

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE
REGULAR SESSION, 2016
THIRTY-FOURTH DAY

Charleston, W. Va., Monday, February 15, 2016

The Senate met at 11 a.m.

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

Prayer was offered by Chaplain David Smith, St. Marys Correctional Center, St. Marys, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Douglas E. Facemire, a senator from the twelfth district.

Pending the reading of the Journal of Friday, February 12, 2016,

At the request of Senator Gaunch, 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.

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 United States military veterans and Cayden Philip Blair, grandson of the Honorable Craig Blair, a senator from the fifteenth district, 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 that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

Eng. Com. Sub. for House Bill 2800, Adding law-enforcement officers' contact information and names of family members to the list of exemptions from public records requests.

On motion of Senator Carmichael, the Senate refused to recede from its amendments to the bill and requested the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses.

Whereupon, Senator Cole (Mr. President) appointed the following conferees on the part of the Senate:

Senators Ashley, Karnes and Woelfel.

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

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

Eng. House Bill 4147—A Bill to amend and reenact §18-9D-2, §18-9D-3, §18-9D-4c and §18-9D-16 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-9D-22, all relating to making the West Virginia Schools for the Deaf and Blind eligible to participate in any and all funding administered or distributed by the West Virginia School Building Authority.

Referred to the Committee on Finance.

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

Com. Sub. for Senate Bill 315 (originating in the Committee on Transportation and Infrastructure), 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 Com. Sub. for Senate Bill 315 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, 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; to amend and reenact §31-15A-2, §31-15A-8, §31-15A-10, §31-15A-11 and §31-15A-17 of said code; 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 for committee substitute do pass.

Respectfully submitted,

Craig Blair,
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 529, Making certain sport and educational fantasy games lawful.

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

Com. Sub. for Senate Bill 529 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-28-1 and §47-28-2, all relating to fantasy games; defining “fantasy game”; providing that fantasy games are lawful; and clarifying that fantasy games are not subject to criminal penalties or sanctions.

With the recommendation that the committee substitute 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 Hall, Carmichael, Prezioso and Plymale:

Senate Bill 599—A Bill to amend and reenact §36-8-2 of the Code of West Virginia, 1931, as amended, relating generally to Uniform Unclaimed Property Act; clarifying intent of Legislature that the state’s insurance laws regulating insurance apply to proceeds of unclaimed life or endowment insurance policies and annuities payable upon death; eliminating any perceived inconsistency between insurance laws and Uniform Unclaimed Property Act; eliminating unintended interpretation of law expressed in the case of State of West Virginia ex rel. John D. Perdue v. Nationwide Life Insurance Company, No. 14-0100 (W. Va. June 16, 2015); clarifying that law as it existed prior to such decision regarding when presumption of abandonment arises with respect to a life or endowment insurance policy or annuity payable upon proof of death be consistent with insurance laws; and providing that this amendment shall have retroactive effect given its intent to restate and clarify law as it did exist and was intended to exist prior to above-referenced court decision.

Referred to the Committee on the Judiciary.

By Senators Palumbo, Williams, Walters, Woelfel, Snyder, Takubo, Miller, Stollings, Kessler and Plymale:

Senate Bill 600—A Bill to amend and reenact §3-10-5, §3-10-6, §3-10-7 and §3-10-8 of the Code of West Virginia, 1931, as amended, all relating to requiring vacancies in the House of Delegates,

State Senate, circuit court clerk, county commission, county clerk, prosecuting attorney, sheriff, assessor or county surveyor be filled by a person affiliated with the same party as the person vacating the office was affiliated at the time of his or her last election to the office or if not elected at the time of his or her appointment.

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

By Senator Boso:

Senate Bill 601—A Bill to amend and reenact §22-15-1, §22-15-2, §22-15-6, §22-15-10 and §22-15-13 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §22-15-9a; to amend and reenact §22C-4-2 of said code; to amend said code by adding thereto a new section, designated §22C-4-31; and to amend said code by adding thereto a new section, designated §24-2-1L, all relating to legislative findings relating to oil and gas solid waste facility; definitions; applicability of the fee for a certificate of site approval; promulgation of rules; limits and standards applicable to oil and gas solid waste facilities; provisions regarding certain permits that will not apply to or be required of oil and gas solid waste facilities; exception from the jurisdiction of county and regional solid waste authorities; and exception from the jurisdiction of the Public Service Commission.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 602—A Bill to amend and reenact §29-12D-1 and §29-12D-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §29-12D-1a; to amend and reenact §55-7B-9, §55-7B-9c and §55-7B-9d of said code; and to amend and reenact §59-1-11 and §59-1-28a of said code, all relating to the Patient Injury Compensation Fund; providing that the board may not compensate claimants who have not filed a claim by a specific date; providing an assessment on licenses; providing an assessment on trauma center interventions; amending the limit on liability for economic damages in causes of actions against a trauma facility; providing that a claimant's attorney fees may not be paid out of the fund; providing that several liability applies in all cases under the Medical Professional Liability Act; amending the filing fee for causes of action under the Medical Professional Liability Act; and directing the clerk of the court to deposit a portion of the filing fee into the fund.

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

By Senators Carmichael, Stollings, Boso and Prezioso:

Senate Bill 603—A Bill to amend and reenact §15-5-20 of the Code of West Virginia, 1931, as amended, relating to requiring preplanning, preparing and provisioning of public facilities for use as shelters for elderly and disabled during emergency situations when utilities and public services are not available for extended periods.

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

By Senators Takubo, Stollings and Boso:

Senate Bill 604—A Bill to amend and reenact §11-19-2 of the Code of West Virginia, 1931, as amended, relating to increasing the excise tax on bottled soft drinks, syrups and dry mixtures; dedicating eighty percent of the proceeds to the benefit of the four-year School of Medicine, Dentistry and Nursing of West Virginia University, the Joan C. Edwards School of Medicine of Marshall University and the West Virginia School of Osteopathic Medicine; and dedicating twenty percent of the increase to the West Virginia Department of Health and Human Resources to be used for the expansion of Medicaid beginning in the year 2017.

Referred to the Committee on Finance.

By Senators Ferns, Yost and Boso:

Senate Bill 605—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.

Referred to the Committee on Finance.

By Senators Stollings, Boso, Mullins and Takubo:

Senate Bill 606—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5Y-1, §16-5Y-2, §16-5Y-3, §16-5Y-4, §16-5Y-5 and §16-5Y-6, all relating to establishing an advisory council on rare diseases; creating the advisory council and its composition; setting terms of members; defining words and phrases; defining the duties and the powers of the advisory council; setting out particular duties of the Secretary of the Department of Health and Human Resources; and establishing a special revenue account.

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

By Senators Takubo and Stollings:

Senate Bill 607—A Bill to amend and reenact §11-17-3 and §11-17-4 of 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 the 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 the 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; dedicating a portion of the revenues generated to the tobacco cessation efforts of the Department of Health and Human Resources; including 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.

Senators Ferns and Plymale offered the following resolution:

Senate Concurrent Resolution 36—Requesting Division of Highways name bridge number 35-70/1-0.01 (35A141) (40.06690 – 80-69312), locally known as Washington Avenue Bridge, carrying County Route 70/1 over interstate 70 in Ohio County, the “U. S. Army SPC5 Joseph Richard ‘Rick’ Schafer Memorial Bridge”.

Whereas, Joseph Richard “Rick” Schafer was born April 29, 1949, in Wheeling, West Virginia, the son of Joseph E. Schafer, Jr., deceased, and Betty J. Pappert Schafer; and

Whereas, Joseph Richard Schafer grew up with three sisters: Beverly Schafer Yankwitt of Port Charlotte, Florida; Paula Schafer Wood of Ocala, Florida; and Lynnette Schafer of Wheeling, West Virginia; and

Whereas, Joseph Richard Schafer enjoyed playing Little League baseball and high school football; and

Whereas, Joseph Richard Schafer graduated from Central Catholic High School in Wheeling and attended West Liberty State College; and

Whereas, Joseph Richard Schafer would cross the Washington Avenue Bridge near his home almost every day to be with friends or to meet the girlfriend he would later marry; and

Whereas, Prior to entering the U. S. Army, Joseph Richard Schafer married Vicki Dayton of Wheeling, West Virginia; and

Whereas, SPC5 Joseph Richard Schafer entered the U. S. Army on May 29, 1969, and was trained as an engineer equipment repairman; and

Whereas, SPC5 Joseph Richard Schafer was deployed to Vietnam on September 15, 1970; and

Whereas, Joseph Richard Schafer was killed in Vietnam on May 6, 1971, while driving a military vehicle involved in an accident; and

Whereas, It is appropriate to name the bridge for SPC5 Joseph Richard "Rick" Schafer who gave his life for his country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 35-70/1-0.01 (35A141) (40.06690 – 80-69312), locally known as Washington Avenue Bridge, carrying County Route 70/1 over interstate 70 in Ohio County, the "U. S. Army SPC5 Joseph Richard 'Rick' Schafer 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. Army SPC5 Joseph Richard 'Rick' Schafer 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.

Which, under the rules, lies over one day.

Senators Laird, Stollings, Palumbo, Kessler, Plymale, Williams and Yost offered the following resolution:

Senate Resolution 35—Designating February 15, 2016, as Corrections Day at the Legislature.

Whereas, The West Virginia Division of Corrections, the Regional Jail Authority and the Division of Juvenile Services are committed to enhancing public safety by providing safe, secure and humane facilities, operating an effective system of offender re-entry and community supervision, reducing offender recidivism and assisting victims of crime; and

Whereas, The Division of Corrections, the Regional Jail Authority and the Division of Juvenile Services are further committed to providing effective beneficial services that promote positive development and accountability while preserving community safety and sustaining a work environment predicated upon principles of professionalism with dignity and respect for all; and

Whereas, It is the vision of the Division of Corrections, the Regional Jail Authority and the Division of Juvenile Services to be recognized as innovative leaders in providing quality correctional services; and

Whereas, The adult and juvenile correctional population continues to expand and it is important for agency representatives and policymakers to appreciate the nature and magnitude of the growth; and

Whereas, Previous information provided to this body should assist public officials and agency representatives in planning for the future and developing policies for the management of the West

Virginia correctional population, both adult and juvenile, as well as providing adequate pay, benefits and a safe secure workplace for the employees in the correctional system; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 15, 2016, as Corrections Day at the Legislature; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Division of Corrections.

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

Thereafter, at the request of Senator Carmichael, and by unanimous consent, the remarks by Senators Laird, Kirkendoll, Woelfel and Kessler regarding the adoption of Senate Resolution 35 were ordered printed in the Appendix to the Journal.

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 Leonhardt, Palumbo, Stollings, Kessler, Plymale, Williams, Prezioso and Yost offered the following resolution:

Senate Resolution 36—Designating February 15, 2016, as Veterans Visibility at the Legislature.

Whereas, From the Revolutionary War, which gave America its identity as a free and democratic nation, to this moment, America's men and women have always risen to the call of duty in order to defend and preserve our freedom and to help maintain freedom throughout the world; and

Whereas, Per capita, more citizens from West Virginia have served in our nation's armed forces than from any other state and we are proud of our citizens who, despite danger, have done what they must for peace and freedom; and

Whereas, Through wars, conflicts and the threat of terror, thousands of West Virginians have paid the ultimate price for freedom with their lives and thousands more have been wounded in battle; and

Whereas, The Senate is proud to honor those currently serving in harm's way in Iraq, Afghanistan and in other countries all over the world to protect democracy from the threat of terror; and

Whereas, It is always important that we honor the many brave West Virginians who have faced the enemy, been wounded and even given their lives not only for our freedom, but for freedom around the world; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 15, 2016, as Veterans Visibility at the Legislature; and, be it

Further Resolved, That the Senate expresses its sincere gratitude to all West Virginian veterans and those men and women currently serving in the armed forces to protect our freedom; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Department of Veterans Assistance.

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

Thereafter, at the request of Senator Carmichael, and by unanimous consent, the remarks by Senator Leonhardt regarding the adoption of Senate Resolution 36 were ordered printed in the Appendix to the Journal.

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 Romano, Facemire, Kessler, Stollings, Plymale and Yost offered the following resolution:

Senate Resolution 37—Recognizing Harrison County, West Virginia, as the County of Champions.

Whereas, Harrison County, West Virginia, has a long-standing tradition of winning championships in the arenas of athletics and academia, with the likes of USC football coach John McKay, NFL Hall of Famer Frank Gatsky and Frank Loria, Virginia Tech's First All-American and Academic All-American, among many others; and

Whereas, The 2015-2016 academic year was no exception; and

Whereas, The Robert C. Byrd High School cheerleaders displayed their talents in winning four consecutive state championship with titles from 2012, 2013, 2014 and 2015, led by Coach Karen Thomason and Coach Jennifer Banko; and

Whereas, The Bridgeport High School football team has won a state championship in each class—A, AA and AAA—on their way to winning a total of nine state championships, including three consecutive titles in 2013, 2014 and 2015, led by head coach Josh Nicewarner; and

Whereas, The Bridgeport High School baseball team has won four state championships, including back-to-back titles in 2014 and 2015, led by head coach Robert Shields; and

Whereas, The Bridgeport High School boys' tennis team won the 2015 class AA/A state championship; and

Whereas, Vincent Pinti, a freshman at Bridgeport High School, won first place in the Voice of Democracy competition and will now represent West Virginia in Washington, D. C., for the national competition in March 2016; and

Whereas, Katie Mossburg, a senior at Bridgeport High School, was elected Governor of Girls State and has been selected as a National Merit semi-finalist; and

Whereas, These Harrison County teams and individuals have displayed strong will and determination in perfecting their skills, and in doing so, continuing the tradition of the County of Champions; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes Harrison County, West Virginia, as the County of Champions; and, be it

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

At the request of Senator Romano, 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.

Petitions

Senator Williams presented a petition from Melvin Bonner and thirty-four Hambleton residents, requesting the proposed route for Corridor H highway be shifted south of Wolf Run Road, Hambleton, Tucker County, area.

Referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 35, Requesting WV Legislature proclaim week of March 7, 2016, through March 13, 2016, as MS Awareness Week.

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

The Senate proceeded to the eighth order of business.

Eng. Senate Bill 299, Creating Library Facilities Improvement Fund.

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

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

The nays were: None.

Absent: Miller—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 299) 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 328, Creating West Virginia Veterans Program Fund.

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

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 328 pass?”

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, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: None.

Absent: Miller—1.

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. 328) passed with its title.

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

Eng. Senate Bill 403, Relating to cooperative extension workers.

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, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: None.

Absent: Miller—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 403) 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 404, Removing prohibition on billing persons for testing for HIV and sexually transmitted diseases.

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, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: None.

Absent: Miller—1.

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. 404) passed with its title.

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

Eng. Senate Bill 459, Requiring county board of education to pay tuition to Mountaineer Challenge Academy.

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, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: None.

Absent: Miller—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 459) passed with its title.

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

Eng. Senate Bill 483, Marshall County LSIC waiver.

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, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—32.

The nays were: Karnes—1.

Absent: Miller—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 483) passed with its title.

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

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

The nays were: Karnes—1.

Absent: Miller—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 483) takes effect July 1, 2016.

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

Eng. Com. Sub. for Senate Bill 517, Clarifying PEIA plans that are exempt from regulation by Insurance Commissioner.

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, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: None.

Absent: Miller—1.

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. 517) 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 524, Rewriting Board of Barbers and Cosmetologists article.

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, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—33.

The nays were: None.

Absent: Miller—1.

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. 524) passed with its title.

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

Eng. Senate Bill 558, Maintaining solvency of Unemployment Compensation Fund.

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

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

The nays were: None.

Absent: Miller—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 558) passed with its title.

Senator Carmichael moved that the bill take effect from passage.

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

The nays were: None.

Absent: Miller—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 558) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

Senate Bill 147, Providing consumers sales and service tax and use tax exemption for certain services and tangible personal property sold for repair, remodeling and maintenance of aircraft.

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

The following amendments to the bill, from the Committee on Finance, were reported by the Clerk, considered simultaneously, and adopted:

On page one, section nine-o, by striking out the section caption and substituting therefor a new section caption, to read as follows:

§11-15-9o. Exemption for purchases of services and tangible personal property sold for the repair, remodeling and maintenance of aircraft operated under a fractional ownership program.

On page one, section nine-o, lines two and three, by striking out the words “owned and”;

On page one, section nine-o, line four, by striking out the words “owned and”;

On page one, section nine-o, line six, by striking out the words “owned and”;

And,

On page one, section nine-o, line nine, by striking out the words “owned and”.

The bill (S. B. 147), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 272, Allowing investigators from Attorney General’s office to carry concealed weapons.

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 298, Allowing restaurants, private clubs and wineries sell alcoholic beverages on Sundays.

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

Senate Bill 423, Providing for disposition of unclaimed and unredeemed savings bond.

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 493, Allowing creation of self-settled spendthrift trusts.

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 510, Establishing Adult Drug Court Participation Fund.

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 511, Establishing Court Advanced Technology Subscription Fund.

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

Senate Bill 516, Relating to registration for selective service.

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

Senate Bill 583, Repealing certain obsolete legislative rules by Department of Administration.

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

Senate Bill 584, Repealing certain obsolete legislative rules by DEP.

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

Senate Bill 585, Repealing certain obsolete legislative rules by DHHR.

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

Senate Bill 586, Repealing certain obsolete legislative rules by Department of Military Affairs and Public Safety.

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

Senate Bill 587, Repealing certain obsolete legislative rules by Department of Revenue.

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

Senate Bill 588, Repealing certain obsolete legislative rules by Department of Transportation.

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

Senate Bill 589, Repealing certain obsolete legislative rules by miscellaneous agencies and boards.

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

Senate Bill 590, Repealing certain obsolete legislative rules by Department of Commerce.

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:

Com. Sub. for Senate Bill 10, Creating Unborn Child Protection from Dismemberment Abortion Act.

Com. Sub. for Com. Sub. for Senate Bill 16, Providing tax credit for providing broadband service to unserved areas.

Com. Sub. for Senate Bill 105, Creating Tim Tebow Act allowing nonpublic school student participate in SSAC member school athletics.

Com. Sub. for Senate Bill 267, Modifying removal procedure for certain county, school district and municipal officers.

Com. Sub. for Senate Bill 283, Creating crime when fire is caused by operation of a clandestine drug laboratory.

Com. Sub. for Senate Bill 313, Relating to school calendar and allowing limited use of available accrued instructional time.

Senate Bill 351, Dedicating severance tax proceeds.

Senate Bill 356, Eliminating consumers sales and service tax exemption for 2016 fiscal year.

Com. Sub. for Senate Bill 400, Reducing amount of sales tax proceeds dedicated to School Major Improvement Fund.

Com. Sub. for Senate Bill 424, Allowing fire departments assess fees.

Com. Sub. for Senate Bill 436, Defining adequate shelter for dogs and cats.

Senate Bill 439, Eliminating requirement that budget director approve requisitions for personal services payment under certain circumstances.

Senate Bill 462, Reducing deposit of excess lottery proceeds into WV Infrastructure Fund.

Com. Sub. for Senate Bill 504, Relating to confidentiality of juvenile records.

Senate Bill 507, Exempting motor vehicles engaged in nonemergency transport of Medicaid recipients from PSC permit requirements.

And,

Senate Bill 515, Authorizing payment of certain claims against state.

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senator Blair.

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

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

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, February 16, 2016, at 11 a.m.

SENATE CALENDAR

Tuesday, February 16, 2016
11:00 AM

UNFINISHED BUSINESS

S. C. R. 36 - US Army SPC5 Joseph Richard "Rick" Schafer Memorial Bridge.

THIRD READING

- Eng. S. B. 147 - Providing consumers sales and service tax and use tax exemption for certain services and tangible personal property sold for repair, remodeling and maintenance of aircraft.
- Eng. Com. Sub. for S. B. 272 - Allowing investigators from Attorney General's office to carry concealed weapons.
- Eng. Com. Sub. for S. B. 298 - Allowing restaurants, private clubs and wineries sell alcoholic beverages on Sundays (original similar to SB21, SB307).
- Eng. S. B. 423 - Providing for disposition of unclaimed and unredeemed savings bond.
- Eng. Com. Sub. for S. B. 493 - Allowing creation of self-settled spendthrift trusts.
- Eng. Com. Sub. for S. B. 510 - Establishing Adult Drug Court Participation Fund.
- Eng. Com. Sub. for S. B. 511 - Establishing Court Advanced Technology Subscription Fund.
- Eng. S. B. 516 - Relating to registration for selective service (original similar to HB4512).
- Eng. S. B. 583 - Repealing certain obsolete legislative rules by Department of Administration.
- Eng. S. B. 584 - Repealing certain obsolete legislative rules by DEP.
- Eng. S. B. 585 - Repealing certain obsolete legislative rules by DHHR.
- Eng. S. B. 586 - Repealing certain obsolete legislative rules by Department of Military Affairs and Public Safety.
- Eng. S. B. 587 - Repealing certain obsolete legislative rules by Department of Revenue.
- Eng. S. B. 588 - Repealing certain obsolete legislative rules by Department of Transportation.
- Eng. S. B. 589 - Repealing certain obsolete legislative rules by miscellaneous agencies and boards.
- Eng. S. B. 590 - Repealing certain obsolete legislative rules by Department of Commerce.

SECOND READING

- Com. Sub. for S. B. 10 - Creating Unborn Child Protection from Dismemberment Abortion Act (original similar to HB4004).
- Com. Sub. for Com. Sub. for S. B. 16 - Providing tax credit for providing broadband service to unserved areas.
- Com. Sub. for S. B. 105 - Creating Tim Tebow Act allowing nonpublic school student participate in SSAC member school athletics.
- Com. Sub. for S. B. 267 - Modifying removal procedure for certain county, school district and municipal officers.
- Com. Sub. for S. B. 283 - Creating crime when fire is caused by operation of a clandestine drug laboratory.
- Com. Sub. for S. B. 313 - Relating to school calendar and allowing limited use of available accrued instructional time.
- S. B. 351 - Dedicating severance tax proceeds (original similar to HB4268).
- S. B. 356 - Eliminating consumers sales and service tax exemption for 2016 fiscal year (original similar to HB4294).
- Com. Sub. for S. B. 400 - Reducing amount of sales tax proceeds dedicated to School Major Improvement Fund (original similar to SB463).
- Com. Sub. for S. B. 424 - Allowing fire departments assess fees.
- Com. Sub. for S. B. 436 - Defining adequate shelter for dogs and cats (original similar to HB4373).
- S. B. 439 - Eliminating requirement that budget director approve requisitions for personal services payment under certain circumstances.
- S. B. 462 - Reducing deposit of excess lottery proceeds into WV Infrastructure Fund (original similar to HB4217).
- Com. Sub. for S. B. 504 - Relating to confidentiality of juvenile records.
- S. B. 507 - Exempting motor vehicles engaged in nonemergency transport of Medicaid recipients from PSC permit requirements.
- S. B. 515 - Authorizing payment of certain claims against state.

FIRST READING

- Com. Sub. for Com. Sub. for S. B. 315 - Providing for construction of statewide fiber optic broadband infrastructure network.
- Com. Sub. for S. B. 529 - Making certain sport and educational fantasy games lawful.

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2016

Tuesday, February 16, 2016

10 a.m.	Transportation & Infrastructure	(Room 451M)
1 p.m.	Energy, Industry & Mining	(Room 208W)
2 p.m.	Education	(Room 451M)
2 p.m.	Government Organization	(Room 208W)
3 p.m.	Finance	(Room 451M)