

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-SECOND LEGISLATURE
REGULAR SESSION, 2016
TWENTY-THIRD DAY

Charleston, W. Va., Thursday, February 4, 2016

The Senate met at 11 a.m.

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

Prayer was offered by the Reverend Jeffrey S. Allen, Executive Director, West Virginia Council of Churches, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Bob Williams, a senator from the fourteenth district.

Pending the reading of the Journal of Wednesday, February 3, 2016,

At the request of Senator Snyder, 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 Clerk presented a communication from the Development Office, submitting its annual Neighborhood Investment Program report as required by §11-13J-4a of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

The Clerk presented a communication from the Department of Environmental Protection, submitting its Special Reclamation Fund Advisory Council annual report, in accordance with §22-1-17 of the Code of West Virginia.

Which communication and report were received and filed with the Clerk.

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 4243—A Bill to amend and reenact §16-2D-5c of the Code of West Virginia, 1931, as amended, relating to extending the time that certain nonprofit community groups are exempt from the moratorium on creating new nursing home beds.

Referred to the Committee on Health and Human Resources.

The Senate next proceeded to the fourth order of business.

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

Your Committee on Military has had under consideration

Senate Bill 35, Adopting federal definition for disabled veterans' preference eligibility for civil service jobs and vendor contracts.

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,

Kent Leonhardt,

Chair.

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

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

Your Committee on Military has had under consideration

Senate Bill 65, Exempting military, National Guard and reserve income from state income taxes.

And,

Senate Bill 82, Increasing adjustments to gross income for military, National Guard and reserve retirement for residents.

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

Respectfully submitted,

Kent Leonhardt,

Chair.

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

Senator Boso, from the Committee on Energy, Industry and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry and Mining has had under consideration

Senate Bill 181, DEP, Water and Waste Management rule relating to above ground storage tanks.

And has amended same.

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

Respectfully submitted,

Gregory L. Boso,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with an amendment from the Committee on Energy, Industry and Mining pending.

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 278, Clarifying Physicians' Mutual Insurance Company is not state or quasi-state actor.

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

Com. Sub. for Senate Bill 278 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §33-20F-2 and §33-20F-4 of the Code of West Virginia, 1931, as amended, relating to clarifying that Physicians' Mutual Insurance Company is not a state actor or a quasi-state actor allowing it to operate as any other commercial insurance company licensed in West Virginia; and clarifying and revising findings and purpose.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Natural Resources has had under consideration

Senate Bill 303, Providing all hunting and fishing licenses are valid for one year from date of issue.

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

Com. Sub. for Senate Bill 303 (originating in the Committee on Natural Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-42z; and to amend and reenact §20-2B-9 of said code, all relating to hunting and fishing licenses; and providing Class L resident five-day fishing license.

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

Respectfully submitted,

Robert Karnes,
Chair.

The bill (Com. Sub. for S. B. 303) under the original double committee reference, was then referred to the Committee on Government Organization.

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

Your Committee on Natural Resources has had under consideration

Senate Bill 389, Reducing certain penalties for offenses not resulting in illegal killing of bear.

And has amended same.

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

Respectfully submitted,

Robert Karnes,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with an amendment from the Committee on Natural Resources pending.

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 Senator Hall:

Senate Bill 505—A Bill to amend and reenact §11-14C-9 of the Code of West Virginia, 1931, as amended, relating to exempting from the motor fuel excise tax certain uses of field gas; and defining field gas.

Referred to the Committee on Finance.

By Senator Hall:

Senate Bill 506—A Bill to amend and reenact §16-1-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-2-11 of said code, all relating to local health departments; clarifying the powers and duties of the Commissioner of Public Health as it relates to administration of local boards of health; clarifying provisions related to the submission of a program plan by local boards of health; authorizing local health departments to bill health insurance plans for services; and providing rule-making authority.

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

By Senators Carmichael, Blair, Gaunch, Plymale, Prezioso and Trump:

Senate Bill 507—A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating generally to the jurisdiction of the Public Service Commission over motor carriers; and exempting vehicles engaged in nonemergency transportation of Medicaid members from permit requirements.

Referred to the Committee on Government Organization.

By Senators Ferns, Stollings, Kirkendoll, Blair, Carmichael, Mullins and Palumbo:

Senate Bill 508—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-30, relating generally to civil claims for private nuisance; establishing criteria to prove a claim for private nuisance; defining terms; and limiting damages to situations involving personal injury or property damage.

Referred to the Committee on the Judiciary.

By Senators Carmichael and Blair:

Senate Bill 509—A Bill to amend and reenact §21-10-6 of the Code of West Virginia, 1931, as amended, relating to when the Division of Labor must inspect amusement rides and amusement attractions.

Referred to the Committee on Government Organization.

By Senators Walters, Plymale, Trump, Boso, Ashley, Hall, Unger, Kessler, Woelfel, Blair and Ferns:

Senate Bill 510—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-15-9a, relating to establishing a new special revenue fund, designated the Adult Drug Court Participation Fund, for the purpose of collecting and remitting moneys to the State Treasury for participation in an adult drug court program administered by the Supreme Court of Appeals.

Referred to the Committee on Finance.

By Senators Ashley, Plymale, Hall, Trump, Boso, Kessler and Unger:

Senate Bill 511—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §51-1-22, relating to establishing a new special revenue fund, designated the Court Advanced Technology Subscription Fund, for the purpose of collecting and remitting moneys to the State Treasury for the use of certain advanced technology systems provided by the Supreme Court of Appeals.

Referred to the Committee on Finance.

By Senators Laird, Miller, Snyder and Unger:

Senate Bill 512—A Bill to amend and reenact §33-16-3d of the Code of West Virginia, 1931, as amended, relating to Medicare supplement insurance; requiring an insurer to reinstate a Medicare supplement insurance policy after terminating same for nonpayment of premium upon receiving proof that the insured failed to pay due to becoming incompetent; providing that proof of the existence of a conservatorship within a certain timeframe for the insured constitutes sufficient proof that nonpayment of premium was due to incompetency; and providing that proof of the existence of a durable power of attorney along with a medical physician's affidavit which states that an insured's failure to pay premium was due to incompetency, provided within in a certain timeframe, is sufficient to require the insurance carrier to reinstate the policy upon payment of the premium.

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

By Senators Laird and Kessler:

Senate Bill 513—A Bill to amend and reenact §18-9D-1 of the Code of West Virginia, 1931, as amended, relating to composition of the School Building Authority; setting certain limitations on the amount of terms and years that a citizen member may serve on the authority; and requiring those limits to apply to current members after a date certain.

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

By Senators Laird and Miller:

Senate Bill 514—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §1-5A-1, §1-5A-2, §1-5A-3 and §1-5A-4, all relating to creating a procedure that must be followed when major institutional changes are proposed; stating the purpose of the article; defining terms; setting forth notice and hearing requirements prior to a major institutional change; stating the timeline for certain action in relation to a major institutional change; and requiring the Secretary of State to make certain documents accessible to the public with certain requirements.

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

By Senators Hall, Walters and Plymale:

Senate Bill 515—A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof.

Referred to the Committee on Finance.

By Senators Leonhardt and Woelfel:

Senate Bill 516—A Bill to amend and reenact §17B-2A-2 of the Code of West Virginia, 1931, as amended, relating to registration for selective service.

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

By Senators Gaunch and Trump:

Senate Bill 517—A Bill to amend and reenact §5-16-22 of the Code of West Virginia, 1931, as amended, relating to the Public Employees Insurance Agency; clarifying that the plans established and administered by the Public Employees Insurance Agency are exempt from regulation by the Insurance Commissioner unless specifically stated otherwise; and providing that the Public Employees Insurance Agency is not an “insurer” or in the “business of insurance” for purposes of the Insurance Commissioner.

Referred to the Committee on Banking and Insurance.

By Senators Walters, Facemire, Kessler, Kirkendoll, Laird, Snyder, Williams and Palumbo:

Senate Bill 518—A Bill to amend and reenact §5-11-3 and §5-11-9 of the Code of West Virginia, 1931, as amended, all relating to making it unlawful to discriminate against persons due to their sexual orientation; providing an exception for religious officials who preside over wedding ceremonies; defining a new term; and changing the definition of an existing term.

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

By Senator Leonhardt:

Senate Bill 519—A Bill to repeal §30-15-1, §30-15-2, §30-15-3, §30-15-4, §30-15-5, §30-15-6, §30-15-7, §30-15-7a, §30-15-7b, §30-15-7c and §30-15-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-7-1, §30-7-2, §30-7-6, §30-7-7, §30-7-15a, §30-7-15b and §30-7-15c of said code; and to amend said code by adding thereto a new section, designated §30-7-15d, all relating to the licensure and authority of advanced practice registered nurses; repealing separate and redundant provisions relating to nurse-midwives; updating and adding definitions of terms; requiring a license to practice as an advanced practice registered nurse; establishing license requirements for an advanced practice registered nurse; updating the prerequisites and application requirements to apply for authority to prescribe drugs; modifying the types and amounts of controlled substances that may be prescribed by authorized advanced practice registered nurses; permitting the signature of an advanced practice registered nurse to have the same force and effect as that of a physician insofar as patient care documentation is concerned; removing the requirement for collaborative relationships with physicians as an ongoing requirement for practice for certified nurse-midwives; removing the requirement for collaborative relationships with physicians as an on-going requirement for prescriptive authority for advanced practice registered nurses; removing certain notifications; and permitting certain fees to be set by rule.

Referred to the Committee on Health and Human Resources.

Senators Stollings, Woelfel, Plymale and Maynard offered the following resolution:

Senate Concurrent Resolution 22—Requesting Division of Highways to name bridge number 50-152-23.71 (50A110), located at latitude 38.36457, longitude -82.47448 where it intersects the West Fork of Twelvepole Creek in Sidney, West Virginia, originally called the “Sidney Beam Span”, the “Trautwein Family Bridge”.

Whereas, Fred and Ora Trautwein migrated to Wayne County, West Virginia, in the early 1900s; and

Whereas, Fred and Ora Trautwein had five children, Harold, Roy, Charles, Robert and Doris, all of whom served honorably in the United States Military during World War II; and

Whereas, It is fitting and proper that the bridge near where the Trautwein family resided in Sidney, Wayne County, be named after the Trautwein siblings to honor their military service during World War II; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 50-152-23.71 (50A110) located at latitude 38.36457, longitude -82.47448 where it intersects the West Fork of Twelvepole Creek in Sidney, West Virginia, originally called the “Sidney Beam Span”, the “Trautwein Family Bridge”; and, be it

Further Resolved, That the Commissioner of Highways is hereby requested to have made and be placed signs identifying the “Trautwein Family Bridge”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to Joe Trautwein who resides in Fort Gay, West Virginia.

Which, under the rules, lies over one day.

Senators Ashley, Plymale, Stollings and Carmichael offered the following resolution:

Senate Resolution 22—Congratulating the Roane County High School golf team for winning the 2015 AA State Golf Championship.

Whereas, The Roane County High School Raiders golf team had another spectacular year, finishing with a record of 136-5, on their way to winning conference and regional crowns, and their fourth consecutive AA state golf championship; and

Whereas, The Raiders golf team is led by head coach James Kendall and assistant coach Jeff Thompson; and

Whereas, The Raiders state championship golf team roster included players: Cole Moore, Cam Moore, Caleb Moore, Dalton Simmons, Hunter Thompson, Grayson Watson and Sierra Holcomb; and

Whereas, The 2015 Raiders golf team displayed its talent and strong will for an entire season and is a shining example of what can be accomplished with hard work, dedication and commitment; and

Whereas, By securing the school's fourth consecutive class AA state golf championship, the 2015 Roane County High Raiders golf team staked its claim to being one of the best high school golf teams in West Virginia history; therefore, be it

Resolved by the Senate:

That the Senate congratulates the Roane County High School golf team for winning the 2015 AA State Golf Championship; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Roane County High School golf team.

At the request of Senator Ashley, 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 Boso, Plymale, Stollings, Unger, Blair, Leonhardt, Carmichael, Laird, Williams, Prezioso and Kessler offered the following resolution:

Senate Resolution 23—Recognizing firefighters throughout the State of West Virginia on Firemen's Day at the Capitol.

Whereas, Firefighters are a vital part of the emergency response system that serves our communities throughout West Virginia; and

Whereas, Firefighters train, plan and prepare to respond to emergencies threatening the lives of our citizens every day; and

Whereas, Firefighters throughout the state provide not only fire response services but also education on fire prevention, emergency medical care and building safety; and

Whereas, Volunteer firefighters save citizens \$139.8 billion annually and another \$450 billion in insurance premiums throughout the United States; and

Whereas, Ninety percent of firefighters in West Virginia are volunteers giving altruistically of their time to keep our communities safe in times of dire need; and

Whereas, Firefighters serve our citizens twenty-four hours a day, always ready and willing to respond to any call; and

Whereas, It is fitting that the Senate recognizes the firefighters throughout the State of West Virginia for their dedication and commitment to the citizens of the State of West Virginia; therefore, be it

Resolved by the Senate:

That the Senate recognizes firefighters throughout the State of West Virginia on Firemen's Day at the Capitol; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Firemen's Day at the Capitol.

At the request of Senator Boso, 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 5, Coach Bill Stewart Exit.

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

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 19, Rev. Rexford Montgomery Workman Memorial Bridge.

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

Senate Concurrent Resolution 20, U.S. Army CPL Troy Matthews Memorial Bridge.

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

Senate Concurrent Resolution 21, U.S. Army S/SGT Delmer R. Jones 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. Com. Sub. for Senate Bill 40, Changing definition of facilities eligible for funding assistance from Courthouse Facilities Improvement Authority.

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. 40) 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, 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. 40) takes effect from passage.

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 109, Repealing code provisions related to certain reports by trustees for property.

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, Stollings, Sypolt, Takubo, Trump, Unger, Walters, Williams, Woelfel, Yost and Cole (Mr. President)—32.

The nays were: Romano and Snyder—2.

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. 109) passed.

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

Eng. Com. Sub. for Senate Bill 109—A Bill to repeal §31A-2-4c of the Code of West Virginia, 1931, as amended; to repeal §38-1-8a of said code; to repeal §44-13-4a of said code; to amend and reenact §31-18-6 of said code; and to amend and reenact §59-1-10 of said code, all relating to repealing provisions concerning filing certain foreclosure disclosure forms; repealing provisions requiring compiling and maintaining information relating to certain deeds of trust; eliminating requirements concerning certain foreclosure disclosure forms; adjusting the fee associated with filing

a trustee's report of sale in certain circumstances; and repealing a requirement directing a portion of the fee for filing certain trustee's reports of sale to the West Virginia Housing Development Fund.

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

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

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 H. B. 2101) passed.

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

Eng. House Bill 2101—A Bill to amend the Code of West Virginia, 1931, as amended, by repealing §29-12C-1 and §29-12C-2, relating to eliminating obsolete government entities; and repealing sections relating to the Patient Injury Compensation Plan Study Board.

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

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

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

Pending extended discussion,

The question being "Shall Engrossed House Bill 4005 pass?"

On the passage of the bill, 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 all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4005) passed with its title.

Ordered, That The Clerk communicate to the House of Delegates the action of the Senate.

Thereafter, at the request of Senator Ferns, and by unanimous consent, the remarks by Senators Blair, Kessler, Kirkendoll, Boso, Laird, Miller, Beach, Snyder, Unger, Trump, Carmichael and Romano

regarding the passage of Engrossed House Bill 4005 were ordered printed in the Appendix to the Journal.

The Senate proceeded to the ninth order of business.

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

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 159, Authorizing promulgation of legislative rules by miscellaneous boards and commissions.

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 265, Allowing library volunteers necessary access to user records.

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

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

On page one, section twenty-two, lines four through seven, by striking out all of subdivision (1) and inserting in lieu thereof a new subdivision, designated subdivision (1), to read as follows:

(1) To members of the library staff in the ordinary course of business, including paid employees and unpaid volunteers upon completing a written confidentiality agreement outlining the terms of this subsection and obtaining written permission from the library director of the library system wherein he or she will be working;

The bill (Com. Sub. for S. B. 265), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 270, Repealing code relating to insurance policies.

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 330, Requiring automobile liability insurers provide 10 days' notice of intent to cancel due to nonpayment of premium.

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

On motion of Senator Romano, the following amendment to the bill was reported by the Clerk:

On page three, section one, line forty-three, after the word "ten" by inserting the word "business".

Following discussion,

The question being on the adoption of Senator Romano's amendment to the bill, the same was put and did not prevail.

On motion of Senator Romano, the following amendment to the bill (Com. Sub. for S. B. 330) was next reported by the Clerk:

On page three, section one, line forty-four, after the word “cancel” by changing the period to a colon and inserting the following proviso: *Provided*, That the notice of its intention to cancel may not be mailed prior to the date upon which the named insureds payment is due.

The question being on the adoption of Senator Romano’s amendment to the bill, and on this question, Senator Romano demanded the yeas and nays.

The roll being taken, the yeas were: Facemire, Kessler, Kirkendoll, Laird, Miller, Palumbo, Romano, Snyder, Stollings, Unger, Williams and Woelfel and Yost—13.

The nays were: Ashley, Beach, Blair, Boley, Boso, Carmichael, Cline, Ferns, Gaunch, Hall, Karnes, Leonhardt, Maynard, Mullins, Plymale, Prezioso, Sypolt, Takubo, Trump, Walters and Cole (Mr. President)—21.

Absent: None.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Romano’s amendment to the bill rejected.

The bill (Com. Sub. for S. B. 330) was then ordered to engrossment and third reading.

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

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

Com. Sub. for Com. Sub. for Senate Bill 387, Shared animal ownership agreements to consume raw milk.

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

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

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 68, Disallowing Health Care Authority to conduct rate review and set rates for hospitals.

Com. Sub. for Senate Bill 326, Repeal and recodify law relating to contributing to delinquency of minor child.

Com. Sub. for Senate Bill 361, Prohibiting persons who have committed crimes against elderly from performing community service involving elderly.

And,

Eng. Com. Sub. for House Bill 4007, Relating generally to appointment of attorneys to assist the Attorney General.

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

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Carmichael, the Senate adjourned until tomorrow, Friday, February 5, 2016, at 11 a.m.

SENATE CALENDAR

Friday, February 05, 2016
11:00 AM

UNFINISHED BUSINESS

S. C. R. 22 - Trautwein Family Bridge.

THIRD READING

Eng. S. B. 29 - Tolling statute of limitations in certain cases.

Eng. Com. Sub. for S. B. 159 - Authorizing promulgation of legislative rules by miscellaneous boards and commissions.

Eng. Com. Sub. for S. B. 265 - Allowing library volunteers necessary access to user records.

Eng. Com. Sub. for S. B. 270 - Repealing code relating to insurance policies.

Eng. Com. Sub. for S. B. 330 - Requiring automobile liability insurers provide 10 days' notice of intent to cancel due to nonpayment of premium.

Eng. S. B. 385 - Allowing defendants 180 days to identify nonparties wholly or partially at fault in civil actions.

Eng. Com. Sub. for Com. Sub. for S. B. 387 - Shared animal ownership agreements to consume raw milk.

Eng. S. B. 415 - Lengthening maximum term of negotiable certificates of deposit municipal funds can hold.

SECOND READING

Com. Sub. for S. B. 68 - Disallowing Health Care Authority to conduct rate review and set rates for hospitals.

Com. Sub. for S. B. 326 - Repeal and recodify law relating to contributing to delinquency of minor child.

Com. Sub. for S. B. 361 - Prohibiting persons who have committed crimes against elderly from performing community service involving elderly.

Eng. Com. Sub. for H. B. 4007 - Relating generally to appointment of attorneys to assist the Attorney General - (Com. amend. and title amend. pending).

FIRST READING

Com. Sub. for S. B. 278 - Clarifying physicians' mutual insurance company is not state or quasi-state actor.

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2016

Friday, February 5, 2016

10 a.m.

Finance

(Room 451M)