

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE
REGULAR SESSION, 2016
SEVENTH DAY

Charleston, W. Va., Tuesday, January 19, 2016

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Father Leon Alexander, Saint John XXIII Pastoral Center, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Craig Blair, a senator from the fifteenth district.

Pending the reading of the Journal of Monday, January 18, 2016,

At the request of Senator Williams, 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 fourth order of business.

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 151, Department of Agriculture rule relating to inspection of nontraditional domesticated animals.

Senate Bill 152, Department of Agriculture rule relating to poultry litter and manure movement.

Senate Bill 153, Department of Agriculture rule relating to livestock care standards.

And,

Senate Bill 154, Department of Agriculture rule relating to captive cervid farming.

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,

Robert Karnes,
Chair.

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

The Senate proceeded to the sixth order of business.

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

By Senators Boso, Miller and Romano:

Senate Bill 313—A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to school calendar; and changing mandatory instructional days from one hundred eighty days to minutes based upon minimum amount of hours of instruction offered to students provided by state board rules.

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

By Senators Sypolt, Beach, Blair, Boso, Ferns, Gaunch, Karnes, Leonhardt, Takubo, Trump, Walters, Williams and Yost:

Senate Bill 314—A Bill to amend and reenact §20-2-6a of the Code of West Virginia, 1931, as amended; to amend and reenact §61-7-3 of said code; and to amend said code by adding thereto two new sections, §61-7-4a and §61-7-7a, all relating to carry or use of handgun or deadly weapon; permitting eligible persons to carry a handgun for defense purposes, without license, while afield hunting, hiking, camping or in or on a motor vehicle; clarifying penalties for ineligible person who carries concealed deadly weapon; and providing enhanced penalties for use of display of firearm during planning or commission of a felony.

Referred to the Committee on the Judiciary.

By Senators Walters, Ashley, Beach, Boley, Boso, Gaunch, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Snyder, Stollings, Sypolt, Takubo, Trump, Williams and Blair:

Senate Bill 315—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; and 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, 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 to Water Development Authority; creating West Virginia Infrastructure Fund for Broadband Middle Mile

Development; providing for disposition of funds on termination or dissolution of authority; providing that broadband middle mile projects funded by authority are not public improvements for purposes of financing and noting bidding and wage requirements; 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.

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

By Senators Karnes, Boso, Gaunch, Maynard, Hall, Takubo, Leonhardt, Unger and Blair:

Senate Bill 316—A Bill to amend and reenact §18C-7-6 of the Code of West Virginia, 1931, as amended, relating to removing requirement that a home schooled student must acquire a general equivalency degree (GED) in order to qualify for a PROMISE scholarship; and adding another method by which a person is eligible for a PROMISE scholarship.

Referred to the Committee on Education.

By Senators Blair, Walters, Boso, Gaunch, Maynard and Snyder:

Senate Bill 317—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-2-4; and to amend said code by adding thereto a new section, designated §7-1-3pp, all relating to accessible county records; requiring county clerks to report certain county official information to the Secretary of State annually; requiring county commissions to maintain a website; and requiring Secretary of State to annually update website of county information.

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

By Senators Karnes, Boso, Gaunch, Hall, Maynard and Takubo:

Senate Bill 318—A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended, relating generally to home schooling; clarifying that a student who is home schooled may not be classified as habitually absent; changing annual requirement that a parent of a child who is to be home schooled notify the county superintendent of intent to home school to a one-time notification; requiring a parent provide certain assurances; removing requirement that the person providing the home schooling instruction have a high school diploma; removing requirement that the person providing home schooling instruction have an outline of a plan for home schooling instruction for the ensuing year; permitting a parent to administer the required nationally normed standardized test; providing that student has made acceptable academic progress if it is within or above the fourth stanine, or if below that stanine then student must show improvement from the previous year; requiring certified teacher to review a student's progress and submit a written narrative; removing requirement that a county superintendent be given two weeks' notice before a student enrolled in a public school may receive home instruction; requiring parent to keep academic assessments for three years; and providing that a county board of education may only provide information about the availability of special education services only if the parent requests it.

Referred to the Committee on Education.

By Senators Gaunch, Carmichael and Boso:

Senate Bill 319—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-8-1, §49-8-2, §49-8-3, §49-8-4 and §49-8-5, all relating to temporary delegation of certain custodial powers by a parent or guardian; defining terms; permitting delegation

of certain custodial powers; creating a parental rights form; requiring certain background checks; mandating certain disclosures; and providing exemptions.

Referred to the Committee on the Judiciary.

By Senators Ferns and Stollings:

Senate Bill 320—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-13a, relating generally to practice of medicine; permitting the practice of telemedicine; establishing requirements; making exceptions; defining terms; and authorizing rulemaking.

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

By Senator Trump:

Senate Bill 321—A Bill to amend and reenact §18-20-5 of the Code of West Virginia, 1931, as amended, relating to more equitable disbursement of funds to county boards to lessen budgetary impact of serving high cost/high acuity special needs students; eliminating requirement to annual review of rules, policies and standards and federal law and report to Legislative Oversight Commission; defining high cost/high acuity special needs; and providing for method of fund disbursement.

Referred to the Committee on Education.

By Senators Ferns, Stollings, Trump and Gaunch:

Senate Bill 322—A Bill to amend and reenact §33-46-2, §33-46-18 and §33-46-20 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto four new sections, designated §33-46-21, §33-46-22, §33-46-23 and §33-46-24, all relating to regulation of pharmacy benefits managers; defining terms; providing that pharmacy benefits managers conducting audits for public health programs are not exempt from pharmacy audit restrictions; setting forth duties of pharmacy benefit managers; requiring audits by pharmacy benefits managers; setting forth requirements for audits conducted by pharmacy benefits managers; providing internal review process applicable to disputed findings of pharmacy benefits manager upon audit; requiring pharmacy benefits managers to provide notice to purchasers, pharmacists and pharmacies of information relating to maximum allowable costs; requiring pharmacy benefits managers to establish a process relating to the appropriate use of maximum allowable cost pricing; and reorganizing sections providing rule-making authority to the Insurance Commissioner.

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

By Senators Trump, Kessler, Woelfel, Palumbo, Romano and Williams:

Senate Bill 323—A Bill to amend and reenact §61-3B-3 of the Code of West Virginia, 1931, as amended, relating to correcting subsection designations in the statute regarding trespass on property; and making other technical changes.

Referred to the Committee on the Judiciary.

By Senators Walters, Blair, Boso, Carmichael, Ferns, Gaunch, Hall, Mullins, Sypolt, Trump, Miller, Plymale and Palumbo:

Senate Bill 324—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-29-1, §17-29-2, §17-29-3, §17-29-4, §17-29-5, §17-29-6, §17-29-7, §17-29-8, §17-29-9, §17-29-10, §17-29-11, §17-29-12, §17-29-13, §17-29-14, §17-29-15, §17-29-16, §17-29-17, §17-29-18 and §17-29-19, all relating to authorizing transportation network companies

to operate in the state; providing definitions; declaring transportation network companies and drivers are not common carriers or motor carriers; requiring permit from Division of Motor Vehicles to operate a transportation network company; identifying requirements for obtaining a permit; requiring an agent for service of process; authorizing transportation network companies to charge a fare for services; requiring identification of transportation network company vehicles and drivers; requiring an electronic receipt; requiring automobile insurance; requiring disclosures from the transportation network company to transportation network company drivers; allowing automobile insurers to exclude certain coverages; defining the relationship between drivers and transportation network companies; providing zero tolerance policy for alcohol or drug use while working as a transportation network company driver; setting minimum requirements to become a transportation network company driver; requiring transportation network company vehicles to pass state inspection; prohibiting solicitation and street hails; prohibiting cash payments; requiring a no cash payment policy; requiring policy of nondiscrimination; requiring recordkeeping and prohibiting local entity taxes or licenses.

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

By Senators Miller, Beach, Kessler, Kirkendoll, Laird, Palumbo, Snyder, Stollings, Unger, Walters, Williams, Woelfel, Yost and Plymale:

Senate Bill 325—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2I-1, §5B-2I-2, §5B-2I-3, §5B-2I-4, §5B-2I-5, §5B-2I-6, §5B-2I-7, §5B-2I-8, §5B-2I-9, §5B-2I-10, §5B-2I-11 and §5B-2I-12, all relating to Community Sustainability Investment Pilot Program; providing legislative findings and intent; creating the fund; establishing Community Sustainability Investment Board; providing requirements for applications for use of matching funds from Community Sustainability Investment Fund; providing for review of applications by West Virginia Development Office; establishing that Community Sustainability Investment Board shall have authority to approve matching grants from Community Sustainability Investment Fund; establishing matching requirements from applicants; establishing eligible expenditures; and defining parameters of agreement between West Virginia Development Office and a community for use.

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

By Senators Trump, Kessler, Woelfel, Palumbo, Romano and Plymale:

Senate Bill 326—A Bill to repeal §49-4-901 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §61-8D-10, all relating to repealing, revising, relocating and recodifying the law relating to contributing to delinquency or neglect of a child.

Referred to the Committee on the Judiciary.

Senators Leonhardt, Boley, Ashley, Facemire, Sypolt, Yost, Beach, Boso, Ferns, Miller, Palumbo, Plymale, Romano, Takubo, Unger, Williams, Prezioso and Blair offered the following resolution:

Senate Concurrent Resolution 2—Urging Congress to provide funding for the West Virginia National Guard to sustain and enhance its capabilities in its role in a regional catastrophe and to modernize the antiquated avionics of its fleet of C130s and other aircraft to meet global airspace requirements for 2020.

Whereas, In the event of a regional catastrophe, West Virginia's east-west highways, including I-68 and I-64, are links to the major exit corridors from the FEMA National Capital Region (NCR) westward and, assuming that a regional catastrophe will likely include Baltimore to the north of the NCR and Richmond to the south of the NCR, westward evacuation utilizing these highways is highly likely and is, in fact anticipated; and

Whereas, The routes through West Virginia will traverse rural areas that do not have infrastructure adequate for what could be a mass of evacuees in the worst-case scenario; experience in regional emergencies, such as Superstorm Sandy in 2012, illustrates some shortcomings in planning that is less focused on regions and more on states; and

Whereas, West Virginia is perfectly, and geographically, postured to support any emergency or disaster response to the NCR, including mass evacuation westward; and

Whereas, FEMA regions do not necessarily represent grouping of states likely to be involved in some scenarios; FEMA Region III contains the NCR and West Virginia as its western-most edge and in a major catastrophe, Regions V, with Ohio, Indiana and Illinois, VII with Missouri, and IV with Kentucky, Tennessee, and North Carolina are likely to be involved in some combinations; and

Whereas, The National Guard, through the use of Emergency Management Assistance Compacts, can operate across state lines to provide vital response capability in security, transportation, medical, housing, communications, command and control, and others based on its dual role in military preparedness and state civil support; and

Whereas, Military Force Structure assigned to the National Guard must be considered by federal military planners for the dual use they can encounter; National Guard Organizations require personnel, equipment, organization, training, leadership and funding to maintain federal military standards and to be prepared to respond to a domestic emergency or disaster; and

Whereas, Regional catastrophic planning is dependent on National Guard assets, capabilities and responsiveness. Consequently, it is also critical that federal military planners assess the impact of their force structure changes on regional capability needs as well as those that are state specific; and

Whereas, The C-130 H3 "Hercules" aircraft assigned to the 130th Airlift Wing of the West Virginia National Guard at Yeager Airport in Charleston, West Virginia will eventually become obsolete without system modernization to the communication, navigation, and surveillance (CNS) components; National Air Traffic Control agencies and the International Civil Aviation Organization are modernizing airspace faster than the US Air Force is updating C-130 avionics capabilities; and

Whereas, Aircraft component acquisition becomes increasingly difficult as fewer C-130 H aircraft remain in the Air Force inventory and the unique components of the C-130, including its self-contained navigational system, face short term supply chain shortages that could be remedied with aircraft avionics modernization; and

Whereas, The contract to perform maintenance on aircraft flight computers is renewed annually and this perpetual reliance on short term contracts increases sustainment cost and challenges mission effectiveness and operational planning; and

Whereas, Reliance on short term contracts and antiquated avionics will increase Air Force expense in the long run as it translates to more expensive mission-essential contracts and increased fuel expenditures due to inefficient routing; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby urges Congress to provide funding for the West Virginia National Guard to sustain and enhance its capabilities in its role in a regional catastrophe and to modernize the antiquated avionics of its fleet of C130s and other aircraft to meet global airspace requirements for 2020; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the President and Secretary of the United States Senate, the Speaker and Clerk of the House of Representatives and to the members of West Virginia congressional delegation.

Which, under the rules, lies over one day.

Senators Stollings, Kirkendoll, Miller and Plymale offered the following resolution:

Senate Concurrent Resolution 3—Requesting Division of Highways name the bridge at the intersection of County Route 18, known as North Fork Road, and County Route 18/2, known as Ellis Fork Road, in Boone County, West Virginia, (latitude, longitude: 38.00947, -81.95537) be named the “Julian, Earl and Edward Hill Brothers Memorial Bridge”.

Whereas, Julian, Earl and Edward Hill were brothers, three of ten children born to Edward W. Hill and Annie L. Stollings Hill who farmed for a living in Boone County; and

Whereas, Julian Alba Hill was born on August 4, 1920, at North Fork of Big Creek, Boone County and worked at many different jobs until being drafted into the United States Army. Before joining the Army, Julian Hill married Audrey Chapman and they had two children. When he was sent to Fort Worth, Texas for basic training, Audrey rode the train from Charleston to Texas taking along their two small children so they could be together prior to his departure overseas during World War II. After basic training, Julian Hill was sent to Germany where he refueled airplanes and later was sent into combat with General Patton where he refueled tanks and other vehicles. He often spoke of the obstacles placed by Hitler to keep the United States Armed Forces from pushing their way through Germany towards Berlin. He returned from Germany on the USS Argentina in January 1946 and never talked of the fighting and what he had seen, but he suffered nightmares for many years after his return. After being discharged, Julian and Audrey Hill had a third child in 1949, and he became an over-the-road long haul truck driver, sometimes being gone for two full days at a time. Julian had a truck accident which forced an early retirement from truck driving. He was placed on disability by his company and Senator Robert C. Byrd was instrumental in seeing that he also received Social Security disability benefits. Julian and Audrey Hill divorced in 1959. Following a brief second marriage which also ended in divorce, he later married Betty Smith. Julian loved camping, gospel and country music. He and Betty spent many years camping in West Virginia, Virginia and South Carolina. Their marriage lasted for forty years until his death in December 2010, at the age of ninety, after a fall in a nursing home; and

Whereas, Earl Franklin Hill was born on April 22, 1923, at North Fork of Big Creek, Boone County and was inducted into the United States Army on January 12, 1943, and was honorably discharged on June 11, 1943, as Private First Class, Battery B, 225th AAA SL, Camp Davis, North Carolina under the Enlisted Mans importance to national security, health or interest and returned home early to care for his ill father and to farm for the nation's needs and because two brothers were then serving in the military. He married Naomi Ruth Stone on December 23, 1941, and they had six children, one of whom, Richard, died at birth. The other children are Catherine Sue Hill, Sherry Grant Hill, Paul Wayne Hill, Earl F. Hill, II and Barbara Gail Hill. Naomi Hill passed away on November 26, 2006, and Earl Franklin Hill passed away on July 31, 2008, at the VA Hospital in Huntington; and

Whereas, Cebert Edward Hill was born on Ellis Fork off the North Fork of Big Creek in Boone County on October 25, 1917. He joined the United States Army Air Corp on September 8, 1942. Following his basic training in Tampa, Florida, Edward Hill attained the rank of Private First Class in the 410th Army Air Force Base Unit and served as a Radio Operator, Area 4600 Underground Placement on Catalina Island, California and a Supply Clerk on St. Nicholas Island, California and received the Good Conduct Medal. He received his honorable discharge on April 26, 1945. In addition to being a farmer for most of his life, he was also a mail carrier for four years from Banco to Danville and worked for Grocers Wholesale Company, later named The Creasey Company, from 1954 until

his retirement in 1981. He married Oma Lee Barker and they had six children, Gary A. Hill, Larry A. Hill, Judy K. Murphy, Jeanne C. Wagner, Eddy R. Hill and Lisa J. Black; and

Whereas, It is fitting that an enduring memorial be established to commemorate these native sons who served their state and their country so ably during World War II; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name the bridge at the intersection of County Route 18, known as North Fork Road, and County Route 18/2, known as Ellis Fork Road, in Boone County, West Virginia, (latitude, longitude: 38.00947, -81.95537) the "Julian, Earl and Edward Hill Brothers Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Julian, Earl and Edward Hill Brothers Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways and the families of Julian Hill, Earl Hill and Edward Hill and Cebert Edward Hill.

Which, under the rules, lies over one day.

Senators Beach and Romano offered the following resolution:

Senate Concurrent Resolution 4—Petitioning Congress to call a convention for the purpose of proposing amendments to the Constitution of the United States of America.

Whereas, The first President of the United States, George Washington, stated, "The basis of our political systems is the right of the people to make and to alter their Constitutions of Government"; and

Whereas, It was the stated intention of the framers of the Constitution of the United States of America that the Congress of the United States of America should be "dependent on the people alone." (James Madison, Federalist 52); and

Whereas, That dependency has evolved from a dependency on the people alone to a dependency on those who spend excessively in elections, through campaigns or third-party groups; and

Whereas, The United States Supreme Court ruling in Citizens United v. Federal Election Commission, 558 U. S. 310 (2010), removed restrictions on amounts of independent political spending; and

Whereas, The removal of those restrictions has resulted in the unjust influence of powerful economic forces, which have supplanted the will of the people by undermining our ability to choose our political leadership, write our own laws and determine the fate of our state; and

Whereas, Article V of the United States Constitution requires the United States Congress to call a convention for proposing amendments upon application of two thirds of the legislatures of the several states for the purpose of proposing amendments to the United States Constitution; and

Whereas, The State of West Virginia sees the need for a convention to propose amendments in order to address concerns such as those raised by the decision of the United States Supreme Court in Citizens United v. Federal Election Commission (2010), 130 S.Ct. 876, and related cases and

events, including those occurring long before or afterward or for a substantially similar purpose, and desires that the convention should be so limited; and

Whereas, The State of West Virginia desires that the delegates to the convention shall be comprised equally from individuals currently elected to state and local office, or be selected by election in each congressional district for the purpose of serving as delegates, though all individuals elected or appointed to federal office, now or in the past, be prohibited from serving as delegates to the convention, and intends to retain the ability to restrict or expand the power of its delegates within the limits expressed above; and

Whereas, The State of West Virginia intends that this be a continuing application considered together with applications calling for a convention passed in the 2013-2014 Vermont Legislature as R454 and the 2013-2014 California Legislature as Resolution Chapter 77 and all other passed, pending and future applications, the aforementioned concerns of West Virginia notwithstanding, until that time as two thirds of the several states have applied for a convention and the convention is convened by Congress; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby petitions Congress to call a convention for the purpose of proposing amendments to the Constitution of the United States of America; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the President and Vice President of the United States, the Speaker of the United States House of Representatives, the Minority Leader of the United States House of Representatives, the President Pro Tempore of the United States Senate, to each senator and representative from West Virginia in the Congress of the United States, to the Governor of each state and to the presiding officers of each legislative body of each of the several states, requesting the cooperation of the states in issuing an application compelling Congress to call a convention for proposing amendments pursuant to Article V of the U. S. Constitution.

Which, under the rules, lies over one day.

Senators Beach, Facemire, Kessler, Kirkendoll, Laird, Miller, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Unger, Williams, Woelfel, Yost, Leonhardt and Gaunch offered the following resolution:

Senate Concurrent Resolution 5—Requesting the Division of Highways name Exit 153 on West Virginia Interstate-79 in Monongalia County, the “Coach Bill Stewart Exit”.

Whereas, William L. “Bill” Stewart, best known as Coach Stew, was born in Grafton, WV on June 11, 1952, to the late Blaine Eugene and Roberta Lee Rutherford Stewart. William L. “Bill” Stewart was a native of New Martinsville, West Virginia. He married the former Karen Kacor on July 1, 1978. He had one son, Blaine. On May 21, 2012, William L. “Bill” Stewart passed away due to an apparent heart attack; and

Whereas, William L. “Bill” Stewart graduated from Fairmont State College in 1975, with a degree in education, where he was a three-year letterman and team captain for the WVIAC champions in 1974. His coaching career began at Fairmont State in 1974, when he was a student assistant coach for a season. One year later he became an assistant coach at Sistersville (W.V.) High School in 1975. In 1994, he assumed the head coaching position at Virginia Military Institute. In three years, he compiled an 8–25 record. Bill Stewart gave current Pittsburgh Steelers' head coach Mike Tomlin his first job as an assistant at VMI in 1995. Coach Tomlin later returned the favor by vouching for Stewart with the West Virginia University administration; and

Whereas, William L. “Bill” Stewart moved to Salem College in 1977 where he was an assistant football and head track coach for two seasons. In 1979, he was an assistant coach at the University of North Carolina. He has also been an assistant coach at Marshall University (1980), William and Mary (1981–1983), Navy (1984), North Carolina (1985–1987), Arizona State (1988–1989) and Air Force (1990–1993); and

Whereas, In 1998, Bill Stewart served as the offensive line coach for the Montreal Alouettes of the Canadian Football League. His line blocked for Mike Pringle, the first 2,000-yard rusher in CFL history. In 1999, he moved on to be the offensive coordinator of the Winnipeg Blue Bombers where he coached two all-conference receivers and a one thousand-yard rusher. In 2000 WVU head coach Don Nehlen hired Stewart at WVU in January as the quarterbacks coach. Following the retirement of then Coach Nehlen, Stewart was retained by Rich Rodriguez when he became the head coach after the 2000 season. Stewart remained the quarterbacks coach and special teams coach until 2007 when he moved to coach the tight ends and served as associate head coach; and

Whereas, Following Rodriguez's departure to become the head coach at the University of Michigan on December 16, 2007, Stewart was named interim head coach of the Mountaineers for the 2008 Fiesta Bowl game. In that game Stewart led the team to a 48-28 upset win over the #3 Oklahoma Sooners. During the press conference following the awards ceremony, Fiesta Bowl MVP and West Virginia quarterback Pat White said of Stewart, “He needs that job. He deserves it, the head coaching job”; and

Whereas, On January 3, 2008, a day after the Fiesta Bowl victory, Bill Stewart was announced as West Virginia's 32nd head coach; and

Whereas, It is fitting that we honor on this day William L. “Bill” Stewart, American Football Coach, former WVU Football Coach, family man, friend and man who lived by his Christian faith; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Exit 153 in Monongalia County on Interstate 79 the “Coach Bill Stewart Exit”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying Exit 153 as the “Coach Bill Stewart Exit “ and, be it,

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways and the family of Coach William “Bill” Stewart.

Which, under the rules, lies over one day.

Senators Sypolt, Stollings, Leonhardt, Plymale, Prezioso, Unger, Boso, Miller and Romano offered the following resolution:

Senate Resolution 6—Designating Tuesday, January 19, 2016, as Higher Education Day at the Legislature.

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

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

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

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

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

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

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

Resolved by the Senate:

That the Senate hereby designates Tuesday, January 19, 2016, as Higher Education Day at the Legislature; and, be it

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

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

At the request of Senator Sypolt, 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 ninth order of business.

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.

At the request of Senator Carmichael, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Com. Sub. for Senate Bill 263, Allowing travel and other expense reimbursement for members of Municipal Home Rule Board.

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 1, Establishing WV Workplace Freedom Act.

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senators Stollings, Kessler and Hall.

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

The Senate next proceeded to the thirteenth order of business.

At the request of Senator Woelfel, the name of Senator Woelfel was removed as a sponsor of **Senate Bill 251** (*Amending statutes relating to nonintoxicating beer, brewers and brewpubs*) and **Senate Bill 253** (*Exempting drug treatment and drug recovery facilities from county and municipal ordinances*).

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Carmichael, the Senate adjourned until tomorrow, Wednesday, January 20, 2016, at 11 a.m.

SENATE CALENDAR

**Wednesday, January 20, 2016
11:00 AM**

UNFINISHED BUSINESS

- S. C. R. 2 - Urging Congress provide funding for WV National Guard.
- S. C. R. 3 - Julian, Earl and Edward Hill Brothers Memorial Bridge.
- S. C. R. 4 - Petitioning Congress to call convention for proposing amendments to U.S. Constitution.
- S. C. R. 5 - Coach Bill Stewart Exit.

THIRD READING

Eng. Com. Sub. for S. B. 263 - Allowing travel and other expense reimbursement for members of Municipal Home Rule Board.

SECOND READING

- S. B. 1 - Establishing WV Workplace Freedom Act - (Com. amend. pending)(original similar to HB4006).
- S. B. 253 - Exempting drug treatment and drug recovery facilities from county and municipal ordinances.

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2016

Wednesday, January 20, 2016

2 p.m.

Natural Resources

(Room No. 451M)