

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE  
REGULAR SESSION, 2016  
FORTY-SECOND DAY

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Charleston, W. Va., Tuesday, February 23, 2016

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Brad Joseph, Mountain Heights Church, South Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Corey Palumbo, a senator from the seventeenth district.

Pending the reading of the Journal of Monday, February 22, 2016,

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

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

The Clerk presented a communication from the Court of Claims, submitting its Crime Victims Compensation Fund report as required by §14-2A-21 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Division of Juvenile Services, submitting its annual report, in accordance with §49-5-13e of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Senate then proceeded to the third order of business.

A message from The Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect July 1, 2016, and requested the concurrence of the Senate in the House of Delegates amendment, as to

**Eng. Com. Sub. for Senate Bill 146**, Establishing instruction standards for early childhood education.

On motion of Senator Carmichael, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

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

That §18-5-44 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

#### **ARTICLE 5. COUNTY BOARD OF EDUCATION.**

##### **§18-5-44. Early childhood education programs.**

(a) For the purposes of this section, an “early childhood education program” means ~~programs a program created under this section~~ for children who have attained the age of four prior to September 1 of the school year in which ~~the pupil enters~~ the children enter the program. ~~created in this section~~

(b) *Findings.* –

(1) Among other positive outcomes, early childhood education programs have been determined to:

- (A) Improve overall readiness when children enter school;
- (B) Decrease behavioral problems;
- (C) Improve student attendance;
- (D) Increase scores on achievement tests;
- (E) Decrease the percentage of students repeating a grade; and
- (F) Decrease the number of students placed in special education programs;

(2) Quality early childhood education programs improve school performance and low-quality early childhood education programs may have negative effects, especially for at-risk children;

(3) West Virginia has the lowest percentage of its adult population twenty-five years of age or older with a bachelor’s degree and the education level of parents is a strong indicator of how their children will perform in school;

(4) During the 2006-2007 school year, West Virginia ranked thirty-ninth among the fifty states in the percentage of school children eligible for free and reduced lunches and this percentage is a strong indicator of how the children will perform in school;

(5) For the school year 2008-2009, 13,135 students were enrolled in prekindergarten, a number equal to approximately sixty-three percent of the number of students enrolled in kindergarten;

(6) Excluding projected increases due to increases in enrollment in the early childhood education program, projections indicate that total student enrollment in West Virginia will decline by one percent, or by approximately 2,704 students, by the school year 2012-2013;

(7) In part, because of the dynamics of the state aid formula, county boards will continue to enroll four-year-old students to offset the declining enrollments;

(8) West Virginia has a comprehensive kindergarten program for five-year-olds, but the program was established in a manner that resulted in unequal implementation among the counties, which helped create deficit financial situations for several county boards;

(9) Expansion of current efforts to implement a comprehensive early childhood education program should avoid the problems encountered in kindergarten implementation;

(10) Because of the dynamics of the state aid formula, counties experiencing growth are at a disadvantage in implementing comprehensive early childhood education programs; and

(11) West Virginia citizens will benefit from the establishment of quality comprehensive early childhood education programs.

(c) Beginning no later than the school year 2012-2013, and continuing thereafter, county boards shall provide early childhood education programs for all children who have attained the age of four prior to September 1 of the school year in which the ~~pupil enters~~ children enter the early childhood education program. Beginning no later than the school year 2016-2017, and continuing thereafter, these early childhood education programs that are full day and five days per week shall be available to all children meeting the age requirement set forth in the subsection shall provide at least forty-eight thousand minutes annually and no less than fifteen hundred minutes of instruction per week.

(d) The program shall meet the following criteria:

(1) It shall be voluntary, except that, upon enrollment, the provisions of section ~~one one-a~~, article eight of this chapter apply to an enrolled student, subject to subdivision ~~(3)~~ (4) of this subsection;

(2) It shall be open to A all children meeting the age requirement set forth in this section; shall have the opportunity to enroll in a program that is full day and five days per week. The program may be for fewer than five days per week and may be less than full day based on family need if a sufficient number of families request such programs and the county board finds that such programs are in the best interest of the requesting families and students: Provided, That the ability of families to request programs that are fewer than five days a week or less than a full day does not relieve the county of the obligation to provide all resident children with the opportunity to enroll in a full day program; and days

(3) It shall provide no less than fifteen hundred minutes of instruction per week, in a full day program with at least forty-eight thousand minutes of instruction annually; The program may be for fewer than five days per week and may be less than full day based on family need if a sufficient number of families request such programs and the county board finds that such programs are in the best interest of the requesting families and students: Provided, That the ability of families to request programs that are fewer than five days a week or less than a full day does not relieve the county of the obligation to provide all resident children with the opportunity to enroll in a full day program and

~~(3)~~ (4) It shall permit a parent of a an enrolled child enrolled in an early education program may to withdraw a the child from that program by notifying the district in writing.. A child withdrawn under this section is not subject to the attendance provisions of this chapter until that child again enrolls in a public school in this state.

(e) Enrollment of students in Head Start, or in any other program approved by the state superintendent as provided in ~~subsection (k)~~ of this section, may be counted toward satisfying the requirement of subsection (c) of this section.

(f) For the purposes of implementation financing, all counties are encouraged to make use of funds from existing sources, including:

(1) Federal funds provided under the Elementary and Secondary Education Act pursuant to 20 U. S. C. §6301, *et seq.*;

(2) Federal funds provided for Head Start pursuant to 42 U. S. C. §9831, *et seq.*;

(3) Federal funds for temporary assistance to needy families pursuant to 42 U. S. C. §601, *et seq.*;

(4) Funds provided by the School Building Authority pursuant to article nine-d of this chapter;

(5) In the case of counties with declining enrollments, funds from the state aid formula above the amount indicated for the number of students actually enrolled in any school year; and

(6) Any other public or private funds.

(g) Each county board shall develop a plan for implementing the program required by this section. The plan shall include the following elements:

(1) An analysis of the demographics of the county related to early childhood education program implementation;

(2) An analysis of facility and personnel needs;

(3) Financial requirements for implementation and potential sources of funding to assist implementation;

(4) Details of how the county board will cooperate and collaborate with other early childhood education programs including, but not limited to, Head Start, to maximize federal and other sources of revenue;

(5) Specific time lines for implementation; and

(6) Any other items the state board may require by policy.

(h) A county board shall submit its plan to the Secretary of the Department of Health and Human Resources. The secretary shall approve the plan if the following conditions are met:

(1) The county board has maximized the use of federal and other available funds for early childhood programs; and

(2) The county board has provided for the maximum implementation of Head Start programs and other public and private programs approved by the state superintendent pursuant to the terms of ~~subsection (k)~~ of this section; and or

(3) ~~If the~~ The Secretary of the Department of Health and Human Resources ~~secretary~~ finds that, if the county board has not met one or more of the requirements of this subsection, ~~but that~~ the county board has acted in good faith and the failure to comply was not the primary fault of the county board. ~~then the secretary shall approve the plan.~~ Any denial by the secretary may be appealed to the circuit court of the county in which the county board is located.

(i) The county board shall submit its plan for approval to the state board. The state board shall approve the plan if the county board has complied substantially with the requirements of subsection (g) of this section and has obtained the approval required in subsection (h) of this section.

(j) Every county board shall submit its plan for reapproval by the Secretary of the Department of Health and Human Resources and by the state board at least every two years after the initial approval of the plan and until full implementation of the early childhood education program in the county. As part of the submission, the county board shall provide a detailed statement of the progress made in implementing its plan. The standards and procedures provided for the original approval of the plan apply to any reapproval.

(k) A county board may not increase the total number of students enrolled in the county in an early childhood program until its program is approved by the Secretary of the Department of Health and Human Resources and the state board.

(l) The state board annually may grant a county board a waiver for total or partial implementation if the state board finds that all of the following conditions exist:

(1) The county board is unable to comply either because:

(A) It does not have sufficient facilities available; or

(B) It does not and has not had available funds sufficient to implement the program;

(2) The county has not experienced a decline in enrollment at least equal to the total number of students to be enrolled; and

(3) Other agencies of government have not made sufficient funds or facilities available to assist in implementation.

Any county board seeking a waiver shall apply with the supporting data to meet the criteria for which they are eligible on or before March 25 for the following school year. The state superintendent shall grant or deny the requested waiver on or before April 15 of that same year.

(m) The provisions of subsections (b), (c) and (d), section eighteen of this article relating to kindergarten apply to early childhood education programs in the same manner in which they apply to kindergarten programs.

(n) Annually, the state board shall report to the Legislative Oversight Commission on Education Accountability on the progress of implementation of this section.

(o) Except as required by federal law or regulation, no county board may enroll students who will be less than four years of age prior to September 1 for the year they enter school.

(p) Neither the state board nor the state department may provide any funds to any county board for the purpose of implementing this section unless the county board has a plan approved pursuant to subsections (h), (i) and (j) of this section.

(q) The state board shall promulgate a rule in accordance with the provisions of article three-b, chapter twenty-nine-a of this code for the purposes of implementing the provisions of this section. The state board shall consult with the Secretary of the Department of Health and Human Resources in the preparation of the rule. The rule shall contain the following:

(1) Standards for curriculum;

(2) Standards for preparing students;

(3) Attendance requirements;

(4) Standards for personnel; and

(5) Any other terms necessary to implement the provisions of this section.

(r) The rule shall include the following elements relating to curriculum standards:

(1) A requirement that the curriculum be designed to address the developmental needs of four-year-old children consistent with prevailing research on how children learn;

(2) A requirement that the curriculum be designed to achieve long-range goals for the social, emotional, physical and academic development of young children;

(3) A method for including a broad range of content that is relevant, engaging and meaningful to young children;

(4) A requirement that the curriculum incorporate a wide variety of learning experiences, materials and equipment, and instructional strategies to respond to differences in prior experience, maturation rates and learning styles that young children bring to the classroom;

(5) A requirement that the curriculum be designed to build on what children already know in order to consolidate their learning and foster their acquisition of new concepts and skills;

(6) A requirement that the curriculum meet the recognized standards of the relevant subject matter disciplines;

(7) A requirement that the curriculum engage children actively in the learning process and provide them with opportunities to make meaningful choices;

(8) A requirement that the curriculum emphasize the development of thinking, reasoning, decision-making and problem-solving skills;

(9) A set of clear guidelines for communicating with parents and involving them in decisions about the instructional needs of their children; and

(10) A systematic plan for evaluating program success in meeting the needs of young children and for helping them to be ready to succeed in school.

(s) The secretary and the state superintendent shall submit a report to the Legislative Oversight Commission on Education Accountability and the Joint Committee on Government and Finance which addresses, at a minimum, the following issues:

(1) A summary of the approved county plans for providing the early childhood education programs pursuant to this section;

(2) An analysis of the total cost to the state and county boards of implementing the plans;

(3) A separate analysis of the impact of the plans on counties with increasing enrollment; and

(4) An analysis of the effect of the programs on the maximization of the use of federal funds for early childhood programs.

The intent of this subsection is to enable the Legislature to proceed in a fiscally responsible manner and make any necessary program improvements based on reported information prior to implementation of the early childhood education programs.

(t) After the school year 2012-2013, on or before July 1 of each year, each county board shall report the following information to the Secretary of the Department of Health and Human Resources and the state superintendent:

(1) Documentation indicating the extent to which county boards are maximizing resources by using the existing capacity of community-based programs, including, but not limited to, Head Start and child care; and

(2) For those county boards that are including eligible children attending approved, contracted community-based programs in their net enrollment for the purposes of calculating state aid pursuant to article nine-a of this chapter, documentation that the county board is equitably distributing funding for all children regardless of setting.

On motion of Senator Sypolt, the following amendments to the House of Delegates amendment to the bill (Eng. Com. Sub. for S. B. 146) were reported by the Clerk, considered simultaneously, and adopted:

On page six, section forty-four, by striking out all of subsection (n);

On page eight, section forty-four, by striking out all of subsection (s);

And by relettering the remaining subsections;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for Senate Bill 146**—A Bill to amend and reenact §18-5-44 of the Code of West Virginia, 1931, as amended, relating to early childhood education programs; replacing days per week requirement for early childhood education programs with instructional minutes per week and instructional minutes per year requirements; modifying authority of parent to withdraw child from early childhood education program; and removing certain early childhood education program-related reporting requirements.

On motion of Senator Carmichael, the Senate concurred in the House of Delegates amendment, as amended.

Engrossed Committee Substitute for Senate Bill 146, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel and Cole (Mr. President)—33.

The nays were: None.

Absent: Yost—1.

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. 146) passed with its Senate amended title.

Senator Carmichael moved that the bill take effect July 1, 2016.

On this question, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel and Cole (Mr. President)—33.

The nays were: None.

Absent: Yost—1.

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. 146) takes effect July 1, 2016.

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

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 2605**—A Bill to amend and reenact §55-2-15 of the Code of West Virginia, 1931, as amended, relating generally to limitations on civil actions accruing to persons under legal disability; and removing the limitation on actions against the perpetrator of sexual assault or sexual abuse upon a minor.

Referred to the Committee on the Judiciary.

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

**Eng. House Bill 4152**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2016, to the Department of Environmental Protection, Division of Environmental Protection – Protect Our Water Fund, fund 3017, fiscal year 2016, organization 0313, by supplementing and amending the appropriations for the fiscal year ending June 30, 2016.

Referred to the Committee on Finance.

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

**Eng. House Bill 4155**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2016, to the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund, fund 5214, fiscal year 2016, organization 0506, and the Department of Health and Human Resources, Division of Human Services - Medical Services Trust Fund, fund 5185, fiscal year 2016, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2016.

Referred to the Committee on Finance.

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



**Eng. House Bill 4157**—A Bill supplementing, amending, and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2016, organization 0803, for the fiscal year ending June 30, 2016.

Referred to the Committee on Finance.

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

**Eng. House Bill 4160**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2016, to the Department of Revenue, Tax Division – Wine Tax Administration Fund, fund 7087, fiscal year 2016, organization 0702, and the Department of Revenue, Tax Division – Local Sales Tax and Excise Tax Administration Fund, fund 7099, fiscal year 2016, organization 0702, by supplementing and amending the appropriations for the fiscal year ending June 30, 2016.

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. Com. Sub. for House Bill 4197**—A Bill to amend and reenact §16-3C-2 of the Code of West Virginia, as amended, relating to the testing for HIV or hepatitis of certain persons; authorizing the Commissioner of the Bureau of Health to require HIV or hepatitis testing of certain persons who may have been exposed to HIV or hepatitis while providing certain services; and authorizing the Commissioner of the Bureau of Health or his or her designees to determine the appropriate therapy, counseling and psychological support for the exposed person.

Referred to the Committee on Health and Human Resources.

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

**Eng. Com. Sub. for House Bill 4265**—A Bill to amend and reenact §7-3-9 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-16-17 of said code; to amend and reenact §8-27-16 of said code; to amend and reenact §10-2A-16 of said code; and to amend and reenact §17-17-22 and §17-17-34 of said code; all relating to direct payments of principal and interest on certain bonds owned by the United States or any governmental agency or department of the United States.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

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

**Eng. Com. Sub. for House Bill 4310**—A Bill to repeal §18B-1E-1, §18B-1E-2, §18B-1E-3 and §18B-1E-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18B-1C-1 and §18B-1C-2 of said code, all relating to the West Virginia University Institute of Technology; finding that there is a need to maintain the valuable educational services provided by the West Virginia University Institute of Technology; finding that there are continued enrollment and facilities issues facing the West Virginia University Institute of Technology in Montgomery, West Virginia; finding that the West Virginia University Institute of Technology, West Virginia University, Marshall University, Concord University, Bluefield State College, and other public and private partners should collaborate; requiring collaboration and encouraging agreements with local governments near Montgomery; clarifying provisions relating to the West Virginia University Institute of Technology Board of Visitors; eliminating the requirement that the headquarters of the West Virginia Institute of Technology remain

in Montgomery, West Virginia; providing for a program review and approval process; requiring meetings between West Virginia University, West Virginia Institute of Technology, Concord University, and Bluefield State College; eliminating outdated provisions; and repealing provisions relating to the West Virginia University Institute of Technology Revitalization Project.

Referred to the Committee on Education.

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 4316**—A Bill to amend and reenact §18A-4-2a of the Code of West Virginia, 1931, as amended, relating to reimbursement of certification fee for National Board for Professional Teaching Standards certification; and requiring the submission of satisfactory evidence to the West Virginia Department of Education for reimbursement.

Referred to the Committee on Education.

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 4319**—A Bill to amend and reenact §59-1-2a of the Code of West Virginia, 1931, as amended, relating to defining the term “veteran” as that term pertains to veteran-owned businesses.

Referred to the Committee on Government Organization.

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

**Eng. Com. Sub. for House Bill 4322**—A Bill to amend and reenact §18B-3D-1 and §18B-3D-4 of the Code of West Virginia, 1931, as amended, all relating to the Workforce Development Initiative Program; revising the purposes for which certain funding is provided under program; removing condition upon which certain equipment may be sold, disposed of or used; and eliminating exception to dollar-for-dollar grant funding match from private sector partners.

Referred to the Committee on Education.

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

**Eng. House Bill 4340**—A Bill to amend and reenact §30-1-5, of the Code of West Virginia, 1931, as amended; and to amend said code by adding there to a new article, designated §30-1D-1, all relating generally to boards of examination for licensure; amending licensing requirements for an act which may be called Lynette’s Law; requiring information regarding completed disciplinary actions in which discipline was ordered, to be posted on a website with public access; and requiring certain boards regulating professions to require national criminal background checks on applicants being licensed for the first time in West Virginia.

Referred to the Committee on Government Organization.

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

**Eng. Com. Sub. for House Bill 4366**—A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof.

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. Com. Sub. for House Bill 4445**—A Bill to amend the Code of West Virginia, 1931, as amended; by adding thereto a new section, designated §18-2A-10, relating to the adoption of instructional resources for use in the public schools; providing for transition to new provisions for instructional resources adoption; defining instructional resources; requiring state board policy on required criteria included in instructional resources and requiring resources adopted to substantially cover; requiring pricing statement to be filed with state superintendent by person, firm or corporation desiring to sell instructional resources; prohibiting adoption or use unless of person firm or corporation not complying; disqualification of person, firm or corporation for failure to honor terms of filing; supplementary resources exempted; provisions for furnishing necessary instructional resources to students; requiring county board policy on instructional resources adoption and specifying minimum provisions; and prohibiting board of education member or employee from acting as sales agents for person, firm or corporation filing statement with superintendent.

Referred to the Committee on Education.

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 4540**—A Bill to amend and reenact §22-15A-22 of the Code of West Virginia, 1931, as amended, relating to removing prohibition of disposal of certain electronics in landfills; and permitting county or regional solid waste authorities to prohibit disposal of covered electronics in landfills where they have determined that a cost effective recycling alternative for handling covered electronic devices exists.

Referred to the Committee on Government Organization.

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

**Eng. Com. Sub. for House Bill 4604**—A Bill to amend and reenact §6B-2-4 of the Code of West Virginia, 1931, as amended, relating to violations of the Ethics Act; establishing a deadline of one year for the Ethics Commission to investigate and make a probable cause determination on a complaint; allowing extension past one year if consented by both respondent and complainant or unless good cause is made in writing by the Ethics Commission to both the respondent and complainant; changing the burden of proof needed to show a violation of the Ethics Act to a clear and convincing evidence standard; and extending the statute of limitations for filing complaints alleging violations of the Ethics Act from two years to five years.

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 4605**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-10f, relating to the disclosure of interested parties to a government contract; defining terms; prohibiting contracting with a state

agency unless business entity submits disclosure of interested parties; requiring submission of supplemental disclosure within thirty days of completion or termination of the contract; providing exceptions to the disclosure requirement for certain contracts; requiring the Ethics Commission create disclosure form; specifying contents to be included in the disclosure form; requiring state agencies to submit completed forms to the Ethics Commission; requiring the Ethics Commission to make disclosures publicly available; and requiring the Ethics Commission to post disclosures on the commission website when technologically able.

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. House Bill 4618**—A Bill to repeal §6B-2-5c of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §6B-2B-1, §6B-2B-2, §6B-2B-3, §6B-2B-4, §6B-2B-5, §6B-2B-6 and §6B-2B-7, all relating to limitations on use of a public official's name or likeness; prohibiting public officials, their agents or anyone on public payroll from placing the public official's name or likeness on trinkets; prohibiting public officials, their agents or anyone on public payroll from using public funds, public employees, or public resources to distribute, disseminate, publish, or display the public official's name or likeness for the purpose of advertising to the public; prohibiting public officials, their agents or anyone on public payroll from placing the public official's name or likeness on publicly-owned vehicles; prohibiting a public official's name or likeness from being placed on any educational material that is paid for with public funds; placing restrictions on a public official's name or likeness on a public agency's website and social media; prohibiting use of public resources to display or distribute trinkets, educational material or advertising with a public official's name or likeness; providing exceptions; providing for alternative uses for prohibited material after the effective date; and providing an opportunity to obtain an exemption from the Ethics Commission.

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 106**, Waiver of warranty on sale of used manufactured home under certain circumstances.

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

**Com. Sub. for Senate Bill 106** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §46A-6-107 of the Code of West Virginia, 1931, as amended, relating to disclaimers of warranties with respect to goods which are the subject of or are intended to become the subject of a consumer transaction; permitting exclusion, modification or limitation of warranty upon sale of manufactured home under certain circumstances; permitting consumer to waive a warranty as to a particular defect or malfunction which dealer has disclosed; and setting requirements for waiver to be effective.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Karnes, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

**Senate Bill 399**, Establishing personal and corporate income tax credits for farmers donating edible agricultural products.

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

**Com. Sub. for Senate Bill 399** (originating in the Committee on Agriculture and Rural Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13DD-1, §11-13DD-2, §11-13DD-3, §11-13DD-4, §11-13DD-5, §11-13DD-6 and §11-13DD-7, all relating to creation of farm-to-food bank tax credit; defining terms; providing method for calculation of value of tax credit; limiting tax credit; providing for certification by Department of Agriculture; allowing carry over of unused tax credits for four years; providing for rulemaking; and establishing effective date of tax credit.

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

Respectfully submitted,

Robert Karnes,  
*Chair.*

The bill (Com. Sub. for S. B. 399), under the original double committee reference, was then referred to the Committee on Finance.

Senator Gaunch, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

**Senate Bill 525**, Relating to WV Insurance Guaranty Association Act.

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

**Com. Sub. for Senate Bill 525** (originating in the Committee on Banking and Insurance)—A Bill to amend and reenact §33-26-2, §33-26-3, §33-26-4, §33-26-5, §33-26-8, §33-26-9, §33-26-10, §33-26-11, §33-26-12, §33-26-13, §33-26-14 and §33-26-18 of the Code of West Virginia, 1931, as amended, all relating to West Virginia Insurance Guaranty Association Act; modifying scope and construction of act; adding and amending definitions; clarifying and adding powers, duties and rights of association; modifying provisions concerning effect of paid claims, exhaustion of coverage, prevention of insolvencies and stay of proceedings; changing due date of annual financial report; limiting covered claims; expanding association's right to recover and be reimbursed; providing for confidentiality of financial information; and exempting certain reports and recommendations from Freedom of Information Act.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

C. Edward Gaunch,  
*Chair.*

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

Your Committee on Finance has had under consideration

**Senate Bill 538**, Relating to salaries of appointed officers fixed by Governor.

And has amended same.

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

Respectfully submitted,

Mike Hall,  
*Chair.*

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 593**, Clarifying disqualification from unemployment benefits.

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

**Com. Sub. for Senate Bill 593** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §21A-6-3 of the Code of West Virginia, 1931, as amended, relating to disqualification for unemployment benefits; providing that an individual shall be disqualified for benefits for any week, or portion of a week, in which he or she left or lost his or her job as a result of a strike; clarifying that a lockout shall not be deemed to be a strike; providing that a lockout shall not form the basis of any disqualification from benefits; providing that operation of a facility by employees of the company shall not be deemed reason to grant employees on strike unemployment benefits; and establishing that operation of a facility by workers hired to replace the employees on strike would make striking workers eligible for benefits.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Gaunch, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

**Senate Bill 613**, Defining total capital for purposes of calculating state-chartered bank's lending limit.

And,

**Eng. Com. Sub. for House Bill 2511**, Health Care Sharing Ministries Freedom to Share Act.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

C. Edward Gaunch,  
*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 616**, Defining professional firefighter for purposes of Workers Compensation disability and death benefits.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Gaunch, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

**Eng. Com. Sub. for House Bill 4146**, Providing insurance cover abuse-deterrent opioid analgesic drugs.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended; but under the original double committee reference first be referred to the Committee on Health and Human Resources.

Respectfully submitted,

C. Edward Gaunch,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on Health and Human Resources, with an amendment from the Committee on Banking and Insurance pending.

The Senate proceeded to the sixth order of business.

Senators Unger, Snyder, Stollings, Plymale, Williams, Prezioso, Trump, Blair and Miller offered the following resolution:

**Senate Resolution 45**—Recognizing Leadership Jefferson for its service, dedication and commitment to Jefferson County.

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

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

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

Whereas, The 2016 membership of Leadership Jefferson consists of Aly Ainsworth, Valley Equine Associates, PLLC; Jana Bressler, Fast Cash Pawn; Paul Carter, Simplified Business Solutions, Inc.; Shawn Coley, New Destiny Ministry Center; Ron Fletcher, Jefferson County Sheriff's Office; Lyn Goodwin, Jefferson County Development; Matt Harvey, Taylor & Harvey Attorneys at Law; Damien Hinck, Hollywood Casino; Jamie Hottle, Teacher of the Year; Amber Householder, American Public University System; Tyler Mayhew, Bowles Rice LLP; Amber Ritchie, Allstate Insurance: Ritchie & Associates LLC; Seth Rivard, City of Charles Town; Katherine Ryan, Ryan Consulting Services LLC; Cammie Shrewsbury, City National Bank; Jene Smith, Jefferson Medical Center; Kirstie Svehla, Bank of Charles Town; Tony Troxel, Harpers Ferry National Park; Courtney White, Hampton Inn & Suites; Whitney Wilson, United Bank; and Becki Zaglifa, Jefferson County Parks & Recreation; therefore, be it

*Resolved by the Senate:*

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

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

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

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

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

Senators Cole (Mr. President), Maynard, Stollings, Plymale and Miller offered the following resolution:

**Senate Resolution 46**—Designating February 23, 2016, as Mercer County Day.

Whereas, Mercer County was established in 1837 from parts of Giles and Tazewell counties (Virginia) and named in honor of General Hugh Mercer of Revolutionary War fame; and

Whereas, Mercer County makes vital contributions to the economy of West Virginia, particularly in the areas of coal production; lumber manufacturing; tourism; hay and grain; and dairy, livestock and poultry; and



Whereas, Nestled in southern West Virginia, in the heart of Appalachia, Mercer County is filled with a rich history of coal mining and the unique culture that emerged; and

Whereas, The story of Mercer County can be told through the Coal Heritage Trail Interpretive Center; Eastern Regional Coal Archives; Historic Bramwell; Historic Crab Orchard Museum & Pioneer Park; Mercer County Agricultural Museum; Mercer County War Museum; Pocahontas Exhibition Mine & Museum; and Princeton Railroad Museum; and

Whereas, Mercer County is home to a vibrant and diverse arts community and was designated by the State of West Virginia as a Certified Arts Community; and

Whereas, Mercer County is home to two higher education institutions in Concord University and Bluefield State College; and

Whereas, Mercer County is home to two professional baseball team affiliates, the Bluefield Blue Jays and the Princeton Rays, both of whom compete in the Appalachian League; and

Whereas, Mercer County was home to Bob Denver, of Gilligan's Island fame; Ken Kendrick, owner of Major League Baseball's Arizona Diamondbacks; and Rod Thorn, a West Virginia University and National Basketball Association legend; and

Whereas, On Mercer County Day, we pay tribute to the citizens of Mercer County as we recognize their economic, cultural, historic and future contributions to the State of West Virginia; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates February 23, 2016, as Mercer County Day; and, be it

*Further Resolved,* That the Senate recognizes the vital and important contributions from the citizens of Mercer County to the great State of West Virginia; and, be it

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

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

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

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

Senators Stollings, Plymale, Unger, Williams and Prezioso offered the following resolution:

**Senate Resolution 47**—Designating March 7-13, 2016, as Multiple Sclerosis Awareness Week.

Whereas, Multiple sclerosis (MS) is a neurological disease of the central nervous system, affecting 2.3 million people worldwide, and each hour someone is newly diagnosed; and

Whereas, The National Multiple Sclerosis Society – Virginia-West Virginia Chapter reports that in our state more than 12,000 people have been diagnosed with MS, and that the disease generally strikes people in the prime of life, between ages 20 through 50, and causes unpredictable effects in which the progression, severity and specific symptoms cannot be foreseen, and the cause and cure for this often debilitating disease remain unknown; and

Whereas, The National Multiple Sclerosis Society has been committed for more than 69 years to a world free of MS, heightening public knowledge about and insight into the disease; and

Whereas, Since 1946, the National Multiple Sclerosis Society has been a driving force of MS research, relentlessly pursuing prevention, treatment and a cure and has invested more than \$868 million in groundbreaking research; and

Whereas, Funds raised through the National Multiple Sclerosis Society fueled the efforts of nearly 380 research projects globally in 2014 totaling \$51.5 million. Research was conducted at the best medical centers, universities and other institutions throughout the United States and abroad. MS research has never been more hopeful than it is today; and

Whereas, Discovering the cause, finding a cure and preventing future generations from being diagnosed with MS is an important task that all Americans and West Virginians should support; and

Whereas, The Senate of West Virginia recognizes the importance of finding the cause and cure of MS, a chronic and often devastating disease, and expresses its appreciation and admiration for the dedication that the National Multiple Sclerosis Society – Virginia-West Virginia Chapter has shown toward a future free of MS; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates March 7-13, 2016, as Multiple Sclerosis Awareness Week; and, be it

*Further Resolved,* The Senate encourages all West Virginia citizens to take part in the observance of Multiple Sclerosis Awareness Week and to learn more about multiple sclerosis and what they can do to support individuals with MS and their families; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the Virginia-West Virginia Chapter of the National Multiple Sclerosis Society.

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

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

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

Senators Gaunch, Stollings, Plymale, Laird, Unger and Miller offered the following resolution:

**Senate Resolution 48**—Recognizing Sylvia Shafer for her tireless efforts in advocating for the humane treatment of animals.

Whereas, Sylvia Shafer has dedicated 35 years of volunteerism to West Virginia's animals and lobbying for humane legislation; and

Whereas, Sylvia Shafer served as the Director of the Kanawha/Charleston Animal Shelter for twelve years and as a board member of the Kanawha/Charleston Humane Association until 2014; and

Whereas, Due to the efforts of Sylvia Shafer, national listings consistently recognize West Virginia in the top five states for the most humane laws throughout the United States; and

Whereas, Sylvia Shafer is largely responsible for the current animal cruelty section of West Virginia's state code; securing the mandatory spay/neutering of adopted shelter pets; cross-reporting for domestic and animal abuse; the commercial breeders' law; banning gas chambers; the prohibition of research labs removing animals from the shelters for experimental lab and testing purposes; and establishing the state's Spay/Neuter Assistance Fund; and

Whereas, It is fitting that the Senate honor Sylvia Shafer on Spay/Neuter Day at the Capitol; therefore, be it

*Resolved by the Senate:*

That the Senate hereby recognizes Sylvia Shafer for her tireless efforts in advocating for the humane treatment of animals; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to Sylvia Shafer.

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

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

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

Senators Walters, Gaunch, Palumbo, Takubo, Stollings, Plymale, Unger and Prezioso offered the following resolution:

**Senate Resolution 49**—Designating February 23, 2016, as West Virginia State University Day.

Whereas, West Virginia State University was founded as the West Virginia Colored Institute by the West Virginia Legislature 125 years ago on March 17, 1891; and

Whereas, In 1927, under the leadership of President John W. Davis, through the expansion of academic programs and the construction of new buildings, the institution was accredited by the North Central Association and holds the longest continuous accreditation of any public college or university in West Virginia; and

Whereas, In 1929, the institution became known as West Virginia State College and, over the next decades, was recognized as one of the leading public institutions of higher education for African-Americans; and

Whereas, In 1954, the United States Supreme Court gave its historic decision outlawing school segregation and West Virginia State College rapidly transitioned to an integrated institution. The University now serves a predominantly white, nontraditional-aged, commuter population; and

Whereas, In 2004, the West Virginia Legislature approved the transition to university status; and

Whereas, West Virginia State University now offers seventy-five academic program options leading to twenty-three baccalaureate and five master's degrees; and

Whereas, West Virginia State University is actively working with other state institutions of higher education to create additional pathways for degree-seeking students; and

Whereas, As one of only two land-grant institutions in the state, West Virginia State University's Extension Service serves thirty-eight counties. These services aid approximately 15,000 people throughout the year; and

Whereas, As a regional research institution, West Virginia State University contributes significantly to state economic development efforts in the areas of biotechnology, plant, microbial and animal research; and

Whereas, With every dollar the state invests in West Virginia State University, the University generates nearly \$16 spent in the West Virginia economy, resulting in an estimated economic output of \$254 million per year; and

Whereas, Since its founding 125 years ago, West Virginia State University has always proven to be a community of students, faculty and staff devoted to helping people find their passion and gain the education needed to launch successful careers; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates February 23, 2016, as West Virginia State University Day; and, be it

*Further Resolved*, That the Senate hereby recognizes West Virginia State University for its tremendous contributions to the State of West Virginia; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to Dr. Brian O. Hemphill, President of West Virginia State University.

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

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

Upon expiration of the recess, the Senate reconvened and, without objection, returned to the third order of business.

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 88**—Extending the Committee of Conference relating to consideration of **Com. Sub. for H. B. 2800**, Adding law-enforcement officers' contact information and names of family members to the list of exemptions from public records requests.

*Resolved by the Legislature of West Virginia:*

That pursuant to Rule No. 3 of the Joint Rules of the Senate and House of Delegates, the Committee of Conference is hereby extended for a period of three day for the express purpose of consideration of matters of disagreement between the two houses as to Com. Sub. for H. B. 2800.

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

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

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

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 10**, Urging Congress call convention to amend constitution of United States.

On unfinished business, coming up in regular order, was reported by the Clerk.

Following extended discussion,

The question being on the adoption of the resolution, the same was put.

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

A standing vote being taken, there were eighteen "yeas" and fourteen "nays".

Whereupon, the President declared the resolution (S. C. R. 10) adopted.

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

Thereafter, at the request of Senator Carmichael, and by unanimous consent, the remarks by Senators Trump, Kirkendoll, Beach, Kessler, Ferns, Romano, Miller, Leonhardt and Karnes regarding the adoption of Senate Concurrent Resolution 10 were ordered printed in the Appendix to the Journal.

**Com. Sub. for Senate Concurrent Resolution 33**, Requesting WV Infrastructure and Jobs Development Council study and report on consolidation regarding public water and sewer utilities.

On unfinished business, coming up in regular order, was reported by the Clerk.

The question being on the adoption of the resolution, 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.

**Senate Concurrent Resolution 43**, Requesting Joint Committee on Government and Finance study if economically beneficial to map, name and promote all existing unpaved trails.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Natural Resources; and then to the Committee on Rules.

On motion of Senator Carmichael, the Senate recessed for fifteen minutes.

Upon expiration of the recess, the Senate reconvened.

Senator Beach requested unanimous consent that the remarks by Senator Miller regarding the adoption of Senate Concurrent Resolution 10 be printed in the Appendix to the Journal.

Thereafter, at the request of Senator Beach, and by unanimous consent, Senator Beach's aforesaid request was withdrawn.

The Senate then proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 420**, Increasing tax rate on cigarette and tobacco products.

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

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 420 pass?"

On the passage of the bill, the yeas were: Beach, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Kessler, Kirkendoll, Laird, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Sypolt, Takubo, Trump, Unger, Walters, Williams and Woelfel—26.

The nays were: Ashley, Blair, Boley, Karnes, Leonhardt and Cole (Mr. President)—6.

Absent: Stollings and Yost—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. 420) passed with its title.

Senator Carmichael moved that the bill take effect April 1, 2016.

On this question, the yeas were: Beach, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Kessler, Kirkendoll, Laird, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Sypolt, Takubo, Trump, Unger, Walters, Williams and Woelfel—26.

The nays were: Ashley, Blair, Boley, Karnes, Leonhardt and Cole (Mr. President)—6.

Absent: Stollings and Yost—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. 420) takes effect April 1, 2016.

*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 485**, Establishing regional recreation authorities and areas.

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: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel and Cole (Mr. President)—32.

The nays were: None.

Absent: Stollings and Yost—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. 485) 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 508**, Relating to civil claims for private nuisance.

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

Pending extended discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 508 pass?"

On the passage of the bill, the yeas were: Ashley, Blair, Boley, Boso, Carmichael, Cline, Ferns, Gaunch, Hall, Karnes, Leonhardt, Maynard, Mullins, Palumbo, Plymale, Takubo, Trump, Williams, Woelfel and Cole (Mr. President)—20.

The nays were: Beach, Facemire, Kessler, Kirkendoll, Laird, Miller, Prezioso, Romano, Snyder, Sypolt, Unger and Walters—12.

Absent: Stollings and Yost—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. 508) 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 565**, Allowing well pad and road construction for oil and gas activities.

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

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 565 pass?”

On the passage of the bill, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel and Cole (Mr. President)—31.

The nays were: Kessler—1.

Absent: Stollings and Yost—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. 565) 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 591**, Relating to voter registration list maintenance and combined voter registration and driver licensing fund.

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: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel and Cole (Mr. President)—32.

The nays were: None.

Absent: Stollings and Yost—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. 591) passed with its title.

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel and Cole (Mr. President)—32.

The nays were: None.

Absent: Stollings and Yost—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. 591) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 252**, Amending Wiretapping and Electronic Surveillance Act excluding from protection oral communications.

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 274**, Relating to increasing civil jurisdictional amount in magistrate courts.

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 291**, Law enforcement use of unmanned aircraft systems.

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

**Com. Sub. for Senate Bill 376**, Expanding authority of Secretary of State and State Police.

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

**Senate Bill 416**, Allowing terminally ill patients access to investigational products.

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

**Senate Bill 438**, Requiring DHHR be present at judicial proceedings.

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 DEP construction and reclamation contracts from review and approval.

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**, Requiring leases for state office space provide landlord or owner be responsible for cleaning or janitorial services.

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 592**, Relating to pipeline safety.

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 621**, Exempting taxicab companies with independent contract drivers from providing workers' compensation coverage.

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.

**Senate Bill 94**, Designating State Police Superintendent as administrator and enforcer of motor vehicle inspection program.

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

**Senate Bill 476**, Relating to driving restrictions in school zones.

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

**Eng. Com. Sub. for House Bill 3019**, Requiring official business and records of the state and its political subdivisions be conducted in English.

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

On motion of Senator Carmichael, a leave of absence for the day was granted Senator Yost.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Carmichael, the Senate adjourned until tomorrow, Wednesday, February 24, 2016, at 11 a.m.

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## **SENATE CALENDAR**

**Wednesday, February 24, 2016  
11:00 AM**

### **THIRD READING**

- Eng. Com. Sub. for S. B. 252 - Amending Wiretapping and Electronic Surveillance Act excluding from protection oral communications.
- Eng. Com. Sub. for S. B. 274 - Relating to increasing civil jurisdictional amount in magistrate courts.
- Eng. Com. Sub. for S. B. 291 - Law enforcement use of unmanned aircraft systems (original similar to SB560).
- Eng. Com. Sub. for S. B. 376 - Expanding authority of Secretary of State and State Police (original similar to HB4359, HB4367).
- Eng. S. B. 416 - Allowing terminally ill patients access to investigational products.
- Eng. S. B. 438 - Requiring DHHR be present at judicial proceedings.
- Eng. Com. Sub. for S. B. 474 - Exempting DEP construction and reclamation contracts from review and approval (original similar to HB4573).
- Eng. Com. Sub. for S. B. 575 - Requiring leases for state office space provide landlord or owner be responsible for cleaning or janitorial services.
- Eng. Com. Sub. for S. B. 592 - Relating to pipeline safety.
- Eng. Com. Sub. for S. B. 621 - Exempting taxicab companies with independent contract drivers from providing workers' compensation coverage.

### **SECOND READING**

- S. B. 94 - Designating State Police Superintendent as administrator and enforcer of motor vehicle inspection program.
- S. B. 476 - Relating to driving restrictions in school zones - (Com. title amend. pending).
- Eng. Com. Sub. for H. B. 3019 - Requiring official business and records of the state and its political subdivisions be conducted in English.

### **FIRST READING**

- Com. Sub. for S. B. 106 - Waiver of warranty on sale of used manufactured home under certain circumstances (original similar to HB4205).
- Com. Sub. for S. B. 525 - Relating to WV Insurance Guaranty Association Act.

- S. B. 538 - Relating to salaries of appointed officers fixed by Governor - (Com. title amend. pending).
- Com. Sub. for S. B. 593 - Clarifying disqualification from unemployment benefits.
- S. B. 613 - Defining total capital for purposes of calculating state-chartered bank's lending limit (original similar to HB4621).
- Eng. Com. Sub. for H. B. 2511 - Health Care Sharing Ministries Freedom to Share Act.

**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2016**

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**Wednesday, February 24, 2016**

1 p.m.	Economic Development	(Room 451M)
2 p.m.	Natural Resources	(Room 451M)
2 p.m.	Pensions	(Room 208W)