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SENATE JOURNAL

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TWENTY-FIRST DAY

Charleston, W. Va., Tuesday, February 2, 2016

The Senate met at 11 a.m.

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

Prayer was offered by Pastor Mark Flynn, Morris Memorial United Methodist Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Kent Leonhardt, a senator from the second district.

Pending the reading of the Journal of Monday, February 1, 2016,

Senator Unger arose to the following point of order:

Mr. President, point of order. I just want to point to in the Journal it states that the Senate Government Organization has reported out Engrossed House Bill 4005, repealing prevailing wage hours, and then the bill itself it talks about on behalf of the public authorities engaged in construction in public improvements.

I evoke Rule Number 15a that indicates that “[p]rior to any committee reporting a bill to the floor, any bill which either increases or decreases the revenues or fiscal liability of the State or any county, municipality or subdivision of the State or in any manner changes or modifies any existing tax[es] or rate of tax[es that] such [shall] bill shall have attached thereto a fiscal note, if available.”

We had heard from the Senator from Putnam yesterday, the Finance Chair, that this would indeed have an impact on the municipals, and the counties. And also we heard from the Senator from Jackson that we have that information so I ask also that that would be granted.

Also I want to indicate that on Senate Rule Number 61 has not been evoked to, take this away and that is that rule that would allow for the suspension of rules, Mr. President, “[u]nless there be

unanimous consent, no standing rule or order of the Senate shall be suspended except by two-thirds vote of the members present.” I don’t recall, and nor does the Journal reflect, the two-thirds vote regarding revoking that Rule Number 15.

Mr. President, I know yesterday a member of this body put forward, the Senator from Greenbrier put forward, a motion to let the body discuss this and brought this to the body’s attention. Well, Mr. President, I’m going to bring this to your attention. As you know under Article 6, Section 24, each house shall determine its rules and its proceedings and also shall choose from its own body a President. And under Senate Rule Number 3, the duties of the President “shall perform all [of] the duties of the office of [Senate] President without limitation, including any duties imposed by the Constitution of West Virginia, any statute, the Senate Rules and any [adopted] Joint Rules of the Senate and House of Delegates” So Mr. President, I’m actually calling upon you as President of your office to exercise your duties to uphold the Senate Rules in the sense that there is evidently a fiscal note cause [sic] all the information’s available. I ask that that be given to the members and also allow for the public to know exactly what the cost is. Mr. President, it’s not good policy to hide or to try to conceal any information from the public so I ask that Rule Number 15a be honored.

Which point of order, the President ruled not well taken, stating:

With respect to the Senior Senator of the Sixteenth, it’s the Chair’s opinion, as we look at 15a, any bill with which either increases or decreases the revenue or fiscal liability, and in the case, in the case here, it does neither. Your point is not well taken.

Senator Unger then appealed the ruling of the Chair, and on this question, Senator Unger demanded the yeas and nays.

Following discussion,

The question being “Shall the Chair be sustained?”

On this question, the yeas were: Ashley, Blair, Boley, Boso, Carmichael, Cline, Ferns, Gaunch, Hall, Karnes, Leonhardt, Maynard, Mullins, Sypolt, Takubo, Trump, Walters and Cole (Mr. President)—18.

The nays were: Beach, Facemire, Kessler, Kirkendoll, Laird, Miller, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Unger, Williams, Woelfel and Yost—16.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared the Chair sustained.

At the request of Senator Unger, unanimous consent being granted, the remarks by Senators Unger, Cole (Mr. President), Trump and Carmichael regarding Senator Unger’s appeal of the ruling of the Chair were ordered extended in the Journal as follows:

SENATOR UNGER: [Inaudible] for the yeas and the nays.

MR. PRESIDENT: Senior Senator from the Sixteenth challenges the, appeals the ruling of the Chair and requests the yeas and the nays.

MR. PRESIDENT: The question is, is whether the decision of the Chair be sustained. Is there discussion? Is there discussion? Senior Senator from the Sixteenth—Seventeenth? Sixteenth. Senior Senator from the Sixteenth.

SENATOR UNGER: Thank you, Mr. President. With all due respect, the whole debate centered around this particular bill is saying that there will be a savings to municipalities, to political subdivisions, because of market forces would allow for lower wages by repealing prevailing wage which has been discussed quite a bit. So with that alone, and also, Mr President, from the rhetoric that's been out there surrounding this bill talking about jobs creation surely any types of decrease of wages or job creations or anything like that would increase or decrease the revenue of these, these bodies, so with all due respect I disagree with your ruling and would ask members to vote against sustaining your ruling.

MR. PRESIDENT: Is there further discussion? The Senator from Morgan.

SENATOR TRUMP: Thank you, Mr President. I disagree with my learned and distinguished friend and fellow senator from Berkeley County. Rule 15a is quite explicit. In order for the requirement of a fiscal note to apply, the bill must either increase or decrease the revenue or fiscal liability of the state or one of its political subdivisions. This bill, the bill being reported from the Committee on Government Organization, does not increase the revenue of the state or the fiscal liability of the state or of any political subdivision. And it does not decrease the revenue of the state or the fiscal liability of the state or of any political subdivision. Now the requirement of a fiscal note also applies if a bill modifies an existing tax or rate of taxation and this bill doesn't do that either. So the requirement embodied in the Rules of the Senate, Mr. President, for a fiscal note with respect to certain pieces of legislation clearly—clearly—does not apply to the bill reported from the Committee on Government Organizations and I would urge the body to sustain the Chair's ruling in this regard.

MR. PRESIDENT: Further discussion? The Senator from Jackson.

SENATOR CARMICHAEL: Thank you, Mr. President. I urge a "yes" vote, a "yes" vote on this question, which is "Shall the ruling of the Chair be sustained?" for the reasons enunciated by my good friend from Morgan. This is an issue, this is a ruling is based on the fact that it does not increase or decrease the revenue or fiscal liability of the state, county or municipality. What we can say if we would require a fiscal note on something like this is that every job-creating measure that we introduce and adopt that could potentially affect the macro-economic labor force would require a fiscal note that would be impossible to project and so for those reasons I urge a "yes" vote on the ruling on this question "Shall the Chair's ruling be sustained?"

MR. PRESIDENT: Recognize the Senior Senator from the Sixteenth to close.

SENATOR UNGER: Thank you, Mr. President. The Senator from Jackson said yesterday we have all the information on this bill. All I'm asking is that we reveal that information to let the people know exactly what this bill will do. If there's information that's being hidden or kept from the public, that's what I'm trying to draw out here and a fiscal note would allow for that information to be revealed to the people of West Virginia to know exactly what we're voting on. I can't understand, Mr. President, that if the information's already available and we have all the information regarding this bill, why this isn't forthcoming? Why this isn't given to us as members of this body and, more importantly, why this information's not given to the people of West Virginia. So, for that reason, Mr. President, I ask that we reject your ruling as sustaining the Chair's on this. And by voting "no" it's sending a message saying that we want that information and we want the people of West Virginia to have that information.

Thank you.

Thereafter, at the request of Senator Kessler, 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. House Bill 4235—A Bill to amend and reenact §44-3A-4, §44-3A-4a and §44-3A-32 of the Code of West Virginia, 1931, as amended, relating to notice requirements for claims against an estate; time limits on short form settlements of estates; and barring recovery for claims against an estate not presented within specified time period.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 29, Tolling statute of limitations in certain cases.

And,

Senate Bill 385, Allowing defendants 180 days to identify nonparties wholly or partially at fault in civil actions.

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

Respectfully submitted,

Charles S. Trump IV,
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 Bills 148, 151, 152, 153, 154, 158, 159, 160, 161, 162, 170, 171, 207, 208, 209, 214, 221, 223, 225, 227, 228, 229, 230, 231, 234, 235, 236, 237, 238, 239 and 240, Board of Examiners in Counseling rule relating to licensing.

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

Com. Sub. for Senate Bill 159 (originating in the Committee on the Judiciary)—A Bill to amend and reenact article 9, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules with various modifications and amendments presented to and recommended by the Legislative Rule-Making Review Committee; directing various agencies to amend and promulgate certain legislative rules; authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to

licensing; authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to licensed professional counselor license renewal and continuing professional education requirements; authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to marriage and family therapists licensing; authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to marriage and family license renewal and continuing professional education requirements; authorizing the Board of Accountancy to promulgate a legislative rule relating to board rules and rules of professional conduct; authorizing the Department of Agriculture to promulgate a legislative rule relating to the inspection of nontraditional domesticated animals; authorizing the Department of Agriculture to promulgate a legislative rule relating to poultry litter and manure movement into primary poultry breeder rearing areas; authorizing the Department of Agriculture to promulgate a legislative rule relating to livestock care standards; authorizing the Department of Agriculture to promulgate a legislative rule relating to captive cervid farming; directing the Department of Agriculture to amend and promulgate a legislative rule relating to industrial hemp; authorizing the State Conservation Committee to promulgate a legislative rule relating to the West Virginia Conservation Agency Financial Assistance Program; authorizing the Board of Dentistry to promulgate a legislative rule relating to continuing education requirements; authorizing the Board of Dentistry to promulgate a legislative rule relating to expanded duties of dental hygienists and dental assistants; authorizing the State Election Commission to promulgate a legislative rule relating to the regulation of campaign finance; authorizing the State Election Commission to promulgate a legislative rule relating to the West Virginia Supreme Court of Appeals public campaign financing program; authorizing the State Board of Registration for Professional Engineers to promulgate a legislative rule relating to the examination, licensure and practice of professional engineers; authorizing the Governor's Committee on Crime, Delinquency and Correction to promulgate a legislative rule relating to law enforcement training and certification standards; authorizing the Medical Imaging and Radiation Therapy Technology Board of Examiners to promulgate a legislative rule relating to the board; authorizing the Board of Medicine to promulgate a legislative rule relating to the establishment and regulation of limited license to practice medicine and surgery at certain state veterans nursing home facilities; authorizing the Nursing Home Administrators Licensing Board to promulgate a legislative rule relating to nursing home administrators; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the licensure and practice of pharmacy; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the Uniform Controlled Substances Act; authorizing the Board of Pharmacy to promulgate a legislative rule relating to record keeping and automated data processing systems; authorizing the Board of Pharmacy to promulgate a legislative rule relating to the licensure of wholesale drug distributors, third-party logistics providers and manufacturers; authorizing the Property Valuation and Procedures Commission to promulgate a legislative rule relating to tax map sales; authorizing the Board of Social Work to promulgate a legislative rule relating to qualifications for the profession of social work; authorizing the Secretary of State to promulgate a legislative rule relating to registration forms and receipts; authorizing the Secretary of State to promulgate a legislative rule relating to the elimination of precinct registration books; authorizing the Secretary of State to promulgate a legislative rule relating to absentee voting by military voters who are members of reserve units called to active duty; authorizing the Secretary of State to promulgate a legislative rule relating to the Freedom of Information Act database; authorizing the Board of Examiners for Speech-Language Pathology and Audiology to promulgate a legislative rule relating to the licensure of speech pathology and audiology; and authorizing the Board of Examiners for Speech-Language Pathology and Audiology to promulgate a legislative rule relating to speech-language pathology and audiology assistants.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
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 265, Allowing library volunteers necessary access to user records.

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

Com. Sub. for Senate Bill 265 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §10-1-22 of the Code of West Virginia, 1931, as amended, relating to confidentiality of certain library records; and clarifying that unpaid library volunteers may have necessary access to user records.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
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 270, Repealing code relating to insurance policies.

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

Com. Sub. for Senate Bill 270 (originating in the Committee on the Judiciary)—A Bill to repeal §19-25-7 of the Code of West Virginia, 1931, as amended, relating to insurance policies and such policies impact on liability of landowners or insurers of landowners who open their property for use by others for military, law-enforcement or homeland-defense training or recreational or wildlife propagation purposes.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Banking and Insurance has had under consideration

Senate Bill 330, Requiring automobile liability insurers provide 7 days' notice of intent to cancel.

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

Com. Sub. for Senate Bill 330 (originating in the Committee on Banking and Insurance)— A Bill to amend and reenact §33-6A-1 of the Code of West Virginia, 1931, as amended, relating to automobile liability insurers' duty to provide a policyholder ten days' notice of an insurer's intent to

cancel an automobile liability insurance policy if the reason for cancellation is nonpayment of a premium.

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

Respectfully submitted,

C. Edward Gaunch,
Chair.

At the request of Senator Trump, as chair of the Committee on the Judiciary, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Banking and Insurance.

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

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 387 (originating in the Committee on Agriculture and Rural Development) Shared animal ownership agreements to consume raw milk.

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

Com. Sub. for Com. Sub. for Senate Bill 387 (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 §19-1-7, relating to shared animal ownership agreements to consume raw milk; permitting a responsible party to acquire a percentage ownership interest to consume raw milk; setting forth required provisions for shared animal ownership agreements; requiring responsible party to acquire percentage ownership interest in milk-producing animal; requiring payment for percentage ownership for care and boarding of milk-producing animal; providing for receipt of a share of raw milk pursuant to an agreement; requiring written document acknowledging the inherent dangers of consuming raw milk; providing immunity to herd seller for inherent dangers of consuming raw milk; providing no waiver of immunity to herd seller for dangers caused by negligence of herd seller; prohibiting responsible party from distributing, selling or reselling raw milk received pursuant to shared ownership agreement; requiring herd seller to file shared animal ownership agreement with Commissioner of Agriculture; requiring certain additional information be provided by herd seller to Commissioner of Agriculture; requiring herd seller meet animal health requirements established by state veterinarian; requiring parties and physicians to report illnesses related to consumption of raw milk; requiring parties to shared animal ownership agreement and physicians to report illnesses directly related to consuming raw milk; requiring Commissioner of Agriculture contact other parties consuming raw milk from same herd seller upon receipt of report of illness; providing administrative penalties; permitting a person against whom a penalty is imposed to administratively contest that penalty; and providing rule-making authority.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Banking and Insurance has had under consideration

Senate Bill 415, Lengthening maximum term of negotiable certificates of deposit municipal funds can hold.

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

Respectfully submitted,

C. Edward Gaunch,
Chair.

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

Your Committee on Agriculture and Rural Development has had under consideration

Senate Bill 435, Allowing farm winery enter alternating wine proprietorship agreements with farm owners.

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.

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

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 and Boso:

Senate Bill 455—A Bill to amend and reenact §29-22B-503 and §29-22B-504 of the Code of West Virginia, 1931, as amended, all relating to allowing a person to be both a limited video lottery operator and retailer.

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

By Senators Cole (Mr. President) and Kessler (By Request of the Executive):

Senate Bill 456—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-8a, relating to air ambulance fees for emergency treatment or air transportation; allowing providers of air ambulance services not under contract to collect an amount up to the equivalent paid for federal reimbursement for services rendered to employees or dependents; and requiring providers of air ambulance services that enter into a subscription service agreement with employees or dependents to accept the subscription fee as payment in full for services rendered.

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

By Senators Cole (Mr. President) and Kessler (By Request of the Executive):

Senate Bill 457—A Bill to amend and reenact §21A-10-11 of the Code of West Virginia, 1931, as amended, relating to authorizing information sharing by WorkForce West Virginia related to administration of the Workforce Innovation and Opportunity Act with agencies of state government responsible for vocational rehabilitation, employment and training.

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

By Senators Cole (Mr. President) and Kessler (By Request of the Executive):

Senate Bill 458—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5B-14; and to amend said code by adding thereto a new article, designated §18-5E-1, §18-5E-2, §18-5E-3, §18-5E-4 and §18-5E-5, all relating to Innovation in Education Schools and Innovation Zones; terminating funding for Innovation Zones and Local Solution Dropout Prevention and Recovery Innovation Zones; setting forth purpose of Innovation in Education Act; establishing and authorizing Innovation in Education school designation; setting forth components and requirements for Innovation in Education plan; requiring evaluations of Innovation in Education designated schools; authorizing amendment and suspension of components of Innovation in Education plans; authorizing termination of designation of a school as an Innovation in Education school; requiring promulgation of rule by state board; creating Innovation in Education Fund; authorizing expenditures from Innovation in Education Fund; and authorizing investment of Innovation in Education Fund moneys.

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

By Senators Cole (Mr. President) and Kessler (By Request of the Executive):

Senate Bill 459—A Bill to amend and reenact §18-2-6 of the Code of West Virginia, 1931, as amended, relating to requiring promulgation of a rule to provide for payment of tuition by county boards of education to Mountaineer Challenge Academy for students graduating with high school diploma from the Mountaineer Challenge Academy.

Referred to the Committee on Education.

By Senators Cole (Mr. President) and Kessler (By Request of the Executive):

Senate Bill 460—A Bill to amend and reenact §16-1-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §16-5X-1, §16-5X-2, §16-5X-3, §16-5X-4, §16-5X-5, §16-5X-6, §16-5X-7, §16-5X-8, §16-5X-9, §16-5X-10 and §16-5X-11; and to amend and reenact §60A-9-5 of said code, all relating to licensing and regulation of medication-assisted treatment programs for substance use disorders; repealing regulation of opioid treatment programs; providing definitions; creating licenses for medication-assisted treatment programs, including providers and clinics; providing for regulation and oversight by Office of Health Facility Licensure and Certification; designating necessity for a medical director and prescribing minimum training and performance requirements; allowing enrollment as a Medicaid provider; setting forth minimum certification requirements; mandating state and federal criminal background checks; designating who may prescribe and dispense medication-assisted treatment medications; setting certain minimum practice standards and patient treatment standards for any provider or clinic prescribing or dispensing medication-assisted treatment medications; restricting the location of medication-assisted treatment clinics; allowing for variances from certification or licensure standards; permitting inspection warrants; providing for an administrative review and appeal process; allowing civil monetary penalties; designating license limitations for deviation for accepted practice or patient treatment standards; permitting the secretary to promulgate rules, including emergency rules; establishing state authority and state oversight authority for medication-assisted treatment programs; mandating data collection; and granting Office of Health Facility Licensure and Certification access

to the Controlled Substances Monitoring Database for use in certification, licensure and regulation of health facilities.

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

By Senators Cole (Mr. President) and Kessler (By Request of the Executive):

Senate Bill 461—A Bill to amend and reenact §5B-2B-1, §5B-2B-2, §5B-2B-3, §5B-2B-4, §5B-2B-4a, §5B-2B-5, §5B-2B-6 and §5B-2B-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5B-2B-4b, all relating to West Virginia Workforce Development Board; updating West Virginia Workforce Investment Act to West Virginia Innovation and Opportunity Act; defining terms; creating West Virginia Workforce Development Board; providing for composition of West Virginia Workforce Development Board; setting forth requirements for board members; setting forth duties of board; updating reporting requirements; requiring open proceedings of board; and updating language.

Referred to the Committee on Government Organization.

By Senators Cole (Mr. President) and Kessler (By Request of the Executive):

Senate Bill 462—A Bill to amend and reenact §29-22-18d of the Code of West Virginia, 1931, as amended, relating to reducing the distributions to the West Virginia Infrastructure Fund to \$30 million for fiscal year 2017 and increasing the percentage of funds available for grants therefrom.

Referred to the Committee on Finance.

By Senators Cole (Mr. President) and Kessler (By Request of the Executive):

Senate Bill 463—A Bill to amend and reenact §11-15-30 of the Code of West Virginia, 1931, as amended, relating to the dedication and deposit of certain tax proceeds; reducing the amount of sales tax proceeds annually dedicated to the School Major Improvement Fund by \$999,996 for fiscal year 2017; and reducing the amount of sales tax proceeds annually dedicated to the School Construction Fund by \$3 million for fiscal year 2017.

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

By Senators Cole (Mr. President) and Kessler (By Request of the Executive):

Senate Bill 464—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2016, to the Department of Environmental Protection, Division of Environmental Protection – Protect Our Water Fund, fund 3017, fiscal year 2016, organization 0313, by supplementing and amending the appropriations for the fiscal year ending June 30, 2016.

Referred to the Committee on Finance.

By Senators Carmichael, Gaunch, Maynard, Karnes, Sypolt and Walters:

Senate Bill 465—A Bill to amend and reenact §33-31-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-46A-9 of said code, all relating to allowing professional employer organization to insure certain risks through a pure insurance captive.

Referred to the Committee on the Judiciary.

By Senators Hall, Ashley, Carmichael and Gaunch:

Senate Bill 466—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §56-4-72, relating to production of medical records; providing in certain circumstances that medical records must be produced without court order; prohibiting unilateral restrictions on maintenance, use or retention of medical records; requiring Insurance Commissioner

to promulgate rules; providing that objection to production of medical records is not limited; providing that court ordered production of medical records does not affect application of this section; establishing that an order protecting privacy of medical records may be entered; and establishing that any action related to unauthorized distribution of medical records is unaffected.

Referred to the Committee on the Judiciary.

By Senators Ferns, Ashley, Karnes, Leonhardt, Takubo, Trump, Walters, Laird, Palumbo, Plymale, Prezioso, Stollings and Unger:

Senate Bill 467—A Bill to repeal §16-2D-4a, §16-2D-4b, §16-2D-5a, §16-2D-5b, §16-2D-5c, §16-2D-5d, §16-2D-5e and §16-2D-7a of the Code of West Virginia, 1931, as amended; to amend and reenact §16-2D-1, §16-2D-2, §16-2D-3, §16-2D-4, §16-2D-5, §16-2D-6, §16-2D-7, §16-2D-8, §16-2D-9, §16-2D-10, §16-2D-11, §16-2D-12, §16-2D-13, §16-2D-14 and §16-2D-15 of said code; and to amend said code by adding thereto six new sections, designated §16-2D-16, §16-2D-17, §16-2D-18, §16-2D-19, §16-2D-20 and §16-2D-21, all relating to certificate of need process; providing legislative findings; defining terms; providing powers to the authority; providing duties to the authority; providing rule-making authority; continuing special revenue account; providing process to update certificate of need standards; providing process to update state health plan; providing process to review cost effectiveness of the certificate of need standards; providing process for Health Care Authority to review whether certificate of need is required; providing health services that require a certificate of need; providing an exemption process; providing exemptions to certificate of need requirement; providing criteria the authority shall use to determine whether to grant certificate of need; changing the certificate of need process; requiring the creation of process to review an uncontested certificate of need application; requiring the authority to make certain findings to approve a certificate of need; providing an appeal process; prohibiting the transfer of a certificate of need; permitting the authority to perform a compliance review of an issued certificate of need; creating an injunction process; establishing a statute of limitations; and establishing a civil penalty.

Referred to the Committee on Health and Human Resources.

By Senators Gaunch and Ashley:

Senate Bill 468—A Bill to amend and reenact §46A-6K-3 of the Code of West Virginia, 1931, as amended, relating to accrual of interest during the rescission period, on a loan where a right of rescission applies.

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

By Senators Williams and Sypolt:

Senate Bill 469—A Bill to amend and reenact §38-8-1 of the Code of West Virginia, 1931, as amended, relating to exemptions of personal property from execution or other process; removing wages and salary from list of items subject to the one-time \$15,000 exemption; providing that wages and salary are automatically exempted from levy execution up to a certain amount; and clarifying that wages and salary above that automatic exemption amount may not be exempted from levy.

Referred to the Committee on the Judiciary.

By Senators Sypolt, Boso and Prezioso:

Senate Bill 470—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §2-2-13, relating to requiring official business and records of the state and its political subdivisions be conducted in English; and providing exceptions, limitations and definition.

Referred to the Committee on Government Organization.

By Senators Kessler, Beach and Laird:

Senate Bill 471—A Bill to amend and reenact §5-11-9 of the Code of West Virginia, 1931, as amended, relating to the Equal Pay Act of 2016; making it unlawful for an employer to require, as a condition of employment, that an employee refrain from disclosing information about his or her wages, benefits or other compensation or sharing information about another employee's wages, benefits or other compensation; and making it unlawful for employer to prohibit employees from disclosing information about his or her wages, benefits or other compensation or sharing information about another employee's wages, benefits or other compensation.

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

By Senators Gaunch, Ashley, Trump and Prezioso:

Senate Bill 472—A Bill to amend and reenact §61-3C-14a of the Code of West Virginia, 1931, as amended, relating to providing that conduct allowed under West Virginia Consumer Credit and Protection Act is likewise not a violation of West Virginia Computer Crime and Abuse Act.

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

By Senators Maynard, Ashley, Boso, Facemire, Miller, Snyder, Takubo, Trump, Plymale, Prezioso and Williams:

Senate Bill 473—A Bill to amend and reenact §22-15A-22 of the Code of West Virginia, 1931, as amended, relating to removing prohibition of disposal of certain electronics in landfills.

Referred to the Committee on the Judiciary.

By Senators Boso, Ashley, Facemire, Miller, Snyder, Takubo, Trump and Plymale:

Senate Bill 474—A Bill to amend and reenact §5A-3-3 of the Code of West Virginia, 1931, as amended, relating to exempting Department of Environmental Protection's construction or reclamation contracts from review and approval requirements of the Division of Purchasing.

Referred to the Committee on Government Organization.

By Senators Ferns and Kessler:

Senate Bill 475—A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to whom Workers' Compensation Fund is disbursed; and including rebuttable presumptions for certain injuries and diseases for firefighters, volunteer firefighters, municipal, county and State Police officers.

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

By Senators Beach, Plymale and Kessler:

Senate Bill 476—A Bill to amend and reenact §17C-6-1 of the Code of West Virginia, 1931, as amended, relating to driving restrictions in school zones; authorizing county boards of education to expand school zones to a road adjacent to school property by formal request; and requiring Division of Highways to expand school zones accordingly within thirty days of receiving the formal request.

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

By Senators Miller, Plymale, Kessler and Laird:

Senate Bill 477—A Bill to amend and reenact §5-11-9 of the Code of West Virginia, 1931, as amended, relating to the Equal Pay Act of 2016; making it unlawful for an employer to require, as a condition of employment, that an employee refrain from disclosing information about his or her wages,

benefits or other compensation or sharing information about another employee's wages, benefits or other compensation; and making it unlawful for employer to prohibit employees from disclosing information about his or her wages, benefits or other compensation or sharing information about another employee's wages, benefits or other compensation.

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

By Senators Walters and Palumbo:

Senate Bill 478—A Bill to amend and reenact §11-16-6b of the Code of West Virginia, 1931, as amended, relating to authorizing licensee's authorized to sale growlers of nonintoxicating beer to offer complimentary samples to patrons from their licensed premises.

Referred to the Committee on the Judiciary.

By Senators Trump, Miller, Ashley, Boso, Carmichael, Gaunch, Karnes, Leonhardt, Plymale and Prezioso:

Senate Bill 479—A Bill to amend and reenact §60A-4-409 of the Code of West Virginia, 1931, as amended, relating to increasing penalties for transporting controlled substances into the state; and exempting marihuana from this provision.

Referred to the Committee on the Judiciary.

By Senator Carmichael:

Senate Bill 480—A Bill to amend and reenact §5-10-15 of the Code of West Virginia, 1931, as amended, relating to military general discharge as qualification for service credit towards pension benefits.

Referred to the Committee on Finance.

By Senator Walters:

Senate Bill 481—A Bill to amend and reenact §60-4-3a of the Code of West Virginia, 1931, as amended, relating to authorizing operators of a distillery or mini-distillery to offer for purchase and consumption liquor on the premises if purchased and consumed at a restaurant operating on the premises of the distillery or mini-distillery.

Referred to the Committee on the Judiciary.

By Senators Trump, Gaunch, Boso, Leonhardt, Ashley, Miller, Romano, Williams, Carmichael, Palumbo, Snyder, Plymale, Stollings and Prezioso:

Senate Bill 482—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-9d, relating to crimes against the person; providing that strangling is a criminal offense; defining bodily injury and strangling; providing a felony offense of strangling another; and providing criminal penalties.

Referred to the Committee on the Judiciary.

By Senators Sypolt, Boley, Plymale and Ferns:

Senate Bill 483—A Bill to amend and reenact §18-5A-3a of the Code of West Virginia, 1931, as amended, relating to granting a local school improvement council waiver for the purpose of increasing the compulsory school attendance age in Marshall County.

Referred to the Committee on Education.

By Senators Romano, Leonhardt, Plymale and Kessler:

Senate Bill 484—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-17-1, §21-17-2, §21-17-3, §21-17-4, §21-17-5, §21-17-6, §21-17-7, §21-17-8, §21-17-9, §21-17-10 and §21-17-11, all relating to creating Service Member's Employment Protection Act; designating a short title; stating public policy behind the act; defining terms; requiring employers to restore service members to positions of employment under certain circumstances; requiring employers to provide copy of a job offer under certain circumstances; designating terms of restoration required under the article; authorizing a stay of civil proceedings in certain circumstances; authorizing credit or refund of school tuition in certain circumstances; creating civil penalty assessed by Division of Labor against employers for violating the article; creating exceptions to the article; and requiring Division of Labor maintain a public list of employers who have been fined for violating the article.

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

Senators Williams, Sypolt and Plymale offered the following resolution:

Senate Concurrent Resolution 18—Requesting Division of Highways name bridge number 16-48-13.65 (16A124), locally known as Clifford Hollow Bridge, carrying US 48 (Corridor H) over Clifford Hollow in Hardy County, the "Wilbur Lee Clayton Memorial Bridge".

Whereas, Wilbur Lee Clayton was born in the small town of Moorefield, West Virginia, and attended elementary and high school there before heading off to Potomac State College, followed by West Virginia University; and

Whereas, Wilbur Lee Clayton's college education was interrupted when he joined the United States Air Force in July, 1963, attended basic training at Lackland Air Force Base in San Antonio, Texas, and spent eleven months at Chanute Air Force Base in Rantoul, Illinois, being trained in Minuteman Missile maintenance; and

Whereas, In July, 1964, he was assigned to the 341st Missile Maintenance Squadron at Malmstrom Air Force Base in Great Falls, Montana, where his work involved primarily the alignment and targeting of Minuteman Missiles; and

Whereas, After being honorably discharged in July, 1967, Wilbur Lee Clayton resumed his education at Eastern Montana College in Billings, Montana, and following tradition established by his grandfather and grandmother, earned a Bachelor's Degree in Education; and

Whereas, In 1970 he returned east to Franklin County, Virginia, to be closer to his parents. He remained there until 1978, at which time he was hired to teach social studies at Moorefield High School, fulfilling a desire to return home to Hardy County and the family farm where he grew up. There, he then built his home, raised his three children and happily remained until his untimely death in 1992; and

Whereas, Being a positive influence in the lives of hundreds of his junior high and high school students during his twenty-four years of teaching was without question Wilbur Lee Clayton's greatest contribution to the State of West Virginia; and

Whereas, Being highly respected and genuinely loved by students and colleagues, he was a man of quiet mannerism and subtle sense of humor that was reflected in his teaching style; and

Whereas, Wilbur Lee Clayton's classroom became a place where students felt comfortable and confident knowing there was an even playing field. All were treated the same; consequences were dealt out fairly; rewards were given equally; and

Whereas, There was a two-way exchange of respect between teacher and student; and

Whereas, After all these years after his unexpected death at age fifty-two, his former students praise him for the competent, compassionate, humorous teacher that he was and still acclaim him as their favorite teacher ever; and

Whereas, There can be no greater contribution than to be this quiet, unassuming man who served his country proudly and then set for himself the task of being a wonderful, competent and compassionate teacher and positive role model. Wilbur Lee Clayton lived a simple life devoted to helping students succeed not only in school, but more importantly, in life; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 16-48-13.65 (16A124), locally known as Clifford Hollow Bridge, carrying US 48 (Corridor H) over Clifford Hollow in Hardy County, the "Wilbur Lee Clayton 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 "Wilbur Lee Clayton 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 Miller, Plymale, Stollings, Unger, Prezioso, Kessler and Laird offered the following resolution:

Senate Resolution 18—Designating February 2, 2016, as Library Day at the Legislature.

Whereas, Libraries create potential and opportunity within their communities, campuses and schools; and

Whereas, Libraries provide free access to information that is essential in a democratic society; and

Whereas, Dedicated, trained and tech-savvy library staff help people of all ages and backgrounds find and interpret the information they need to live, learn, work and contribute to the future of West Virginia; and

Whereas, Libraries work tirelessly to meet the changing needs of their communities, providing materials from a variety of viewpoints in a variety of formats and technology that enables the sharing of materials among libraries; and

Whereas, Libraries offer places to discover and discuss ideas, to learn new skills, to seek employment and expand knowledge of self and the world; and

Whereas, Libraries continuously grow and evolve in how they provide for the needs of every member of their communities, campuses and schools; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 2, 2016, as Library Day at the Legislature; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Library Day.

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

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

Senate Resolution 19—Recognizing UniCare Heath Plan of West Virginia for providing CPR training kits to all Mercer County High Schools.

Whereas, Eighty-eight percent of cardiac arrests occur at home and more than 300,000 cardiac arrest cases happen outside of a hospital each year, making it important that people, including high school students, know how to perform CPR; and

Whereas, Schools are excellent places to offer CPR training, whether it's for graduation requirements, to help students with after-school or summer job requirements or simply to improve cardiac survival rates in their community; and

Whereas, A bystander who administers CPR to a sudden cardiac arrest victim can as much as triple the victim's chances of survival; and

Whereas, During the 2015 legislative session, Senate Bill 7 passed unanimously and put in place the requirement for each West Virginia student to complete a CPR training course before graduating high school; and

Whereas, UniCare Heath Plan of West Virginia is working to transform health care with trusted and caring solutions; and

Whereas, Thanks to a grant from UniCare Health Plan of West Virginia, every high school in Mercer County will now have a CPR training kit to help teach students how to properly administer CPR; and

Whereas, The training high school students receive may one day help save the life of someone in distress; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes UniCare Heath Plan of West Virginia for providing CPR training kits to all Mercer County High Schools; and, be it

Further Resolved, That the Clerk is hereby requested to forward a copy of this resolution to UniCare Health Plan of West Virginia.

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

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

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

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

Senate Resolution 20—Recognizing the Putnam Area Robotics Team for its commitment to science, engineering and technology skills.

Whereas, In 2011, Winfield High School formed a team with eight students known at that time as the “RoboGens”. The team began to grow and students from other Putnam County High Schools began to opportunity to join. Born from that was the Putnam Area Robotics Team, known as P.A.R.T.s 3492. The team continues to be one of only four FIRST Robotics teams in West Virginia; and

Whereas, Its mission is to inspire young people to be science and technology leaders, by engaging them in exciting mentor-based programs that build science, engineering and technology skills, that inspire innovation and that foster well-rounded life capabilities, including self-confidence, communication and leadership; and

Whereas, FIRST (For Inspiration and Recognition of Science and Technology) participation is proven to encourage students to pursue education and careers in STEM-related fields, inspire them to become leaders and innovators, and enhance their twenty-first century work-life skills; and

Whereas, The P.A.R.T.s 3492 Team Accomplishments include: 2011 FIRST Robotics FRC Rookie Inspiration Award; 2014 FIRST Robotics FRC Engineering Inspiration Award; three regional competition wins, which earned the team a trip to the FIRST Worlds Championships in St. Louis in 2011, 2014 and 2015; mentored over 400 Putnam County Students ages 5-12 with hands-on STEM Education projects; introduced over 700 elementary and middle school students in Putnam County to FIRST Robotics; created a VEX Robotics and FTC Robotics Team; and mentored FLL (First Lego League) teams in Putnam County; and

Whereas, January, 2016, brought P.A.R.T.s to the West Virginia State Capitol and the team began to participate in the legislative process. Team members met and presented on STEM Education and FIRST Robotics with delegates from Putnam County. They are continuing to follow the judicial process STEM education bills that are in current legislation; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the Putnam Area Robotics Team for its commitment to science, engineering and technology skills; and, be it

Further Resolved, That the Clerk is hereby requested to forward a copy of this resolution to the Putnam Area Robotics Team.

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

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

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

Senators Takubo, Cole (Mr. President), Plymale, Stollings, Prezioso, Kessler and Unger offered the following resolution:

Senate Resolution 21—Designating February 5, 2016, as Go Red for Women Day.

Whereas, Heart disease and stroke kill one in three women in the U. S., yet eighty percent of cardiac events may be prevented; and

Whereas, Cardiovascular diseases and stroke kill one woman every 80 seconds in the U. S.; and

Whereas, An estimated 44 million women in the U. S. are affected by cardiovascular diseases; and

Whereas, Ninety percent of women have one or more risk factors for developing heart disease, yet only one in five American women believe that heart disease is her greatest health threat; and

Whereas, Women comprise only 24 percent of participants in all heart-related studies; and

Whereas, Women are less likely to call 911 for themselves when experiencing symptoms of a heart attack than they are if someone else were having a heart attack; and

Whereas, Only 36% of African American women and 34% of Hispanic women know that heart disease is their greatest health risk, compared with 65% of Caucasian women; and

Whereas, Women involved with the American Heart Association's Go Red For Women movement live healthier lives, and nearly ninety percent have made at least one healthy behavior change; and

Whereas, Go Red For Women encourages women to take charge of their health and schedule a Well-Woman visit to learn about health status and risk for diseases; and

Whereas, Go Red For Women is asking all Americans to Go Red by wearing red and speaking red; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 5, 2016, as Go Red for Women Day; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Go Red for Women Day.

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

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

Upon expiration of the recess, the Senate reconvened and proceeded to the seventh order of business.

Senate Concurrent Resolution 16, U. S. Army CPL John Belcastro Bridge.

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

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

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

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

Senate Concurrent Resolution 17, Charles Edward Smith Memorial 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. Senate Bill 271, Conforming definition of attest services to Uniform Accountancy Act.

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. S. B. 271) 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 333, Taking and registering of wildlife.

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. S. B. 333) passed.

The following amendment to the title of the bill, from the Committee on Natural Resources, was reported by the Clerk and adopted:

Eng. Senate Bill 333—A Bill to amend and reenact §20-2-4, §20-2-21 and §20-2-22 of the Code of West Virginia, 1931, as amended, all relating to wildlife; clarifying that it is unlawful to possess live wildlife unless authorized by law; and clarifying electronic registration and tagging of certain wildlife.

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

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

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. S. B. 334) 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 336, Relating to crossbow hunting.

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. S. B. 336) 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 343, Authorizing prosecuting attorneys designate law-enforcement officers and investigators as custodians of records.

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. 343) passed.

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

Eng. Com. Sub. for Senate Bill 343—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 grand jury; authorizing designated custodians use subpoenaed records, documents and other evidence for investigative purposes prior to such records, documents or other evidence being presented to grand jury; requiring custodians execute disclosure statements to preserve grand jury secrecy; authorizing custodian to share subpoenaed materials with other law-enforcement officers and investigators for legitimate investigative purposes; 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 investigation underlying the issuance of subpoena; and defining “prosecuting attorney” and “investigator”.

Senator Carmichael moved that the bill take effect from passage.

On this question, the yeas were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Facemire, Ferns, Gaunch, Hall, Karnes, Kessler, Kirkendoll, Laird, Leonhardt, Maynard, Miller, Mullins, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 343) takes effect from passage.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 109, Repealing code provisions related to certain reports by trustees for property.

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.

Senate Bill 123, Treatment for sexually transmitted diseases.

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 254, Not allowing county park commissions to prohibit firearms in facilities.

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

Senate Bill 261, Bringing state code relating to daylight saving time in conformity with federal code.

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 268, Abolishing Council of Finance and Administration.

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

Senate Bill 306, Permitting sale of county or district property online.

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 369, Reducing legislative education reporting requirements.

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

Eng. Com. Sub. for House Bill 2101, Eliminating obsolete government entities.

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

The following amendment to the bill, from the Committee on Government Organization, was reported by the Clerk:

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

That §29-12C-1 and §29-12C-2 of the Code of West Virginia, 1931, as amended, be repealed.

§2. Repeal of article relating to the Patient Injury Compensation Plan Study Board.

§29-12C-1 and §29-12C-2 of the Code of West Virginia, 1931, as amended, are hereby repealed.

At the request of Senator Carmichael, unanimous consent being granted, the bill (Eng. Com. Sub. for H. B. 2101) was laid over one day, retaining its place on the calendar, with the Government Organization committee amendment pending.

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill 40, Changing definition of facilities eligible for funding assistance from Courthouse Facilities Improvement Authority.

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

Eng. House Bill 4005, Repealing prevailing hourly rate of wages requirements.

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

In accordance with Senate Rule 22, Senator Kessler moved that the bill be rejected.

Following discussion,

The question being on the adoption of Senator Kessler's aforesaid motion, and on this question, Senator Kessler demanded the yeas and nays.

The roll being taken, the yeas were: Beach, Facemire, Kessler, Kirkendoll, Laird, Miller, Palumbo, Plymale, Prezioso, Romano, Snyder, Stollings, Unger, Williams, Woelfel and Yost—16.

The nays were: Ashley, Blair, Boley, Boso, Carmichael, Cline, Ferns, Gaunch, Hall, Karnes, Leonhardt, Maynard, Mullins, Sypolt, Takubo, Trump, Walters and Cole (Mr. President)—18.

Absent: None.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Kessler's motion had not prevailed.

Thereafter, the bill (Eng. H. B. 4005) was then ordered to second reading.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Stollings and Hall.

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

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Carmichael, the Senate adjourned until tomorrow, Wednesday, February 3, 2016, at 11 a.m.

SENATE CALENDAR

**Wednesday, February 03, 2016
11:00 AM**

UNFINISHED BUSINESS

S. C. R. No. 18 - Wilbur Lee Clayton Memorial Bridge.

THIRD READING

Eng. S. B. No. 123 - Treatment for sexually transmitted diseases.
Eng. Com. Sub. for S. B. No. 254 - Not allowing county park commissions to prohibit firearms in facilities.
Eng. S. B. No. 261 - Bringing state code relating to daylight saving time in conformity with federal code.
Eng. Com. Sub. for S. B. No. 268 - Abolishing Council of Finance and Administration.
Eng. S. B. No. 306 - Permitting sale of county or district property online.
Eng. Com. Sub. for S. B. No. 369 - Reducing legislative education reporting requirements.

SECOND READING

Com. Sub. for S. B. No. 40 - Changing definition of facilities eligible for funding assistance from Courthouse Facilities Improvement Authority.
Com. Sub. for S. B. No. 109 - Repealing code provisions related to certain reports by trustees for property.
Eng. Com. Sub. for H. B. No. 2101 - Eliminating obsolete government entities - (Com. amend. pending).
Eng. H. B. No. 4005 - Repealing prevailing hourly rate of wages requirements.

FIRST READING

S. B. No. 29 - Tolling statute of limitations in certain cases.
Com. Sub. for S. B. No. 159 - Authorizing promulgation of legislative rules by miscellaneous boards and commissions.
Com. Sub. for S. B. No. 265 - Allowing library volunteers necessary access to user records.
Com. Sub. for S. B. No. 270 - Repealing code relating to insurance policies.
Com. Sub. for S. B. No. 330 - Requiring automobile liability insurers provide 10 days' notice of intent to cancel due to nonpayment of premium.
S. B. No. 385 - Allowing defendants 180 days to identify nonparties wholly or partially at fault in civil actions.

Com. Sub. for Com. Sub. for S. B. No. 387 - Shared animal ownership agreements to consume raw milk.

S. B. No. 415 - Lengthening maximum term of negotiable certificates of deposit municipal funds can hold.

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2016

Wednesday, February 3, 2016

10 a.m.	Military	(Room 451M)
1 p.m.	Economic Development	(Room 451M)
2 p.m.	Natural Resources	(Room 451M)