting superfluous language relating to floorstocks; increasing Division of Motor Vehicles administrative fees, including increasing fees for various documents, records, registrations, certificates, titles, liens, releases, transfers, cards, stickers, decals, licenses and plates; requiring payment of certain fee for each attempt at the written and road skills test; increasing said administrative Division of Motor Vehicles fees every five years on September 1 based on the U. S. Department of Labor, Bureau of Labor Statistics most current Consumer Price Index; imposing annual registration fee for certain alternative fuel vehicles; and specifying effective dates.

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

Respectfully submitted,

Gregory L. Boso,
Chair.

The bills (Com. Sub. for S. B. 15 and 477), under the original double committee references, were then referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration

Senate Bill 16, Repealing section related to wind power projects.

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

Com. Sub. for Senate Bill 16 (originating in the Committee on Finance)—A Bill to repeal §11-6A-5a of the Code of West Virginia, 1931, as amended, relating to classifying wind power projects as pollution control facilities; and providing a reduced valuation assessment for property tax purposes

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mike Hall,
Chair.

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

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 308 (originating in the Committee on Natural Resources), Clarifying administrative and law-enforcement activities of DNR police officers are important to conservation and management of state's fish and wildlife.

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

Com. Sub. for Com. Sub. for Senate Bill 308 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §20-7-1 of the Code of West Virginia, 1931, as amended, relating to natural resources police officers; finding that the administrative and law-enforcement activities of the natural resources police officers are important to the state's conservation of fish and wildlife; and clarifying that the subsistence allowance is pensionable.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Government Organization has had under consideration

Senate Bill 500, Relating to Medicaid fraud and abuse.

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

Com. Sub. for Senate Bill 500 (originating in the Committee on Government Organization)—A Bill to amend and reenact §9-7-1, §9-7-3, §9-7-6 and §9-7-6a of the Code of West Virginia, 1931, as amended, all relating to Medicaid fraud and abuse; the Medicaid Fraud Control Unit; transferring the Medicaid Fraud Control Unit, all powers and duties of the unit and employees of the unit from the Department of Health and Human Resources to the Attorney General effective October 1, 2017; requiring, on or before December 31, 2020, that the Legislative Auditor study and report to the Joint Committee on Government and Finance on the performance of the Medicaid Fraud Control Unit within the Office of the Attorney General compared to the performance of the unit while established within the Department of Health and Human Resources; requiring the Department of Health and Human Resources cooperate with and provide information to the Attorney General on Medicaid fraud and abuse investigations, prosecutions or civil actions; providing that a civil action related to Medicaid fraud and abuse may be prosecuted and maintained on behalf of the Department of Health and Human Resources by the Attorney General or by an attorney in contract with or employed by the Attorney General; providing that a civil action related to Medicaid fraud and abuse may be prosecuted and maintained by a prosecuting attorney and the prosecuting attorney's assistants or by any attorney contracted with or employed by the Department of Health and Human Resources if the Attorney General declines to prosecute and

maintain such action; and exempting the Attorney General and employees or agents from civil liability for certain good faith actions.

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,

Craig Blair,
Chair.

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

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 554, Relating to false swearing in legislative proceeding.

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 559, Relating to limited video lottery.

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

Com. Sub. for Senate Bill 559 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §29-22B-501 of the Code of West Virginia, 1931, as amended, relating to video lottery in general; providing that a limited video lottery retailer may sell or transfer ownership of one or more locations, including the limited video lottery retailer's license associated with that location; providing that a purchaser or transferee shall satisfy the requirements for a limited video lottery retailer's license; and providing that the State Lottery Commission be given prior written notice of the sale or transfer.

And,

Senate Bill 581, Relating generally to administration of trusts.

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

Com. Sub. for Senate Bill 581 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §38-1-13 of the Code of West Virginia, 1931, as amended; to amend and reenact §44D-1-103 of said code; to amend said code by adding thereto a new section, designated §44D-1-113; to amend and reenact §44D-4-405 and §44D-4-414 of said code; to amend and reenact §44D-5-503b and §44D-5-505 of said code; to amend and reenact §44D-6-604 of said code; and to amend and reenact §44D-8-813 and §44D-8-817 of said code, all relating generally to trusts and their administration; eliminating requirement to give notice to trustee of substitution under certain circumstances; modifying definitions; establishing insurable interest of a trustee; clarifying scope of provisions regarding trust established for charitable purposes; increasing amount of noncharitable trust property to modify or terminate trust without court approval; requiring self-settled spendthrift trust have one independent qualified trustee; adding reference to exceptions for self-settled spendthrift trusts to provision allowing creditor or assignee to reach amount distributed for grantor's benefit from irrevocable trust; removing reference to exceptions for self-settled spendthrift trusts to provisions allowing creditor or assignee to reach amount distributed for grantor's benefit from revocable trusts; changing references from beneficiary to interested person in limitation on actions to contest validity of revocable trust; modifying duties of trustee to inform and report to beneficiaries; granting trustee authority and requiring trustee to wind up administration of trust upon its termination; and making technical changes.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Transportation and Infrastructure has had under consideration

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

Senate Concurrent Resolution 8, Donnie Adkins Memorial Bridge.

Senate Concurrent Resolution 11, USMC Lance Corporal Edwin Russell 'Snook' Danehart Memorial Bridge.

Senate Concurrent Resolution 14, US Army PVT Oren J. "Junior" Johnson Memorial Bridge.

Senate Concurrent Resolution 17, John Hancock Hall Memorial Bridge.

Senate Concurrent Resolution 18, US Marine CPL Walter Vincent Filipek Memorial Bridge.

Senate Concurrent Resolution 21, US Army CPL Daniel Frederick Mehringer Memorial Bridge.

Senate Concurrent Resolution 22, Walter E. Swiger Memorial Bridge.

And,

Senate Concurrent Resolution 28, US Army SPC4 Randall W. Arbogast Memorial Road.

And reports the same back with the recommendation that they each be adopted.

Respectfully submitted,

Gregory L. Boso,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the resolutions (S. C. R. 5, 8, 11, 14, 17, 18, 21, 22 and 28) contained in the preceding report from the Committee on Transportation and Infrastructure were taken up for immediate consideration and considered simultaneously.

The question being on the adoption of the resolutions, the same was put and prevailed.

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

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution 15, Herbert “Herb” Linkous Bridge.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution 15 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways to name bridge number 55-85-5.98 (55A098), locally known as Kopperston Mine Bridge, carrying WV Route 85 over Tug Fork in Wyoming County, the “U.S. Army CPL Herbert ‘Herb’ Linkous Memorial Bridge”.

Whereas, Herbert ‘Herb’ Linkous lived in Kopperston, West Virginia, from 1957 until his death in 2015 with his wife Betty and their five children; and

Whereas, Herb worked for more than 30 years in the coal mines, retiring from Peabody Coal at Kopperston; and

Whereas, Herb served as an officer and representative of United Mine Workers Kopperston Local 7604 for nearly 20 years, working to make certain that miners were treated fairly and had safe working conditions; and

Whereas, Herb was a U. S. Army Veteran, serving in World War II in the Asiatic-Pacific Theater from September 5, 1946, until April 15, 1947, and was awarded the World War II Victory Medal; and

Whereas, Herb also served in the U. S. Army from January 30, 1948, until January 29, 1952, in Korea and was honorably discharged after obtaining the rank of Corporal. During his service in Korea, Herb and his company endured heavy artillery combat and were engaged in hand-to-hand combat. For his service, he was awarded the Bronze Star Medal, the Korean Service Medal with

three Bronze Service Stars, the Good Conduct Medal, the Distinguished Unit Emblem and the Overseas Bar; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 55-85-5.98 (55A098), locally known as Kopperston Mine Bridge, carrying WV Route 85 over Tug Fork in Wyoming County, the “U.S. Army CPL Herbert ‘Herb’ Linkous 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. Army CPL Herbert ‘Herb’ Linkous 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.

And,

Senate Concurrent Resolution 19, Blue Demon Bridge.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution 19 (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name bridge number 24-52/19-0.01 (24A293), (37.41606, -81.43625), originally known as the Northfork Bridge, located in Northfork, McDowell County, carrying County Route 52/19 over Elkhorn Creek, the “Blue Demons 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 Demons’ boys’ basketball teams that won Class AA state championships in 1971 and 1984, as well as eight consecutive state championships 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 19 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 more than 30 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 24-52/19-0.01 (24A293), (37.41606, -81.43625), originally known as the Northfork Bridge, located in Northfork, McDowell County, carrying County Route 52/19 over Elkhorn Creek, the "Blue Demons 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 Demons 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.

With the recommendation that the two committee substitutes be adopted.

Respectfully submitted,

Gregory L. Boso,
Chair.

At the request of Senator Ferns, unanimous consent being granted, the resolutions (Com. Sub. for S. C. R. 15 and 19) contained in the preceding report from the Committee on Transportation and Infrastructure were taken up for immediate consideration and considered simultaneously.

The question being on the adoption of the resolutions, the same was put and prevailed.

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

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2028, Relating to the venue for suits and other actions against the state.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

The Senate proceeded to the 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 Maynard and Boso:

Senate Bill 605—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-6-13; and to amend and reenact §18-2-1 of said code, all relating to requiring that all members of the State Board of Education be elected to their positions; and establishing an election procedure.

Referred to the Committee on the Judiciary.

By Senators Maynard and Plymale:

Senate Bill 606—A Bill to amend and reenact §21-5C-1 of the Code of West Virginia, 1931, as amended, relating to adding an exception for seasonal amusement park workers from the definition of “employee”.

Referred to the Committee on the Judiciary.

By Senators Takubo, Woelfel, Jeffries, Cline and Stollings:

Senate Bill 607—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-7-18e, relating to allowing the use of larger horsepower boats on limited horsepower lakes under certain circumstances; violations and civil penalties.

Referred to the Committee on the Judiciary.

By Senators Trump, Woelfel, Weld, Gaunch and Plymale:

Senate Bill 608—A Bill to amend and reenact §2-2-10 of the Code of West Virginia, 1931, as amended, relating to clarifying that regulatory, noncriminal legislative enactments prohibiting a type or types of businesses, or business structures are inapplicable to lawful businesses and business structures operating in this state prior to the effective date of the prohibiting enactment; and updating provisions.

Referred to the Committee on the Judiciary.

By Senators Ferns, Azinger, Rucker and Cline:

Senate Bill 609—A Bill to amend and reenact §18-9A-2, §18-9A-4, §18-9A-5, §18-9A-6a, §18-9A-7, §18-9A-9, §18-9A-10 and §18-9A-12 of the Code of West Virginia, 1931, as amended, all relating to public school support; including treasurer/chief school business official and child nutrition director as professional educator for funding purposes only; deleting required periodic legislative review of adjustments in net enrollment; determining allowance for fundable professional educators at set ratio, rather than the number employed subject to a limit; providing for determination of allowance for fundable positions in excess of number employed; deleting expired provisions; basing minimum professional instructional personnel required on percent of employed fundable professional educators; providing for prorating professional instructional personnel among participating counties in joint school or program or service; removing penalty for not meeting applicable professional instructional personnel ratio for 2017-2018 school year; deleting expired provisions; deleting required periodic legislative review of density category ratios; determining allowance for fundable service personnel at set ratio, rather than number employed subject to a limit; providing for determination of allowance for fundable positions in excess of number employed; providing for proration of number and allowance of personnel employed in part by state and county funds; adding professional student support personnel allowance to calculation of teachers retirement fund allowance; basing Teachers Retirement Fund allowance on average retirement contribution rate of each county and defining “average rate”; allowing limited portion of funds for bus purchases to be used for facility and equipment repair maintenance and

improvement or replacement or other current expense priorities if requested and approved by state superintendent following verification; changing calculation of allowance for current expense from percent allowances for professional and service personnel to county's state average costs per square footage per student for operations and maintenance; removing authorization for use of instructional improvement funds for implementation and maintenance of regional computer information system; removing requirement for fully utilizing applicable provisions of allowances for professional and service personnel before using instructional improvement funds for employment; removing restriction limiting use of new instructional improvement funds for employment except for technology system specialists until certain determination made by state superintendent; authorizing use of instructional technology improvement funds for employment of technology system specialists and requiring amount used to be included and justified in strategic technology plan; specifying when certain debt service payments are to be made into School Building Capital Improvement Fund; authorizing use of percentages of allocations for improving instructional programs; improving instructional technology for facility and equipment repair and maintenance or replacement and other current expense priorities and for emergency purposes; requiring amounts used to be included and justified in respective strategic plans; and reducing state aid funding to the school districts for the 2018 fiscal year only.

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

By Senators Prezioso, Beach, Unger and Stollings:

Senate Bill 610—A Bill to amend and reenact §21-11-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §21-11-10b and §21-11-10c, all relating to requiring any newly constructed, state-assisted, detached single family house, a townhouse or multilevel dwelling unit, whether detached or attached to other units or structures, or a ground floor unit in a building of three or fewer dwelling units to meet minimum standards of universal design for persons with disabilities.

Referred to the Committee on Government Organization.

By Senator Sypolt:

Senate Bill 611—A Bill to amend and reenact §7-7-6e of the Code of West Virginia, 1931, as amended, relating to expanding the county assessment and collection of a head tax on certain farm animals to breeding cows, if the owner participates.

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

By Senators Boley, Rucker, Cline and Maroney:

Senate Bill 612—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3tt, relating to granting county commissions with the plenary power and authority to establish by ordinance a vacant building registration program; and setting forth procedures for administration and enforcement.

Referred to the Committee on Government Organization.

By Senators Sypolt, Smith and Maroney:

Senate Bill 613—A Bill to amend and reenact §29-3-3 of the Code of West Virginia, 1931, as amended, relating to the composition of the State Fire Commission; increasing the members that represent volunteer fire departments by one; and decreasing the members that represent full-time paid fire departments by one.

Referred to the Committee on Government Organization.

By Senators Blair, Boso and Sypolt:

Senate Bill 614—A Bill to amend and reenact §12-6C-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §31-15-8 of said code, all relating to the expansion of broadband service to unserved areas of West Virginia by providing loan insurance for commercial loans used for the expansion of broadband service to unserved or underserved areas; establishing limits and conditions on the insuring of loans; establishing interest rates; establishing amortization periods; providing for security interests; setting forth the responsibilities of the West Virginia Economic Development Authority, the West Virginia Board of Treasury Investments and the Broadband Enhancement Council; providing that the members of the West Virginia Board of Treasury Investments do not have a fiduciary responsibility with regard to the loans; providing for notice for loan insurance; providing for hearings and appeal; and making technical changes.

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

By Senators Prezioso, Palumbo, Beach, Miller, Ojeda, Plymale, Romano, Stollings, Unger and Woelfel:

Senate Bill 615—A Bill to amend and reenact §4-2A-3 of the Code of West Virginia, 1931, as amended, relating to limiting the number of days members of the Legislature may receive compensation during an extended and extraordinary session if the budget bill has not been enacted.

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

By Senators Stollings, Plymale, Takubo and Maroney:

Senate Bill 616—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7B-9e, relating to limiting recoverable damages when a patient has been transferred from a health care facility to another health care facility; and providing an exception.

Referred to the Committee on the Judiciary.

By Senators Maynard and Maroney:

Senate Bill 617—A Bill to amend and reenact §17-2A-11 of the Code of West Virginia, 1931, as amended, relating to requiring that the State Road Commissioner make available online the state's master road and highway map.

Referred to the Committee on Government Organization.

By Senators Maynard and Cline:

Senate Bill 618—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-10-24, relating to continuing education credits of veterinarians; and allowing credits for providing free spaying and neutering and other related veterinary services under certain circumstances.

Referred to the Committee on Government Organization.

By Senator Maynard:

Senate Bill 619—A Bill to amend and reenact §17-16B-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-18-7 of said code, all relating to the acquisition of idled railways properties by the West Virginia Railroad Maintenance Authority to be used by local recreational authorities.

Referred to the Committee on Government Organization.

Senators Gaunch, Beach and Stollings offered the following resolution:

Senate Concurrent Resolution 39—Requesting the Division of Highways to name McCorkle Road 14/3, beginning at a point where it intersects with Route 119 and ending at a point where it intersects with Route 214, (38.244866, -81.874752 to 38.224079, -81.835998) in Lincoln County, as the “U. S. Army PFC Kelva H. Justice Memorial Road”.

Whereas, Private Justice was born on March 25, 1935, in Ivaton, to Clayton and Lyda Zora (Pauley) Justice; and

Whereas, Private Justice attended Duval High School, Griffithsville; and

Whereas, Private Justice entered the United States Army on August 18, 1943, and received his basic training at Camp Adair, Oregon; and

Whereas, Private Justice sailed from the United States in March, 1944, and was stationed in England, France and Germany during World War II; and

Whereas, The last word received from Private Justice was his letter dated March 26, 1945, written while in Germany; and

Whereas, Private Justices’ mother, Lyda Z. Justice, was notified by Major General J. A. Ulio, Adjunct General of the Army, that her son was killed in action on April 14, 1945, in Germany; and

Whereas, A later War Department message dated May 1, 1945 stated Private Justice was killed in an ambush on April 14, 1945; and

Whereas, Private Justice was awarded the Silver Star and two Purple Hearts; and

Whereas, Private Justice was originally buried in the United States Military Cemetery in Holland; and

Whereas, Private Justices’ body was disinterred and his funeral was held on January 1, 1949, at the McCorkle Free Will Baptist Church in McCorkle. The funeral was officiated by the Reverend Meddie Graley, with a military service conducted by Boone County Veterans of Foreign Wars and he was buried in the Midkiff Cemetery in Sumerco in Lincoln County; and

Whereas, It is fitting that an enduring memorial be established to commemorate Private First Class Kelva H. Justice, a native son who served his state and his country with great honor and gave the ultimate sacrifice, by naming McCorkle Road 14/3, beginning at a point where it intersects with Route 119 and ending at a point where it intersects with Route 214, (38.244866, -81.874752 to 38.224079, -81.835998) in Lincoln County, the “U. S. Army PFC Kelva H. Justice Memorial Road”; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name McCorkle Road 14/3, beginning at a point where it intersects with Route 119 and ending at a point where it intersects with Route 214, (38.244866, -81.874752 to 38.224079, -81.835998) in Lincoln County, as the "U. S. Army PFC Kelva H. Justice Memorial Road"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the road as the "U. S. Army PFC Kelva H. Justice 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 Maynard, Unger and Stollings offered the following resolution:

Senate Concurrent Resolution 40—Requesting the Joint Committee on Government and Finance study funds available for improvements at Beech Fork State Park and Cacapon Resort State Park, and to study status of improvements made at the parks in recent years, current improvement needs and the best use for funds currently available for improvements.

Whereas, From July 1, 2002, through fiscal year beginning July 1, 2012, the state code provided for \$5 million to be deposited into the State Park Improvement Fund for park improvements; and

Whereas, Beginning July 1, 2013, and each fiscal year thereafter, the State Excess Lottery Revenue Fund has been required, pursuant to West Virginia Code section eighteen-e, article twenty-two, chapter twenty-nine, to deposit an amount equal to the certified debt service requirement, not to exceed \$3 million in any one fiscal year, into the Cacapon and Beech Fork State Park Lottery Revenue Debt Service Fund, and in addition deposit \$5 million into the State Park Improvement Fund; and

Whereas, The deposits to the Cacapon and Beech Fork State Park Lottery Revenue Debt Service Fund were to permit issuance of bonds for improvements to the two state parks; and

Whereas, Prudent principles of management require examination of improvement projects certified to receive funds available and the selection of projects which best serve the citizens of the state and best provide economic benefits for the funds available; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study funds available for improvements at Beech Fork State Park and Cacapon Resort State Park, and to study status of improvements made at the parks in recent years, current improvement needs and the best use for funds currently available for improvements; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2018, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Which, under the rules, lies over one day.

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

Senate Concurrent Resolution 41—Requesting the Division of Highways name bridge number 03-9-3.08 (03A052), (37.94999, -81.85885), locally known as Hewitt Bridge 3642, carrying County Route 9 over the Hewitt Creek in Boone County, the “U. S. Army PV2 Mandvial S. ‘Bunker’ Bias Memorial Bridge”.

Whereas, Private Bias was born July 25, 1893, in Hewett, Boone County. He was the son of Mann Bias and Parthena Bias and a descendant of Obediah Bias, one of the first settlers of Hewett; and

Whereas, Private Bias married Leora Baldwin and they had ten children: Audley, Ruby, Ruth, Eugene, Darlene, Joey, Christena, James Otis, Yvonna Lee and Sherry; and

Whereas, Private Bias loved West Virginia and lived all his life in Boone County where he raised his family while working in the coal mines, timbering and always raising a large garden; and

Whereas, Private Bias was a kind and generous man with family and many friends gathering at their home on Sundays, with sometimes as many as fifty people gathering. After dinner, they would gather outside under shade trees to visit and discuss cars, hunting and politics; and

Whereas, Private Bias served his country during World War I; and

Whereas, Private Bias passed away on October 13, 1973; and

Whereas, Private Bias served his country and his state with honor and distinction; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 03-9-3.08 (03A052), (37.94999, -81.85885), locally known as Hewitt Bridge 3642, carrying County Route 9 over the Hewitt Creek in Boone County, the “U. S. Army PV2 Mandvial S. ‘Bunker’ Bias 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. Army PV2 Mandvial S. ‘Bunker’ Bias Memorial Bridge”; and, be it

Further Revolved, 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 Mann, Beach, Plymale, Romano, Cline, Unger, Sypolt, Rucker, Stollings and Prezioso offered the following resolution:

Senate Resolution 37—Designating Wednesday, March 15, 2017, as Higher Education Day at the Legislature.

Whereas, The foundation of any society's success is the degree to which its citizens are educated; and

Whereas, The State of West Virginia is committed to supporting higher education; and

Whereas, West Virginia's colleges and universities open the doors of opportunity for West Virginia's students; and

Whereas, West Virginia's education system helps students achieve their education and career goals, and meet the workforce needs of the State of West Virginia; and

Whereas, Higher education institutions contribute to the economic vitality of the state while enriching the culture of the communities and regions they serve; and

Whereas, West Virginia's colleges and universities advance the development of technology, partner in business and industry, conduct groundbreaking research and improve lives through advanced health care; and

Whereas, Through the services of outstanding faculty, staff, administration and leadership, West Virginia's colleges and universities carry out student-centered missions for the betterment of the entire state; therefore, be it

Resolved by the Senate:

That the Senate hereby designates Wednesday, March 15, 2017, as Higher Education Day at the Legislature; and, be it

Further Resolved, That the Senate recognizes the commitment to excellence the leaders of our colleges and universities have demonstrated; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Chancellor of the West Virginia Higher Education Policy Commission, the Chancellor of the West Virginia Council for Community and Technical College Education, the Executive Director of the West Virginia Independent Colleges and Universities, Inc., and to each of the presidents of West Virginia's public and independent colleges and universities.

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

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 620 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17C-7-1 and §17C-7-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17C-8-8 of said code, all relating to traffic regulations; increasing fines; permitting visible instead of audible signal when passing to the left of an overtaken vehicle; and clarifying that an appropriate signal is required when moving right or left upon a roadway.

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

Respectfully submitted,

Gregory L. Boso,
Chair.

The Senate proceeded to the eighth order of business.

Eng. Senate Bill 28, Creating new system for certain contiguous counties to establish regional recreation authorities.

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

Pending discussion,

The question being “Shall Engrossed Senate Bill 28 pass?”

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

The nays were: Ojeda and Stollings—2.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 28) passed.

At the request of Senator Maynard, as chair of the Committee on Natural Resources, and by unanimous consent, the unreported Natural Resources committee amendment to the title of the bill was withdrawn.

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

Eng. Senate Bill 28—A Bill to amend and reenact §20-7-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §20-14A-1, §20-14A-2, §20-14A-3, §20-14A-4, §20-14A-5, §20-14A-6, §20-14A-7, §20-14A-8, §20-14A-9, §20-14A-10 and §20-14A-11; and to amend and reenact §20-15-1, §20-15-2, §20-15-3, §20-15-4 and §20-15-5 of said code, all relating to establishing regional recreation authorities and areas; establishing trails for off-highway recreational vehicle use; providing for reimbursement by authority for natural resources police officers; authorizing creation of regional recreation authority

as joint development entity formed by two or more contiguous counties; prohibiting the creation of more than two regional recreation authorities within a certain time period without specific approval by the Legislature; setting forth findings and definitions; establishing powers and composition of governing board; providing for financial review and oversight of public funds; prohibiting certain conduct in regional recreation area; establishing requirements for bidding and purchasing; prohibiting conflicts of interest; limiting liability; clarifying duties and responsibilities of participants to landowners and lessors in the regional recreation areas; and establishing criminal penalties and civil remedies.

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 187, Providing for confidentiality of patients' medical records.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 187) 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 302, Supplemental appropriation of federal funds from Treasury to Division of Human Services.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 302) passed with its title.

Senator Ferns moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Ferns, Gaunch, Hall, Jeffries, Karnes, Mann, Maroney, Maynard, Miller, Mullins, Ojeda,

Palumbo, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 302) 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 303, Supplemental appropriation of public moneys from Treasury to DHHR.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 303) passed with its title.

Senator Ferns moved that the bill take effect from passage.

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 303) 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 306, Supplemental appropriation of federal funds from Treasury to Workforce West Virginia.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 306) passed with its title.

Senator Ferns moved that the bill take effect from passage.

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 306) 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 454, Providing more efficient collection and submission of state moneys received from court transactions or court services.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 454) passed with its title.

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

Eng. Senate Bill 466, Calculating state share of gross profits from limited video lottery revenues at 50 percent.

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

On motion of Senator Ferns, the bill was referred to the Committee on Rules.

Eng. Com. Sub. for Senate Bill 497, Relating to liability for health care providers who provide services at school athletic events.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 497) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Com. Sub. for Senate Bill 186, Adjusting date when children become eligible for certain school programs and school attendance requirements.

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

Com. Sub. for Senate Bill 192, Relating generally to licensed surveyors.

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 255, Relating to filling vacancies on county commissions and other county offices.

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.

Com. Sub. for Senate Bill 413, Relating to bids on government construction contracts.

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

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

On page two, section one, line thirty-three, after the word "bidder." by inserting the following: Any bid proposal for an alternate shall expire one hundred fifty days after the date of the opening of bids for review.

Following discussion,

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

The bill (Com. Sub. for S. B. 413), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 471, Relating to state ownership of wildlife.

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 474, Exempting names of licensed hunters from public disclosure.

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

Senate Bill 495, Relating to regulation of events by State Athletic Commission.

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

Senate Bill 524, Relating to WV academic standards.

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.

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

Senator Plymale then moved that the Senate reconsider its action by which it immediately hereinbefore adopted the request that Senate Bill 524 be laid over one day, retaining its place on the calendar.

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

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

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

Whereupon, Senator Carmichael (Mr. President) declared Senator Plymale's aforestated motion had not prevailed.

Com. Sub. for Senate Bill 531, Relating to renewal date for apiary certificates of registration.

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

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

On page one, section four, line five, by striking out "March 31" and inserting in lieu thereof "June 30";

And,

On page one, section four, line seven, by striking out "March 31" and inserting in lieu thereof "June 30".

The bill (Com. Sub. for S. B. 531), as amended, was then ordered to engrossment and third reading.

Senate Bill 536, Authorizing tracking of wounded or injured bear or deer.

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 575, Limiting nuisance actions against shooting ranges for noise.

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

The Senate proceeded to the tenth order of business.

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

Senate Bill 443, Establishing Adult Drug Court Participation Fund.

Senate Bill 444, Establishing Court Advanced Technology Subscription Fund.

Com. Sub. for Senate Bill 522, Relating to pharmacy audits.

And,

Eng. Com. Sub. for House Bill 2678, Changing the amounts of prejudgment and post-judgment interest to reflect today's economic conditions.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Ojeda.

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

The Senate proceeded to the thirteenth order of business.

Following a point of inquiry to the President, with resultant response thereto,

At the request of Senator Maroney, the name of Senator Maroney was removed as a sponsor of **Senate Bill 335** (*Repealing consumers sales and service tax, use tax and personal income tax*).

At the request of Senator Cline, the name of Senator Cline was removed as a sponsor of **Senate Bill 537** (*Relating to exemptions from mandated immunizations*).

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Thursday, March 16, 2017, at 11 a.m.

SENATE CALENDAR

Thursday, March 16, 2017
11:00 AM

UNFINISHED BUSINESS

- S. C. R. 39 - US Army PFC Kelva H. Justice Memorial Road
- S. C. R. 40 - Requesting study on available funds for improvements at Beech Fork State Park and Cacapon Resort State Park
- S. C. R. 41 - US Army PV2 Mandvial S. "Bunker" Bias Memorial Bridge

THIRD READING

- Eng. Com. Sub. for Com. Sub. for S. B. 186 - Adjusting date when children become eligible for certain school programs and school attendance requirements (original similar to HB2478)
- Eng. Com. Sub. for S. B. 192 - Relating generally to licensed surveyors
- Eng. Com. Sub. for S. B. 413 - Relating to bids on government construction contracts
- Eng. Com. Sub. for S. B. 471 - Relating to state ownership of wildlife
- Eng. Com. Sub. for S. B. 474 - Exempting names of licensed hunters from public disclosure
- Eng. S. B. 495 - Relating to regulation of events by State Athletic Commission
- Eng. Com. Sub. for S. B. 531 - Relating to renewal date for apiary certificates of registration
- Eng. S. B. 536 - Authorizing tracking of wounded or injured bear or deer
- Eng. Com. Sub. for S. B. 575 - Limiting nuisance actions against shooting ranges for noise

SECOND READING

- Com. Sub. for S. B. 255 - Relating to filling vacancies on county commissions and other county offices
- S. B. 443 - Establishing Adult Drug Court Participation Fund (original similar to HB2766)
- S. B. 444 - Establishing Court Advanced Technology Subscription Fund (original similar to HB2765)
- Com. Sub. for S. B. 522 - Relating to pharmacy audits
- S. B. 524 - Relating to WV academic standards
- Eng. Com. Sub. for H. B. 2678 - Changing the amounts of prejudgment and post-judgment interest to reflect today's economic conditions

FIRST READING

- Com. Sub. for S. B. 16 - Repealing section related to wind power projects
- Com. Sub. for Com. Sub. for S. B. 308 - Clarifying administrative and law-enforcement activities of DNR police officers are important to conservation and management of state's fish and wildlife
- Com. Sub. for S. B. 500 - Relating to Medicaid fraud and abuse
- S. B. 554 - Relating to false swearing in legislative proceeding
- Com. Sub. for S. B. 559 - Relating to limited video lottery
- Com. Sub. for S. B. 581 - Relating generally to administration of trusts (original similar to HB2978)
- S. B. 620 - Relating to traffic regulations
- Eng. Com. Sub. for H. B. 2028 - Relating to the venue for suits and other actions against the state - (Com. amend. and title amend. pending)

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2017

Thursday, March 16, 2017

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