

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE
REGULAR SESSION, 2016
SIXTEENTH DAY

Charleston, W. Va., Thursday, January 28, 2016

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Dr. Melissa Pratt, Senior Pastor, Teays Valley Church of God, Scott Depot, West Virginia.

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

Pending the reading of the Journal of Wednesday, January 27, 2016,

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

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2130—A Bill to amend and reenact §61-2-10b of the Code of West Virginia, 1931, as amended, relating to enhanced charges and penalties for assaults and batteries of law-enforcement officers; adding law-enforcement officers among the list of professionals the malicious assault, unlawful assault, battery or assault of which leads to enhanced criminal penalties; adding an element of the criminal offense of battery a requirement that the perpetrator have knowledge that the victim was acting in his or her official capacity; adding an element of the criminal offense of assault a requirement that the perpetrator have knowledge that the victim was acting in his or her official capacity; and defining law-enforcement officers.

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 4005—A Bill to repeal §21-5A-1, §21-5A-2, §21-5A-3, §21-5A-5, §21-5A-6, §21-5A-7, §21-5A-8, §21-5A-9, §21-5A-10, §21-5A-11 and §21-5A-12 of the Code of West Virginia, 1931, as amended, all relating to repealing prevailing hourly rate of wages requirements by or on behalf of public authorities engaged in construction of public improvements.

Referred to the Committee on Government Organization.

The Senate proceeded to the fourth order of business.

Senator Gaunch, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 86, Continuing personal income tax adjustment for certain retirees of terminated defined pension plans.

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

Com. Sub. for Senate Bill 86 (originating in the Committee on Pensions)—A Bill to amend and reenact §11-21-12d of the Code of West Virginia, 1931, as amended, relating to continuing personal income tax adjustment to gross income of certain retirees receiving pensions from defined pension plans that terminated and are being paid a reduced maximum benefit guarantee.

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,

C. Edward Gaunch,
Chair.

The bill (Com. Sub. for S. B. 86), under the original double committee reference, was then referred to the Committee on Finance.

Senator Gaunch, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 163, CPRB rule relating to benefit determination and appeal.

Senate Bill 164, CPRB rule relating to Teachers' Defined Contribution Retirement System.

Senate Bill 165, CPRB rule relating to Teachers Retirement System.

Senate Bill 166, CPRB rule relating to refund, reinstatement, retroactive service, loan and correction of error interest factors.

Senate Bill 167, CPRB rule relating to service credit for accrued and unused sick leave.

Senate Bill 168, CPRB rule relating to WV State Police.

And,

Senate Bill 169, CPRB rule relating to Deputy Sheriff Retirement System.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

C. Edward Gaunch,
Chair.

The bills, under the original double committee references, were then referred to the Committee on the Judiciary.

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 271, Conforming definition of attest services to Uniform Accountancy Act.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 315, Providing for construction of statewide fiber optic broadband infrastructure network.

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

Com. Sub. for Senate Bill 315 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §31-15A-2, §31-15A-8, §31-15A-10, §31-15A-11 and §31-15A-17 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto seventeen new sections, designated §31-15A-1a, §31-15A-9a, §31-15A-10a, §31-15A-11a, §31-15A-11b, §31-15A-12a, §31-15A-13a, §31-15A-14a, §31-15A-15a, §31-15A-17c, §31-15A-18a, §31-15A-19a, §31-15A-20a, §31-15A-21a, §31-15A-22a, §31-15A-23a and §31-15A-24a; and to amend and reenact §31-15C-4 of said code, all relating generally to development of infrastructure in the state; establishing purposes for the amendments to develop broadband infrastructure; providing for development of broadband middle mile infrastructure; defining new terms; creating a separate infrastructure fund for broadband middle mile infrastructure projects; providing for deposits and expenditures; requiring certain agencies to apply for grant funds in furtherance of broadband middle mile infrastructure projects; setting forth additional powers and duties for Water Development Authority and Broadband Enhancement Council; creating West Virginia Infrastructure Fund for Broadband Middle Mile Development; providing for disposition of funds on termination or dissolution of authority; authorizing issuance of broadband middle mile revenue bonds; creating West Virginia

Broadband Middle Mile Infrastructure Revenue Debt Service Fund; providing for funding of debt service fund; specifying requirements for issuance of bonds; providing for contents of trust agreement and trustee for bonds; specifying remedies available to bondholders, noteholders and trustees; making broadband middle mile infrastructure revenue bonds lawful investments; providing for purchase, cancellation and refunding of bonds; declaring bonds are not state debts and are exempt from taxation; requiring periodic reporting; limiting personal liability; and permitting legislative and emergency rulemaking.

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

Respectfully submitted,

Chris Walters,
Chair.

The bill (Com. Sub. for S. B. 315), under the original double committee reference, was then referred to the Committee on Government Organization.

Senator Karnes, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 333, Taking and registering of wildlife.

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 Government Organization.

Respectfully submitted,

Robert Karnes,
Chair.

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

Senator Karnes, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 334, Identifying coyote as fur-bearing animal and woodchuck as game animal.

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 Government Organization.

Respectfully submitted,

Robert Karnes,
Chair.

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

Senator Karnes, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 336, Relating to crossbow hunting.

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

Respectfully submitted,

Robert Karnes,
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 343, Authorizing prosecuting attorneys designate law-enforcement officers and investigators as custodians of records.

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

Com. Sub. for Senate Bill 343 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §52-2-11, relating to grand juries generally; authorizing prosecuting attorneys to designate law-enforcement officers and investigators as custodians of records, documents and other evidence subpoenaed by a grand jury; authorizing designated custodians to use subpoenaed records, documents and other evidence for investigative purposes prior to such records, documents or other evidence being presented to a grand jury; requiring custodians to execute disclosure statements to preserve grand jury secrecy; authorizing the custodian to share the subpoenaed materials with other law-enforcement officers and agencies; allowing for successor custodians; requiring presentation of subpoenaed materials held by custodian be presented to the next session of the grand jury meeting after receipt; limiting law enforcement use of such subpoenaed materials to legitimate investigative and prosecutorial purposes relevant to the investigation underlying the issuance of the subpoena; and defining “prosecuting attorney” and “investigator”.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Leonhardt, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

Senate Concurrent Resolution 2, Urging Congress provide funding for WV National Guard.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Kent Leonhardt,
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 Walters, Laird, Kessler, Miller, Facemire, Romano and Gaunch:

Senate Bill 411—A Bill to amend and reenact §61-11-26 of the Code of West Virginia, 1931, as amended, relating to creating Second Chance for Employment Act; allowing expungement of certain felony convictions; setting forth conditions; establishing procedure; creating exceptions; and establishing its effect.

Referred to the Committee on the Judiciary.

By Senator Walters:

Senate Bill 412—A Bill to amend and reenact §21A-6-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §21A-6-18, all relating to domestic violence victims' eligibility for unemployment compensation benefits; removing disqualification for certain victims of domestic violence, sexual offenses or stalking; and requiring training of WorkForce West Virginia employees in the nature and dynamics of domestic violence to aid employees who interact with claimants.

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

By Senators Walters, Boso and Maynard:

Senate Bill 413—A Bill to repeal §17C-14-1 of the Code of West Virginia, 1931, as amended, relating to unattended motor vehicles; and penalty.

Referred to the Committee on the Judiciary.

By Senators Walters, Laird and Miller:

Senate Bill 414—A Bill to amend and reenact §49-2-913 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §49-2-914; and to amend and reenact §49-5-106 of said code, all relating to Juvenile Justice Reform Oversight Committee and averted costs reinvestment; creating juvenile justice account and providing its purpose, funding and disbursements; and requiring new data to be collected and compiled to allow calculation of juvenile recidivism and the outcome of programs and making this information available to the public.

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

By Senator Ashley:

Senate Bill 415—A Bill to amend and reenact §8-13-22a of the Code of West Virginia, 1931, as amended, relating to lengthening the maximum term of negotiable certificates of deposit that municipal funds are permitted to hold.

Referred to the Committee on Banking and Insurance.

By Senators Takubo, Trump, Blair and Kessler:

Senate Bill 416—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-51-1, §16-51-2, §16-51-3, §16-51-4, §16-51-5, §16-51-6, §16-51-7 and §16-51-8, all relating to allowing terminally ill patients to have access to investigational products that have not been approved by the federal Food and Drug Administration that other patients have access to when they participate in clinical trials; establishing a short title; setting out legislative findings; defining terms; allowing drug manufacturers to provide investigative products; setting forth insurance requirements; and prohibiting action.

Referred to the Committee on Health and Human Resources.

By Senators Boso and Carmichael:

Senate Bill 417—A Bill to repeal §22A-6-1, §22A-6-2, §22A-6-3, §22A-6-4, §22A-6-5, §22A-6-6, §22A-6-7, §22A-6-8, §22A-6-9, §22A-6-10, §22A-6-11, §22A-6-12, §22A-6-13 and §22A-6-14 of the Code of West Virginia, 1931, as amended; to amend and reenact §22A-1-1, §22A-1-2, §22A-1-3, §22A-1-4, §22A-1-5, §22A-1-6, §22A-1-7, §22A-1-8, §22A-1-9, §22A-1-11, §22A-1-12, §22A-1-13, §22A-1-14, §22A-1-15, §22A-1-19, §22A-1-20 and §22A-1-21; to amend said code by adding thereto a new section, designated §22A-1-3a; and to amend and reenact §22A-2-3, §22A-2-4, §22A-2-8, §22A-2-12, §22A-2-14, §22A-2-20, §22A-2-25, §22A-2-36, §22A-2-55 and §22A-2-77 of said code, all relating to preserving employment and promoting health and safety in the coal industry; creating the 2016 Coal Jobs and Safety Act; reorganizing the Office of Miners' Health, Safety and Training; providing for appointment of deputy directors; segregating office into districts; continuing the Board of Coal Mine Health and Safety within the Office of Miners' Health; redefining qualifications for members of board; abolishing Coal Mine Safety and Technical Review Committee; providing for promulgation of rules; removing probationary period and permanent tenure for mine inspectors; providing for mine inspectors, safety instructors, electrical inspectors and surface inspectors to serve at the will and discretion of director, barring conflicts of interest; changing requirements for requesting immediate inspection and requiring request in writing; providing for representative of operator to accompany representative of director on inspections; providing for findings, orders, notices; removing requirement that entire mine be given closure order when director determines area of imminent danger does not include entire mine; providing that all orders or decisions of director subject to judicial review; requiring director to file civil actions in circuit court of county where mine is located; removing requirement that civil penalties be deposited in Special Health, Safety and Training Fund; requiring all working places be examined for hazards once per shift; eliminating requirement to use obsolete equipment; eliminating requirement that operator provide safety committee anonometers and smoke tubes; providing that miners may return to underground working areas if ventilation restored and mine determined to be safe; changing intervals hinged man doors required; increasing the number of apprentices under supervision of trainer; removing authority of director to propose emergency rules; changing who may receive fire boss report; providing for instruction of persons affected by revisions to roof control plans; eliminating requirement that man trip be idle one hour before transporting men; and requiring filing of mine operator report with director quarterly instead of monthly.

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

By Senators Miller, Laird and Beach:

Senate Bill 418—A Bill to repeal §11-21-22a of the Code of West Virginia, 1931, as amended; to amend and reenact §11-15-3a of said code; and to amend and reenact §11-21-22 and §11-21-22b of said code, all relating generally to taxation; requiring sales tax on the sale of food; dedicating revenue generated by sales tax on food to Public Employees Insurance Agency; creating West Virginia Earned Income Tax Credit; authorizing a refundable tax credit based upon the federal Earned Income Tax Credit; determining eligibility for the credit; and determining amount of the credit.

Referred to the Committee on Finance.

By Senator Kessler (By Request of the Executive):

Senate Bill 419—A Bill to amend and reenact §4-11A-18 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-13A-3b of said code; to amend and reenact §11-13V-4 of said code; and to amend and reenact §11-21-96 of said code, all relating to termination of Workers' Compensation Debt Reduction Act; specifying effective date of termination; authorizing sooner termination by Executive Order; reallocating deposits of revenues with relation to the Old Fund; authorizing redirection of deposits, by Executive Order, of specified revenues into the General Fund for a limited time period if budget shortfall exceeds specified amount; eliminating language relating to actuarial determination and executive certification of specified conditions; reestablishing severance tax on timber at a specified tax rate; specifying effective dates; and specifying dedication of revenues.

Referred to the Committee on Finance.

By Senator Kessler (By Request of the Executive):

Senate Bill 420—A Bill to amend and reenact §11-17-3 and §11-17-4 the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-17-4b, all relating to increasing tax rate on cigarettes and tobacco products; requiring a physical inventory of tax stamps and tobacco products and e-cigarette liquids upon the effective date of tax imposition or tax rate increase; applying tax rate changes to inventories; requiring a report of such inventory be filed sixty days after the effective date of the tax imposition or tax rate change; levying the excise tax on e-cigarette liquid; defining terms; providing for administration of the tax on e-cigarette liquid; specifying penalty for failure to file required reports; specifying criminal sanctions; and specifying effective date.

Referred to the Committee on Finance.

By Senator Kessler (By Request of the Executive):

Senate Bill 421—A Bill to amend and reenact §11-13A-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-15-9i of said code, all relating to the termination of the behavioral health severance and business privilege tax; specifying the effective date of the termination; establishing the method of payment of outstanding refund claims; generating a replacement revenue stream by changing the durable medical goods sales tax exemption to home users only; specifying the effective date of this amendment; providing the method to claim this exemption; and providing definitions for clarification.

Referred to the Committee on Finance.

By Senators Gaunch, Karnes, Kirkendoll, Boso, Palumbo and Unger:

Senate Bill 422—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §48D-1-101, §48D-1-102, §48D-1-103, §48D-1-104, §48D-1-105, §48D-1-106, §48D-1-107, §48D-2-201, §48D-2-202, §48D-2-203, §48D-2-204, §48D-3-301, §48D-3-302, §48D-3-303, §48D-3-304, §48D-3-305, §48D-3-306, §48D-3-307, §48D-3-308, §48D-3-309, §48D-3-310, §48D-3-311, §48D-4-401, §48D-4-402, §48D-4-403, §48D-4-404, §48D-5-501, §48D-5-502 and §48D-5-503, all relating to creating the Uniform Deployed Parents Custody and Visitation Act; denominating a short title; defining terms; providing remedies for noncompliance; setting forth rules governing jurisdiction; providing conditions for when notification is required to be given by a parent; setting forth a duty to notify of a custodian's change in address; setting forth general considerations that may and may not be considered by the courts when determining the best interests of the child; setting forth the form of a temporary custodial responsibility agreement; setting forth the nature of the authority set forth in the agreement; providing for modification of agreement; providing for delegation of power of attorney; setting forth procedures for temporary custody order proceedings; allowing expedited hearings; allowing testimony by electronic means; setting forth the effect of a prior judicial

order or agreement; permitting a court to grant caretaking or decision-making authority to nonparent in certain instances; providing for grant of limited contract in certain instances; setting forth the nature of authority created by a temporary custody order; setting forth the contents of temporary custody order; permitting court to enter order for temporary child support under certain circumstances; permitting court to modify or terminate grant of custodial responsibility to nonparent under certain circumstances; setting forth proceedings for terminating temporary grant of custodial responsibility; providing a consent procedure for terminating temporary grant of custodial responsibility established by court order; permitting visitation before termination of temporary grant of custodial responsibility; providing for termination by law of temporary grant of custodial responsibility established by court order; providing for uniform application and construction; relating chapter to Electronic Signatures in Global and National Commerce Act; and providing that act does not affect validity of temporary court order concerning custodial responsibility during deployment entered into before the effective date of the act.

Referred to the Committee on Interstate Cooperation; and then to the Committee on the Judiciary.

Senators Maynard, Stollings and Plymale offered the following resolution:

Senate Concurrent Resolution 14—Requesting the Division of Highways to name bridge number 06-25/11-0.01 (06A304) (38.35666, -82.12754), locally known as New Girl Scout Camp Bridge, carrying County 25/11 over Mud River in Cabell County, the “U. S. Marine Corps PFC Billy Joe Vickers Memorial Bridge”.

Whereas, Billy Joe Vickers, the son of Herman C. Vickers and Opal Vickers of Milton, West Virginia, was born March 24, 1947, the third of four sons born to the couple; and

Whereas, Billy Joe Vickers graduated from Milton High School, married Linda Dillon, whom he had known since the seventh grade, and had a daughter, Pammy. Both Pammy Vickers Mahon and Linda Dillon Vickers live in Barboursville, West Virginia; and

Whereas, Billy Joe Vickers enlisted in the United States Marine Corps Reserve June 22, 1966, and was assigned later to active duty with Company A, 1st Battalion, 7th Marines, 1st Marine Division, southwest of DaNang, Vietnam, arriving there February 10, 1968. While on a combat patrol April 8, 1968, along the bank of the Song Yen River, near the vicinity of La Chau hamlet in Hieu Duc District of Quang Nam Province, Private First Class Billy Joe Vickers and two fellow Marines were killed as a result of detonation of an antipersonnel mine; and

Whereas, Private First Class Billy Joe Vickers’ two older brothers, Herman O’Dell Vickers and Jimmy Lou Vickers, also served in the military. Herman in the U. S. Navy and Jimmy in the U. S. Marine Corps; and

Whereas, Both older brothers currently live in Culloden, Cabell County, West Virginia; and

Whereas, Private First Class Billy Joe Vickers’ younger brother, Danny Vickers, lives with his family at the home place where the four brothers all grew up; and

Whereas, The family home place is located at the end of the bridge hereby to be named for Private First Class Billy Joe Vickers; and

Whereas, The body of Private First Class Billy Joe Vickers was buried in Brown Cemetery, Ball’s Gap, Cabell County, West Virginia; and

Whereas, It is proper that Private First Class Billy Joe Vickers’ service to and sacrifice for his country be remembered by this fitting memorial; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 06-25/11-0.01 (06A304) (38.35666, -82.12754), locally known as New Girl Scout Camp Bridge, carrying County Route 25/11 over Mud River in Cabell County, the "U. S. Marine Corps PFC Billy Joe Vickers Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the "U. S. Marine Corps PFC Billy Joe Vickers Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate forward a certified copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 13, Tom Williams Family Bridge.

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 262, Eliminating need for law enforcement to obtain court order prior to having access to inmate mail and phone recordings.

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, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 262) 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 290, Assignment of wages by employers and payment by payroll card.

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, Ferns, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—30.

The nays were: Cline, Facemire, Gaunch and Mullins—4.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 290) passed.

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

Eng. Com. Sub. for Senate Bill 290—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; requiring that assignment be appropriately witnessed by an individual who shall sign and provide his or her name in print; allowing wage assignments to be valid for longer than one year; removing requirement for written agreement to pay employee by payroll card; and declaring that an employee paid by payroll card is not assessed certain fees or restricted in certain uses.

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 14, Limiting successor corporation asbestos-related liabilities.

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 146, Establishing instruction standards for early childhood education.

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 202, Authorizing Department of Commerce promulgate legislative rules.

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 216, Authorizing Human Rights Commission promulgate legislative rule relating to Pregnant Workers' Fairness Act.

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

The Senate proceeded to the tenth order of business.

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

Senate Bill 15, Adopting learned intermediary doctrine as defense to civil action due to inadequate warnings or instructions.

Com. Sub. for Senate Bill 27, Permitting county commissions hire outside attorneys for collection of taxes through courts.

Com. Sub. for Senate Bill 150, Authorizing Department of Transportation promulgate legislative rules.

Com. Sub. for Senate Bill 288, Creating one-day special license for charitable events to sell nonintoxicating beer and wine.

Senate Bill 329, Eliminating sunset provision for commission to study residential placement of children.

Com. Sub. for Senate Bill 338, Compiling and maintaining Central State Mental Health Registry.

And,

Senate Bill 379, Relating to candidate filing fees.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Miller and Leonhardt.

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, Friday, January 29, 2016, at 11 a.m.

SENATE CALENDAR

**Friday, January 29, 2016
11:00 AM**

UNFINISHED BUSINESS

- S. C. R. 2 - Urging Congress provide funding for WV National Guard.
S. C. R. 14 - U.S. Marine Corps PFC Billy Joe Vickers Memorial Bridge.

THIRD READING

- Eng. Com. Sub. for S. B. 14 - Limiting successor corporation asbestos-related liabilities.
Eng. Com. Sub. for S. B. 146 - Establishing instruction standards for early childhood education.
Eng. Com. Sub. for S. B. 202 - Authorizing Department of Commerce promulgate legislative rules.
Eng. Com. Sub. for S. B. 216 - Authorizing Human Rights Commission promulgate legislative rule relating to Pregnant Workers' Fairness Act.

SECOND READING

- S. B. 15 - Adopting learned intermediary doctrine as defense to civil action due to inadequate warnings or instructions.
Com. Sub. for Com. Sub. for S. B. 27 - Permitting county commissions hire outside attorneys for collection of taxes through courts.
Com. Sub. for S. B. 150 - Authorizing Department of Transportation promulgate legislative rules.
Com. Sub. for S. B. 288 - Creating one-day special license for charitable events to sell nonintoxicating beer and wine.
S. B. 329 - Eliminating sunset provision for commission to study residential placement of children.
Com. Sub. for S. B. 338 - Compiling and maintaining Central State Mental Health Registry.
S. B. 379 - Relating to candidate filing fees - (Com. title amend. pending).

FIRST READING

- S. B. 271 - Conforming definition of attest services to Uniform Accountancy Act.
S. B. 333 - Taking and registering of wildlife - (Com. title amend. pending).
S. B. 334 - Identifying coyote as fur-bearing animal and woodchuck as game animal.
S. B. 336 - Relating to crossbow hunting.
Com. Sub. for S. B. 343 - Authorizing prosecuting attorneys designate law-enforcement officers and investigators as custodians of records.

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2016

Friday, January 29, 2016

9 a.m.	Transportation & Infrastructure	(Room No. 208W)
10 a.m.	Judiciary	(Room No. 208W)