

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE  
REGULAR SESSION, 2016  
THIRTEENTH DAY

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Charleston, W. Va., Monday, January 25, 2016

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Tom Bias, Retired United Methodist Clergy, Madison, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable C. Edward Gaunch, a senator from the eighth district.

Pending the reading of the Journals of Thursday, January 21, 2016, and Friday, January 22, 2016,

At the request of Senator Stollings, unanimous consent being granted, the Journals were approved and the further reading thereof dispensed with.

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

At the request of Senator Carmichael, and by unanimous consent, the provisions of rule number fifty-four of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to grant the family of the Honorable Sue Cline privileges of the floor for the day.

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 2101**—A Bill to repeal §16-5P-7 of the Code of West Virginia, 1931, as amended; and to repeal §29-12C-1 and §29-12C-2; all relating to eliminating obsolete

government entities; repealing section relating to the West Virginia Council on Aging; repealing sections relating to the Patient Injury Compensation Plan Study Board.

Referred to the Committee on Government Organization.

### Executive Communications

The following communication from His Excellency, the Governor, was reported by the Clerk:

STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
CHARLESTON

January 22, 2016

The Honorable Natalie Tennant  
Secretary of State  
State Capitol  
Charleston, West Virginia 25305

Dear Secretary Tennant:

Pursuant to W. Va. Code § 3-10-5, I have this day appointed Naomi Cline, Post Office Box 46, Brenton, Wyoming County, WV 24818, as a Senator representing the Ninth Senatorial District of the West Virginia Senate, to fill the vacancy created by the resignation of the Honorable Daniel Hall.

Sincerely,

Earl Ray Tomblin,  
*Governor.*

cc: President of the Senate  
Speaker of the House of Delegates  
Clerk of the Senate  
Clerk of the House of Delegates  
West Virginia Ethics Commission

Sue Cline, of the County of Wyoming, previously qualified by taking the several oaths of office prescribed by law and administered by the Honorable William P. Cole III, Senate President.

The Senate proceeded to the fourth order of business.

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 27**, Permitting sheriff to hire outside attorneys for collection of taxes through courts.

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

**Com. Sub. for Senate Bill 27** (originating in the Committee on Government Organization)—A Bill to amend and reenact §7-5-24 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11A-2-2 of said code, all relating to permitting county commissions to hire outside attorneys to assist in the collection of taxes or to represent the county before any United States

Bankruptcy Court; providing for fees to be paid to any attorneys so hired; and sharing cost of collection with the various taxing units.

And,

**Senate Bill 28**, County commission and municipality agreements in demolishing buildings unfit for habitation.

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

**Com. Sub. for Senate Bill 28** (originating in the Committee on Government Organization)—A Bill to amend and reenact §7-1-3ff of the Code of West Virginia, 1931, as amended; and to amend and reenact §8-12-16 of said code, all relating to authorizing county commissions and municipalities to cooperate and enter into agreements regarding the removal or demolishing of dwellings or buildings unfit for human habitation; and allowing commissions and municipalities use their own resources for the removal or demolishing of such buildings.

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

Respectfully submitted,

Craig Blair,  
*Chair.*

The bills (Com. Sub. for S. B. 27 and 28), under the original double committee references, were then referred to the Committee on the Judiciary.

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

Your Committee on Government Organization has had under consideration

**Senate Bill 55**, Clarifying tax map rules apply to both paper and digital maps.

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

Respectfully submitted,

Craig Blair,  
*Chair.*

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

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 132**, Requiring municipal police officers wear armored vests when feasible.

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 the Judiciary.

Respectfully submitted,

Craig Blair,  
*Chair.*

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

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

Your Committee on Education has had under consideration

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

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

**Com. Sub. for Senate Bill 146** (originating in the Committee on Education)—A Bill to amend and reenact §18-5-44 of the Code of West Virginia, 1931, as amended, relating to replacing days per week requirement for early childhood education programs with instructional minutes per week and instructional minutes per year requirements.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Dave Sypolt,  
*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 262**, Eliminating need for law enforcement to obtain court order prior to having access to inmate mail and phone recordings.

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

**Com. Sub. for Senate Bill 262** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §25-1-17 and §25-1-18 of the Code of West Virginia, 1931, as amended, all relating to law enforcement not needing to obtain court orders prior to receiving recordings of inmate phone calls and inmate mail under certain circumstances; eliminating the requirement for promulgation of legislative rules relating to the monitoring of inmate telephone conversations and mail; requiring the Commissioner to promulgate a policy directive establishing a record-keeping procedure to memorialize telephone conversations and mail provided to law enforcement for investigation; requiring records of such transfers be maintained for three years; allowing an inmate's attorney access to telephone conversations and inmate mail supplied to law enforcement and exceptions thereto provisions; clarifying that inmate mail and telephone conversations apply only to inmates in the physical custody of the commissioner; and clarifying that information supplied to law enforcement is not subject to disclosure under and the Freedom of Information Act.

And,

**Senate Bill 290**, Assignment of wages by employers and payment by payroll card.

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

**Com. Sub. for Senate Bill 290** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §21-5-3 of the Code of West Virginia, 1931, as amended, relating to assignment of wages by employers and payment of wages by payroll card; authorizing assignment without notarization or required statement that assignment cannot be for more than twenty-five percent of employee's wages; allowing wage assignments to be valid for longer than one year; and removing requirement for written agreement to pay employee by payroll card.

With the recommendation that the two committee substitutes do pass.

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 Ashley, Boso, Facemire, Gaunch, Hall, Leonhardt, Romano, Takubo, Trump, Walters, Stollings, Plymale, Blair, Palumbo, Williams and Miller:**

**Senate Bill 374**—A Bill to amend and reenact §60-4-3b of the Code of West Virginia, 1931, as amended, relating to permitting farm winery to supply wine it produces directly to customers if the customer is purchasing wine for resale purposes and the customer is a licensed carry-out, nonintoxicating beer retailer or wine specialty shop located in a dry county.

Referred to the Committee on the Judiciary.

**By Senators Ashley, Boley, Boso, Hall, Leonhardt, Trump and Blair:**

**Senate Bill 375**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §27-18-1, §27-18-2, §27-18-3, §27-18-4, §27-18-5, §27-18-6, §27-18-7, §27-18-8, §27-18-9, §27-18-10, §27-18-11 and §27-18-12, all relating to establishing procedure for involuntary treatment of persons suffering from alcohol and other drug abuse disorders; protecting rights of patients; establishing limits; requiring legal proceedings; requiring notice and examinations; granting Department of Health and Human Resources authority to administer programs and issue licenses; permitting contracts between agencies and providers requiring reports, studies and evaluations; prohibiting denial of treatment; protecting confidentiality; defining terms; and granting rule-making authority.

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

**By Senators Trump, Palumbo, Gaunch, Williams, Beach, Yost, Miller and Maynard:**

**Senate Bill 376**—A Bill to amend and reenact §30-18-10 of the Code of West Virginia, 1931, as amended, relating to background checks for applicants for private investigator and security guard licensure.

Referred to the Committee on the Judiciary.

**By Senator Ferns:**

**Senate Bill 377**—A Bill to amend and reenact §9-5-9 and §9-5-18 of the Code of West Virginia, 1931, as amended, all relating to liability of spouses or relatives for support; defining terms; requiring financial information; setting amount to be paid for indigent funeral service expenses; limiting number

of indigent funeral services to be paid by the department in any state fiscal year; and redefining funeral service expenses to mean expenses for cremation unless objectionable pursuant to decedent's religion or otherwise prohibited by federal law, state law or regulation.

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

**By Senators Trump, Carmichael, Williams, Ashley, Gaunch, Leonhardt, Palumbo, Romano, Miller, Boso, Stollings, Sypolt, Blair and Plymale:**

**Senate Bill 378**—A Bill to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended, relating to truancy intervention; and defining excused and unexcused absences.

Referred to the Committee on the Judiciary.

**By Senators Trump, Palumbo, Gaunch, Williams, Beach, Yost and Miller:**

**Senate Bill 379**—A Bill to amend and reenact §3-5-8 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-8-5b of said code, all relating to where candidate's filing fees are paid; apportionment of candidate filing fees to counties; and where campaign finance statements are filed.

Referred to the Committee on the Judiciary.

**By Senator Walters:**

**Senate Bill 380**—A Bill to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, relating to the comprehensive statewide student assessment; and requiring ACT and ACT Aspire to be used as the comprehensive statewide student assessment.

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

**By Senators Ashley, Boso and Gaunch:**

**Senate Bill 381**—A Bill to amend and reenact §33-40-3 of the Code of West Virginia, 1931, as amended, relating to the Risk Based Capital Trend Test for Life and Health Insurers; and changing the definition of "company action level event" to change the trend test, for a life and health insurer, to three from two and one half percent.

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

**By Senators Stollings and Plymale:**

**Senate Bill 382**—A Bill to amend and reenact §29-12-5a of the Code of West Virginia, 1931, as amended, relating to liability insurance for certain persons connected to county boards of education; requiring Board of Risk and Insurance Management cover volunteer workers and student teachers in the same manner as other board of education employees; defining "volunteer worker"; and limiting civil liability in certain circumstances.

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

**By Senators Boso, Ferns and Maynard:**

**Senate Bill 383**—A Bill to amend and reenact §22-6-31 of the Code of West Virginia, 1931, as amended, relating generally to prevention of waste by joint development of oil and gas lease tracts of land; allowing joint development of oil and natural gas wells by horizontal drilling under certain circumstances; providing that joint development promotes efficient extraction of oil and gas resources and prevents waste; and addressing production royalties where multiple contiguous leases are developed.

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

**By Senators Takubo and Stollings:**

**Senate Bill 384**—A Bill to amend and reenact §9-5-12 of the Code of West Virginia, 1931, as amended, relating to requiring West Virginia Bureau for Medical Services seek federal waiver to provide for exemption from the thirty-day waiting period for a tubal ligation and making stylistic changes.

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

**By Senator Trump:**

**Senate Bill 385**—A Bill to amend and reenact §55-7-13d of the Code of West Virginia, 1931, as amended, relating to predicating actions for damages upon principles of comparative fault; and expanding deadline by which defendant must give notice that nonparty was wholly or partially at fault.

Referred to the Committee on the Judiciary.

**By Senators Mullins, Beach, Blair, Gaunch, Hall, Kessler, Prezioso, Trump and Williams:**

**Senate Bill 386**—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 West Virginia University Institute of Technology; finding that there are continued enrollment and facilities issues facing West Virginia University Institute of Technology in Montgomery, West Virginia; finding that West Virginia University Institute of Technology, West Virginia University, Marshall University, Concord University, Bluefield State College and other private partners should collaborate; eliminating requirement that the headquarters of West Virginia University Institute of Technology remain in Montgomery, West Virginia; clarifying provisions relating to West Virginia University Institute of Technology Board of Visitors; eliminating outdated provisions; and repealing provisions relating to West Virginia University Institute of Technology Revitalization Project.

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

**By Senator Karnes:**

**Senate Bill 387**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-7, relating to shared animal ownership agreements to consume raw milk; acquiring percentage ownership interest in milk-producing animal's raw milk; providing for payment for percentage ownership for care and boarding of milk-producing animal; providing for receipt of a share of raw milk pursuant to an agreement; requiring written document acknowledging the inherent dangers of consuming raw milk; setting forth required provisions for shared animal ownership agreements; requiring herd seller meet animal health requirements set by state veterinarian for milk-producing animals; setting forth required health standards for milk-producing animals; providing immunity to herd seller; prohibiting the distribution, sale or resale of raw milk; requiring shared animal ownership agreements be filed; requiring parties and physicians to report illnesses related to consumption of raw milk; and providing administrative penalties.

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

Senators Stollings and Plymale offered the following resolution:

**Senate Concurrent Resolution 11**—Requesting Division of Highways name bridge number 4003, located in Boone County on Route 85, at mile marker 10.66 and crossing over to Bald Knob over the mouth of James Creek, the “U. S. Marine Corps Sergeant Gerald Leslie Perry Memorial Bridge”.

Whereas, Gerald Leslie Perry was born March 23, 1942, to “Nan” Perry and Charles Leslie Perry, both deceased, and resided at Bald Knob, Boone County, West Virginia; and

Whereas, Gerald Leslie Perry was nicknamed “Orangey” growing up in Boone County, due to his bright, orange-colored hair; and

Whereas, Gerald Leslie Perry joined the United States Marine Corps as a machine gunner and attained the rank of Sergeant; and

Whereas, Sergeant Gerald Leslie Perry served this country during the Vietnam War; and

Whereas, Sergeant Gerald Leslie Perry started his tour of duty in Vietnam in April, 1966; and

Whereas, Sergeant Gerald Leslie Perry, after only approximately four months into his tour of duty in Vietnam, paid the ultimate sacrifice for his country when he was killed by enemy gunfire in Quang Tin Province, South Vietnam; and

Whereas, It is believed that Sergeant Perry was the first soldier from Boone County to pay the ultimate sacrifice in service of his country in Vietnam; and

Whereas, Sergeant Gerald Leslie Perry has three surviving siblings, David Perry, Terry Perry and Nancy Perry Adkins; and

Whereas, It is fitting and appropriate that the bridge located on Route 85, at mile marker 10.66 where it crosses over to Bald Knob over the mouth of James Creek, designated as bridge number 4003 by the West Virginia Division of Highways, be named the “U. S. Marine Corps Sergeant Gerald Leslie Perry Memorial Bridge” in honor of this fallen soldier who paid the ultimate sacrifice on behalf of his country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 4003, located in Boone County on Route 85, at mile marker 10.66 where it crosses over to Bald Knob over the mouth of James Creek, the “U. S. Marine Corps Sergeant Gerald Leslie Perry Memorial Bridge”; and, be it

*Further Resolved,* That the Commissioner of the Division of Highways is hereby requested to make and have placed signs identifying the “U. S. Marine Corps Sergeant Gerald Leslie Perry Memorial Bridge”; and, be it

*Further Resolved,* That the Clerk of the Senate is requested to provide the surviving siblings of Sergeant Perry, named above, with certified copies of this resolution.

Which, under the rules, lies over one day.

Senator Hall offered the following resolution:

**Senate Resolution 7**—Authorizing the appointment of permanent and per diem employees for the Second Regular Session of the Eighty-second Legislature and payment of their compensation.

*Resolved by the Senate:*



That the Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate is hereby authorized to appoint employees to receive the per diem compensation, as herein provided, during this regular sixty-day session of the eighty-second Legislature, and any extension thereof as follows:

Thirty Class I secretaries at a rate of seventy dollars per diem to one hundred dollars per diem;

Two Class II secretaries at a rate of seventy-five dollars per diem to one hundred dollars per diem;

Four legislative analysts at a rate of seventy-five dollars per diem to two hundred dollars per diem;

Eight legal counselors at a rate of two hundred dollars per diem to two hundred seventy-five dollars per diem; assignments and salary to be determined by the presiding officer of the Senate;

One bill and journal clerk to the Senate Clerk at a rate of seventy dollars per diem to one hundred dollars per diem;

Four proofreaders at a rate of seventy-five dollars per diem to one hundred dollars per diem;

One Sergeant at Arms at a rate not to exceed one hundred sixty-six dollars per diem;

Two assistants to the Sergeant at Arms at a rate of sixty-five dollars per diem to one hundred dollars per diem;

One Doorkeeper at a rate not to exceed one hundred fifty dollars per diem;

Five assistants to the Doorkeeper at a rate of sixty-five dollars per diem to one hundred dollars per diem;

Three mail clerks at a rate of sixty dollars per diem to one hundred dollars per diem;

One night custodian at a rate of sixty-five dollars per diem to seventy-five dollars per diem;

The Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such per diem staff personnel during any session of the Legislature as shall be needed in addition to staff personnel authorized by this Senate resolution adopted during any such session. The Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such staff personnel between sessions of the Legislature as shall be needed, the compensation of all staff personnel during and between sessions of the Legislature, notwithstanding any such Senate resolution, to be fixed by the presiding officer of the Senate. In all such cases, the Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to supervise and dismiss such staff personnel; and, be it

*Further Resolved,* That the appointment of salaried full-time employees of the Senate for the year two thousand sixteen and their compensation, at the following amounts per month, for such periods of time as they are employed in the positions designated, is hereby authorized, as follows:

Clerk.....	7,416.67
Assistant Clerk.....	5,000.00
Executive Secretary to Clerk.....	3,542.00
Administrative Assistant to Clerk.....	2,666.67
Fiscal Officer.....	4,833.33
Fiscal Officer.....	4,833.33
Technical Support.....	4,000.00

Deputy Clerk.....	4,208.67
Chief Desk Clerk.....	4,760.75
Chief Journal Clerk.....	4,125.33
Bill Clerk.....	2,541.67
Minor Committee Support.....	2,925.33
Counsel to Minor Committees.....	6,458.33
Counsel to President.....	8,166.67
Executive Assistant to President.....	3,000.00
Legislative Analyst to President.....	3,250.00
Secretary to President.....	2,250.00
Director of Communications.....	5,916.67
Communications Specialist.....	2,875.33
Counsel to Majority Leader.....	7,083.33
Parliamentarian.....	4,333.33
Assistant to Majority Leader.....	2,500.00
Counsel to Minority Leader.....	6,458.33
Secretary to Minority Leader.....	2,500.00
Counsel to Education Committee.....	7,080.33
Counsel to Education Committee.....	6,042.00
Chief Counsel to Finance Committee.....	6,908.67
Budget-Policy Analyst to Finance Committee.....	5,792.00
Budget Analyst to Finance Committee.....	3,416.67
Clerk to Finance Committee.....	2,958.67
Assistant to Finance Chairman.....	3,125.33
Counsel to Government Organization.....	5,833.33
Clerk to Government Organization Committee.....	2,916.67
Secretary to Government Organization Committee.....	3,226.17
Senior Counsel to Health and Human Resources Committee.....	6,594.92
Clerk to Health and Human Resources Committee.....	3,042.00
Counsel to Judiciary Committee.....	7,083.33
Legislative Analyst to Judiciary Committee.....	3,875.00
Secretary/Clerk to Judiciary Committee.....	2,916.67
Secretary/Clerk to Energy, Industry and Mining.....	2,416.67
Supervisor, Materials & Supplies.....	4,094.08
Purchasing & Procurement Clerk.....	3,393.67
Custodian.....	2,083.67

The Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such full-time staff personnel during any session of the Legislature as shall be needed in addition to staff personnel authorized by this Senate resolution adopted during any such session. The Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such staff personnel between sessions of the Legislature as shall be needed, the compensation of all staff personnel during and between sessions of the Legislature, notwithstanding any such Senate resolution, to be fixed by the presiding officer of the Senate. In all such cases, the Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to supervise and dismiss such staff personnel.

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

Senators Karnes, Boley, Cole (Mr. President), Carmichael, Hall, Sypolt, Unger, Kirkendoll, Yost, Ashley, Laird, Trump, Kessler, Stollings, Palumbo, Walters, Facemire, Ferns, Maynard, Mullins,

Miller, Blair, Boso, Romano, Snyder, Takubo, Beach, Leonhardt, Woelfel, Williams and Plymale offered the following resolution:

**Senate Resolution 8**—Designating January 25, 2016, as Homeschool Day at the Legislature.

Whereas, The State of West Virginia is committed to excellence in education; and

Whereas, The State of West Virginia recognizes that parental involvement and individualized attention to educational success are unique and basic components of homeschooling; and

Whereas, Homeschooled students exhibit self-confidence and good citizenship and are prepared academically to meet the challenges of today's society; and

Whereas, Contemporary studies continue to confirm that children who are educated at home score exceptionally well on national achievement tests; and

Whereas, Homeschooled students have been shown to be competitive with publicly and privately schooled students at the college level; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates January 25, 2016, as Homeschool Day at the Legislature; and, be it

*Further Resolved*, That the Senate recognizes students, teachers and families involved with homeschooling in West Virginia for their dedication to excellence in education; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Home Educators Association and the Christian Home Educators of West Virginia.

At the request of Senator Karnes, 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, Palumbo, Stollings and Plymale offered the following resolution:

**Senate Resolution 9**—Congratulating the George Washington High School Patriots girls' volleyball team for winning the 2015 AAA State Volleyball Championship.

Whereas, The George Washington High School Patriots girls' volleyball team had a dominant year, finishing with a record of 65-1-1, on their way to winning the MSAC Championship; Region 3, Section 1 Championship; Region 3 Championship; and the 2015 AAA State Volleyball Championship; and

Whereas, The Patriots girls' volleyball team is led by Head Coach Missy Smith, now in her eleventh season, assistant coaches Tom Raker and Dan Shreve, and team manager Cassie Robinson; and

Whereas, The Patriots girls' volleyball team roster consists of players Hayden Cooke, Liddy Elmore, Delaney Ellis, Malika Houston, Lillie Jacobs, Hannah Jones, Lauren Jones, Ashley McClung, Narassa Medley, Maddy Sayre, Sydney Whitlock and Tessa Wyner; and

Whereas, The 2015 Patriots girls' volleyball team displayed their talent and strong will for an entire season and is a shining example of what can be accomplished with hard work, dedication and spirit; and

Whereas, The 2015 Patriots girls' volleyball team won George Washington High School's sixth girls' state volleyball championship and will be remembered as one of the best girls' volleyball teams in West Virginia history; therefore, be it

*Resolved by the Senate:*

That the Senate congratulates the George Washington High School Patriots girls' volleyball team for winning the 2015 AAA State Volleyball Championship; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the George Washington High School girls' volleyball team.

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 proceeded to the seventh order of business.

**Senate Concurrent Resolution 9**, U.S. Army First Sergeant Jesse T. McPeake Memorial Road.

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

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

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

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 13**, Increasing penalties for overtaking and passing stopped school buses.

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

**Senate Bill 32**, Relating to withdrawal of candidates for office and filling vacancies.

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

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

On page two, section eleven, line fourteen, by striking out the word "withdraw" and inserting in lieu thereof the word "withdrawal".

The bill (S. B. 32), as amended, was then ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 102**, Conforming to federal Law-Enforcement Officers Safety Act.

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

**Com. Sub. for Senate Bill 157**, Authorizing Department of Revenue to promulgate legislative rules.

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

**Senate Bill 253**, Exempting drug treatment and drug recovery facilities from county and municipal ordinances.

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

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

**Senate Bill 311**, Allowing permanent exception for mortgage modification or refinancing loan under federal Making Home Affordable program.

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

**Senate Bill 323**, Correcting statute subsection designations regarding trespassing on property.

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 107**, Uniform Interstate Depositions and Discovery Act.

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

**Com. Sub. for Senate Bill 195**, Authorizing DHHR to promulgate legislative rules.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Kessler, Carmichael and Snyder.

Thereafter, at the request of Senator Carmichael, and by unanimous consent, the remarks by Senators Kessler and Snyder were ordered printed in the Appendix to the Journal.

At the request of Senator Gaunch, unanimous consent being granted, the remarks by Senator Carmichael were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

Senator Cole (Mr. President) announced the replacement of Senator Boley on the Committee on Agriculture and Rural Development with Senator Cline; the replacement of Senator Carmichael on the Committee on Banking and Insurance with Senator Cline; the replacement of Senator Ashley on the Committee on Education with Senator Cline; and the replacement of Senator Boso on the Committee on the Judiciary with Senator Cline.

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

On motion of Senator Carmichael, the Senate adjourned until tomorrow, Tuesday, January 26, 2016, at 11 a.m.

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## **SENATE CALENDAR**

**Tuesday, January 26, 2016  
11:00 AM**

### **UNFINISHED BUSINESS**

S. C. R. 11 - U. S. Marine Corps Sergeant Gerald Leslie Perry Memorial Bridge.

### **THIRD READING**

Eng. Com. Sub. for S. B. 13 - Increasing penalties for overtaking and passing stopped school buses.

Eng. S. B. 32 - Relating to withdrawal of candidates for office and filling vacancies.

Eng. Com. Sub. for S. B. 102 - Conforming to federal Law-Enforcement Officers Safety Act.

Eng. Com. Sub. for S. B. 157 - Authorizing Department of Revenue to promulgate legislative rules.

Eng. S. B. 311 - Allowing permanent exception for mortgage modification or refinancing loan under federal Making Home Affordable program.

Eng. S. B. 323 - Correcting statute subsection designations regarding trespassing on property - (Com. title amend. pending).

### **SECOND READING**

S. B. 107 - Uniform Interstate Depositions and Discovery Act - (Com. title amend. pending).

Com. Sub. for S. B. 195 - Authorizing DHHR to promulgate legislative rules.

### **FIRST READING**

Com. Sub. for S. B. 146 - Establishing instruction standards for early childhood education.

Com. Sub. for S. B. 262 - Eliminating need for law enforcement to obtain court order prior to having access to inmate mail and phone recordings.

Com. Sub. for S. B. 290 - Assignment of wages by employers and payment by payroll card.

## **ANNOUNCED SENATE COMMITTEE MEETINGS**

### **Regular Session 2016**

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#### **Tuesday, January 26, 2016**

10 a.m.	Transportation & Infrastructure	(Room No. 451M)
1 p.m.	Health & Human Resources	(Room No. 451M)
1 p.m.	Energy, Industry & Mining	(Room No. 208W)
2 p.m.	Education	(Room No. 451M)
2 p.m.	Government Organization	(Room No. 208W)
3 p.m.	Finance	(Room No. 451M)