

# JOURNAL of THE SENATE State of West Virginia

**EIGHTY-FOURTH LEGISLATURE**

Regular Sixty-Day Session, 2020

**VOLUME I**



NOTE: The first volume of this four-volume Official Senate Journal starts with proceedings proper of the Second Regular Session of the Eighty-Fourth Legislature from January 8, 2020, to March 7, 2020, ending with page 1048 of the Regular Session.



# JOURNAL of THE SENATE State of West Virginia

**EIGHTY-FOURTH LEGISLATURE**

Regular Sixty-Day Session, 2020



NOTE: The Second Regular Session of the Eighty-Fourth Legislature convened on January 8, 2020, and concluded the sixty-day constitutional session with final adjournment at midnight, March 7, 2020.

This session 2,389 bills were introduced in the two houses.

Members of the Senate, officers, and standing committee membership lists precede the Official Regular Session Journal and are shown hereinafter.

PUBLISHED UNDER THE DIRECTION OF  
LEE CASSIS, *Senate Clerk*

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**STAFF**

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Xris Hess, *Bill Clerk*

SENATE OF WEST VIRGINIA  
MEMBERS, OFFICERS, AND STANDING COMMITTEES

REGULAR SESSION, 2020

OFFICERS

*President:* Mitch Carmichael, (R), Ripley  
*President pro Tempore:* Donna J. Boley, (R), St. Marys  
*Clerk:* Lee Cassis, Charleston  
*Sergeant at Arms:* Joseph A. Freedman, Charleston  
*Doorkeeper:* Jeffrey L. Branham, Cross Lanes

District	Name	Address
First.....	*William J. Ihlenfeld, (D).....	Wheeling
	Ryan W. Weld, (R).....	Wellsburg
Second.....	*Charles H. Clements, (R).....	New Martinsville
	Michael J. Maroney, (R).....	Glen Dale
Third.....	*Michael T. Azinger, (R).....	Vienna
	Donna J. Boley, (R).....	St. Marys
Fourth.....	Mitch Carmichael, (R).....	Ripley
	*Eric J. Tarr, (R).....	Scott Depot
Fifth.....	Robert H. Plymale, (D).....	Huntington
	*Michael A. Woelfel, (D).....	Huntington
Sixth.....	*Mark R. Maynard, (R).....	Genoa
	Chandler Swope, (R).....	Bluefield
Seventh.....	<sup>1</sup> Paul Hardesty, (D).....	Holden
	*Ron D. Stollings, (D).....	Madison
Eighth.....	Glenn D. Jeffries, (D).....	Red House
	*Richard D. Lindsay II, (D).....	Charleston
Ninth.....	Sue Cline, (R).....	Brenton
	*Rollan A. Roberts, (R).....	Beaver
Tenth.....	*Stephen Baldwin, (D).....	Ronceverte
	Kenny Mann, (R).....	Ballard
Eleventh.....	*Bill Hamilton, (R).....	Buckhannon
	<sup>2</sup> John Pitsenbarger, (R).....	Nallen
Twelfth.....	Douglas E. Facemire, (D).....	Sutton
	*Michael J. Romano, (D).....	Clarksburg
Thirteenth.....	*Robert D. Beach, (D).....	Morgantown
	Roman W. Prezioso, Jr., (D).....	Fairmont
Fourteenth.....	Randy E. Smith, (R).....	Davis
	*Dave Sypolt, (R).....	Kingwood
Fifteenth.....	Craig Blair, (R).....	Martinsburg
	*Charles S. Trump IV, (R).....	Berkeley Springs
Sixteenth.....	Patricia Puertas Rucker, (R).....	Harpers Ferry
	*John R. Unger II, (D).....	Martinsburg
Seventeenth.....	Corey Palumbo, (D).....	Charleston
	*Tom Takubo, (R).....	South Charleston

\* Elected in 2018 to full four-year term.

<sup>1</sup> Appointed January 17, 2019, to unexpired term of Richard N. Ojeda II, who resigned January 14, 2019.

<sup>2</sup> Appointed October 17, 2019, to unexpired term of Gregory L. Boso, who resigned September 26, 2019.

Democrats..... 14  
 Republicans..... 20  
 Total..... 34

## SENATE COMMITTEES

### STANDING AND SELECT COMMITTEES OF THE SENATE

2020

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#### AGRICULTURE AND RURAL DEVELOPMENT

Senators Sypolt (*Chair*), Pitsenbarger (*Vice Chair*), Cline, Mann, Maynard, Rucker, Smith, Baldwin, Beach, Hardesty, and Unger.

#### BANKING AND INSURANCE

Senators Azinger (*Chair*), Clements (*Vice Chair*), Blair, Hamilton, Rucker, Swope, Tarr, Weld, Facemire, Jeffries, Palumbo, Prezioso, and Romano.

#### CONFIRMATIONS

Senators Boley (*Chair*), Takubo (*Vice Chair*), Azinger, Blair, Rucker, Weld, Palumbo, Plymale, and Prezioso.

#### ECONOMIC DEVELOPMENT

Senators Swope (*Chair*), Mann (*Vice Chair*), Azinger, Cline, Hamilton, Pitsenbarger, Roberts, Tarr, Baldwin, Ihlenfeld, Jeffries, Romano, Stollings, and Woelfel.

#### EDUCATION

Senators Rucker (*Chair*), Weld (*Vice Chair*), Azinger, Boley, Cline, Pitsenbarger, Roberts, Trump, Baldwin, Beach, Plymale, Romano, Stollings, and Unger.

#### ENERGY, INDUSTRY, AND MINING

Senators Smith (*Chair*), Sypolt (*Vice Chair*), Boley, Clements, Cline, Hamilton, Mann, Swope, Facemire, Ihlenfeld, Jeffries, Lindsay, and Woelfel.

#### ENROLLED BILLS

Senators Maynard (*Chair*), Roberts (*Vice Chair*), Tarr, Lindsay, and Woelfel.

## SENATE COMMITTEES

### FINANCE

Senators Blair (*Chair*), Tarr (*Vice Chair*), Boley, Hamilton, Mann, Maroney, Roberts, Swope, Sypolt, Takubo, Facemire, Ihlenfeld, Palumbo, Plymale, Prezioso, Stollings, and Unger.

### GOVERNMENT ORGANIZATION

Senators Maynard (*Chair*), Swope (*Vice Chair*), Clements, Mann, Maroney, Smith, Sypolt, Tarr, Facemire, Ihlenfeld, Jeffries, Lindsay, Palumbo, and Woelfel.

### HEALTH AND HUMAN RESOURCES

Senators Maroney (*Chair*), Tarr (*Vice Chair*), Azinger, Maynard, Roberts, Rucker, Takubo, Weld, Palumbo, Plymale, Prezioso, Stollings, and Unger.

### INTERSTATE COOPERATION

Senators Cline (*Chair*), Maynard (*Vice Chair*), Hamilton, Pitsenbarger, Hardesty, Ihlenfeld, and Unger.

### JUDICIARY

Senators Trump (*Chair*), Weld (*Vice Chair*), Azinger, Clements, Cline, Maynard, Pitsenbarger, Rucker, Smith, Takubo, Baldwin, Beach, Hardesty, Jeffries, Lindsay, Romano, and Woelfel.

### MILITARY

Senators Weld (*Chair*), Maroney (*Vice Chair*), Cline, Hamilton, Smith, Sypolt, Facemire, Hardesty, and Lindsay.

### NATURAL RESOURCES

Senators Hamilton (*Chair*), Mann (*Vice Chair*), Cline, Pitsenbarger, Roberts, Rucker, Smith, Sypolt, Beach, Facemire, Hardesty, Prezioso, and Stollings.

### PENSIONS

Senators Azinger (*Chair*), Hamilton (*Vice Chair*), Clements, Trump, Ihlenfeld, Plymale, and Romano.

## SENATE COMMITTEES

### RULES

Senators Carmichael (*Chair*), Blair, Boley, Maroney, Sypolt, Takubo, Trump, Palumbo, Plymale, Prezioso, and Stollings.

### TRANSPORTATION AND INFRASTRUCTURE

Senators Clements (*Chair*), Swope (*Vice Chair*), Boley, Mann, Pitsenbarger, Roberts, Beach, Jeffries, and Plymale.

### WORKFORCE

Senators Roberts (*Chair*), Weld (*Vice Chair*), Boley, Maroney, Rucker, Smith, Tarr, Baldwin, Beach, Jeffries, and Stollings.

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### SELECT COMMITTEE ON CHILDREN AND FAMILIES

Senators Takubo (*Chair*), Weld (*Vice Chair*), Cline, Pitsenbarger, Roberts, Rucker, Hardesty, Prezioso, and Stollings.

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WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE  
REGULAR SESSION, 2020

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WEDNESDAY, JANUARY 8, 2020

Pursuant to section eighteen, article six of the Constitution of the State of West Virginia, which prescribes that the Legislature shall convene annually on the second Wednesday in January, the Senate assembled in its chamber in the state capitol in the City of Charleston, West Virginia, on this eighth day of January, two thousand twenty, for the second annual sixty-day session of the eighty-fourth Legislature, and at 12:05 p.m. was called to order by the President, the Honorable Mitch Carmichael.

Prayer was offered by Bishop Joe Thomas, Nondenominational Fellowship Pentecostal Ministries, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Charles S. Trump IV, a senator from the fifteenth district.

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

On the call of the roll, the following answered to their names:

Senators Azinger, Baldwin, Beach, Boley, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President).

Thirty-one members having answered to their names, the President declared the presence of a quorum.

At the request of Senator Takubo, unanimous consent being granted, Senator Takubo offered the following resolution from the floor:

**Senate Resolution 1**—Raising a committee to notify the House of Delegates that the Senate has assembled in regular session.

*Resolved by the Senate:*

That a committee of three be appointed by the President to inform the House of Delegates that the Senate has assembled in regular sixty-day session, with a quorum present, and is ready to proceed with the business of this regular session.

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.

Whereupon, the President appointed as members of such committee, the following:

Senators Azinger, Hamilton, and Beach.

Subsequently, Senator Azinger reported that the committee had performed the duty assigned to it.

The first message this session from the House of Delegates, by

Delegates Nelson, P. Martin, and Campbell, announced that the House of Delegates has assembled, with a quorum present, and is ready to proceed with the business of this second regular session of the eighty-fourth Legislature.

At the request of Senator Takubo, unanimous consent being granted, Senator Takubo offered the following resolution from the floor:

**Senate Resolution 2**—Providing for the appointment of a committee to inform the Governor that the Legislature has assembled in regular session.

*Resolved by the Senate:*

That a committee of three on the part of the Senate be appointed by the President, to join with a similar committee on the part of the House of Delegates, to notify His Excellency, the Governor, that the Legislature has assembled in regular sixty-day session, with a quorum of each house present, and is ready to receive any communication or message that he may desire to present.

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.

Whereupon, the President appointed as members of such committee, the following:

Senators Pitsenbarger, Sypolt, and Hardesty.

A message from the House of Delegates, by

Delegates Jennings, Phillips, and Byrd, announced that the Speaker had appointed them a committee of three to join with a similar committee on the part of the Senate under the provisions of Senate Resolution 2 to wait upon the Governor. Senate and House members of this select committee then proceeded to the executive offices.

Subsequently, Senator Pitsenbarger reported that the joint Senate and House committee had performed the duty assigned to it.

At the request of Senator Takubo, unanimous consent being granted, Senator Carmichael (Mr. President) offered the following resolution from the floor:

**Senate Resolution 3**—Creating a Select Committee on Children and Families for the Eighty-Fourth Legislature.

*Resolved by the Senate:*

That for the Eighty-Fourth Legislature there is hereby created a Select Committee on Children and Families. This committee shall consist of nine members appointed by the Presiding Officer. Notwithstanding the provisions of any Senate rule to the contrary, this committee shall have jurisdiction of legislative proposals regarding children, families, and related issues as the Presiding Officer may deem appropriate: *Provided*, That reference of a bill to the Select Committee on Children and Families does not preclude a standing committee of the Senate from consideration of legislation addressing the same subject within its jurisdiction. The rules of the Senate governing standing committees shall all govern the actions and proceedings of this committee insofar as applicable; and, be it

*Further Resolved*, That the Senate hereby authorizes the Select Committee on Children and Families to meet and be paid during interims between regular sessions of the Legislature; and, be it

*Further Resolved*, That the Senate hereby authorizes the Select Committee on Children and Families to meet at other times to be determined by the chairman, subject to the approval of the Presiding Officer; and, be it

*Further Resolved*, That the purpose of any such meetings would relate to gathering information regarding matters relating to children and families; and, be it

*Further Resolved*, That members and staff of such committee are hereby authorized to receive payment of travel and interim expenses and other compensation as provided by law.

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.

At the further request of Senator Takubo, and by unanimous consent, the complete list of appointments for standing and select committees of the Senate for this second session of the eighty-fourth Legislature was ordered printed in the Journal as follows:

**STANDING AND SELECT COMMITTEES  
OF THE SENATE**

**2020**

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**AGRICULTURE AND RURAL DEVELOPMENT**

Senators Sypolt (*Chair*), Mann (*Vice Chair*), Clements, Cline, Maynard, Rucker, Smith, Baldwin, Beach, Hardesty, and Unger.

**BANKING AND INSURANCE**

Senators Azinger (*Chair*), Clements (*Vice Chair*), Blair, Hamilton, Rucker, Swope, Tarr, Weld, Facemire, Jeffries, Palumbo, Prezioso, and Romano.

**CONFIRMATIONS**

Senators Boley (*Chair*), Takubo (*Vice Chair*), Azinger, Blair, Rucker, Weld, Palumbo, Plymale, and Prezioso.

**ECONOMIC DEVELOPMENT**

Senators Swope (*Chair*), Mann (*Vice Chair*), Azinger, Cline, Hamilton, Pitsenbarger, Roberts, Tarr, Baldwin, Ihlenfeld, Jeffries, Romano, Stollings, and Woelfel.

**EDUCATION**

Senators Rucker (*Chair*), Blair (*Vice Chair*), Azinger, Boley, Cline, Pitsenbarger, Roberts, Trump, Baldwin, Beach, Plymale, Romano, Stollings, and Unger.

**ENERGY, INDUSTRY, AND MINING**

Senators Smith (*Chair*), Sypolt (*Vice Chair*), Boley, Clements, Cline, Hamilton, Mann, Swope, Facemire, Ihlenfeld, Jeffries, Lindsay, and Woelfel.

## ENROLLED BILLS

Senators Maynard (*Chair*), Roberts (*Vice Chair*), Tarr, Lindsay, and Woelfel.

## FINANCE

Senators Blair (*Chair*), Tarr (*Vice Chair*), Boley, Hamilton, Mann, Maroney, Roberts, Swope, Sypolt, Takubo, Facemire, Ihlenfeld, Palumbo, Plymale, Prezioso, Stollings, and Unger.

## GOVERNMENT ORGANIZATION

Senators Maynard (*Chair*), Swope (*Vice Chair*), Clements, Mann, Maroney, Smith, Sypolt, Tarr, Facemire, Ihlenfeld, Jeffries, Lindsay, Palumbo, and Woelfel.

## HEALTH AND HUMAN RESOURCES

Senators Maroney (*Chair*), Tarr (*Vice Chair*), Azinger, Maynard, Roberts, Rucker, Takubo, Weld, Palumbo, Plymale, Prezioso, Stollings, and Unger.

## INTERSTATE COOPERATION

Senators Cline (*Chair*), Maynard (*Vice Chair*), Hamilton, Pitsenbarger, Hardesty, Ihlenfeld, and Unger.

## JUDICIARY

Senators Trump (*Chair*), Weld (*Vice Chair*), Azinger, Clements, Cline, Maynard, Pitsenbarger, Rucker, Smith, Takubo, Baldwin, Beach, Hardesty, Jeffries, Lindsay, Romano, and Woelfel.

## MILITARY

Senators Weld (*Chair*), Maroney (*Vice Chair*), Cline, Hamilton, Smith, Sypolt, Facemire, Hardesty, and Lindsay.

## NATURAL RESOURCES

Senators Hamilton (*Chair*), Mann (*Vice Chair*), Cline, Pitsenbarger, Roberts, Rucker, Smith, Sypolt, Beach, Facemire, Hardesty, Prezioso, and Stollings.

## PENSIONS

Senators Azinger (*Chair*), Hamilton (*Vice Chair*), Pitsenbarger, Trump, Ihlenfeld, Plymale, and Romano.

## RULES

Senators Carmichael (*Chair*), Blair, Boley, Maroney, Sypolt, Takubo, Trump, Palumbo, Plymale, Prezioso, and Stollings.

## TRANSPORTATION AND INFRASTRUCTURE

Senators Clements (*Chair*), Swope (*Vice Chair*), Boley, Mann, Pitsenbarger, Roberts, Beach, Jeffries, and Plymale.

## WORKFORCE

Senators Roberts (*Chair*), Weld (*Vice Chair*), Boley, Maroney, Rucker, Smith, Tarr, Baldwin, Beach, Jeffries, and Stollings.

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## SELECT COMMITTEE ON CHILDREN AND FAMILIES

Senators Takubo (*Chair*), Weld (*Vice Chair*), Cline, Pitsenbarger, Roberts, Rucker, Hardesty, Prezioso, and Stollings.

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At the request of Senator Takubo, unanimous consent being granted, Senator Sypolt offered the following resolution from the floor:

**Senate Resolution 4**—Amending Senate Rule 15 relating to bill and resolution introduction.

*Resolved by the Senate:*

That Senate Rule 15 be amended as follows:

Each bill or resolution for introduction shall be presented in duplicate and electronically, bearing the name of the member or members by whom it is to be introduced, and shall be filed with the Clerk not later than 12 p.m. on the legislative day next preceding its introduction: *Provided*, That the pre-filing requirement shall not apply to the first day of any session of the Legislature. A bill may be introduced by request. All bills introduced by request shall bear the words "By Request", following the designation of the name or names of the bill sponsor or sponsors.

The Clerk shall designate one copy of a bill or resolution the official copy and it shall constitute the official bill or resolution for use of committees and for the permanent files of the Senate. One copy shall be used for printing.

Each bill or resolution shall be numbered, edited, and corrected as to form by the Clerk and reported by the Clerk to the Senate on the next legislative day, under the sixth order of business. In case of urgency, on motion for leave agreed to by a majority of the members present, a member may introduce a bill or resolution from the floor.

Any member who is a cosponsor of a bill or resolution may be removed as a sponsor of the bill or resolution by submitting a request to the Clerk prior to the bill being enrolled or the resolution being adopted.

Any member may be added as a cosponsor of a bill or resolution by submitting a request to the Clerk prior to the bill or resolution being reported from the last committee to which it was referred.

The electronic version of a bill or resolution shall be changed to include the addition or removal of a sponsor, but the addition or removal of a sponsor shall only be included in a printed version if a subsequent printing is otherwise required.

Which, under the rules, was referred to the Committee on Rules.



At the request of Senator Tarr, unanimous consent being granted, Senator Blair offered the following resolution from the floor:

**Senate Resolution 5**—Authorizing the appointment of permanent and per diem employees for the Second Regular Session of the Eighty-Fourth Legislature and payment of their compensation.

*Resolved by the Senate:*

That the Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate is hereby authorized to appoint employees to receive the per diem compensation, as herein provided, during this regular sixty-day session of the Eighty-Fourth Legislature, and any extension thereof as follows:

Up to thirty Class I secretaries at a rate of eighty dollars per diem to one hundred ten dollars per diem;

Up to four Class II secretaries at a rate of eighty dollars per diem to one hundred twenty dollars per diem;

Up to five legislative analysts at a rate of eighty dollars per diem to two hundred dollars per diem;

One page at a rate of eighty dollars per diem;

Up to ten legal counselors at a rate of two hundred five dollars per diem to two hundred eighty dollars per diem; assignments and salary to be determined by the presiding officer of the Senate;

One bill and journal clerk to the Senate Clerk at a rate of eighty dollars per diem to one hundred dollars per diem;

Up to four proofreaders at a rate of eighty dollars per diem to one hundred dollars per diem;

One Sergeant at Arms at a rate not to exceed one hundred fifty dollars per diem;

Up to two assistants to the Sergeant at Arms at a rate of eighty dollars per diem to one hundred dollars per diem;

One Doorkeeper at a rate not to exceed one hundred fifty dollars per diem;

Up to six assistants to the Doorkeeper at a rate of eighty dollars per diem to one hundred dollars per diem;

Up to three mail clerks at a rate of eighty dollars per diem to one hundred dollars per diem;

Two night custodians at a rate of eighty to eighty-five dollars per diem;

The Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such per diem staff personnel during any session of the Legislature as shall be needed in addition to staff personnel authorized by this Senate resolution adopted during any such session. The Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such staff personnel between sessions of the Legislature as shall be needed, the compensation of all staff personnel during and between sessions of the Legislature, notwithstanding any such Senate resolution, to be fixed by the presiding officer of the Senate. In all such cases, the Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to supervise and dismiss such staff personnel; and, be it

*Further Resolved*, That the appointment of salaried full-time employees of the Senate for the year two thousand twenty and their compensation, at the following amounts per month, for such periods of time as they are employed in the positions designated, is hereby authorized, as follows:

Clerk .....	7,697.50
Assistant Clerk.....	5,629.93
Executive Secretary to Clerk .....	3,544.17
Fiscal Officer .....	5,452.50

Fiscal Officer .....	5,452.50
Technical Support.....	4,794.17
Chief Desk Clerk .....	5,376.29
Chief Journal Clerk.....	4,709.10
Bill Clerk .....	3,294.17
Clerk to Minor Committees .....	3,739.17
Counsel to President .....	9,697.50
Executive Assistant to President.....	4,030.83
Legislative Analyst to President .....	3,780.83
Secretary to President .....	2,877.50
Director of Communications .....	6,590.00
Parliamentarian .....	5,127.50
Administrative Assistant to Majority Leader.....	2,666.67
Counsel to Minority Leader.....	7,072.50
Administrative Assistant to Minority Leader .....	2,697.50
Counsel to Education Committee .....	7,666.17
Clerk/Analyst to Education Committee.....	3,739.17
Counsel to Finance Committee.....	7,697.50
Budget Analyst to Finance Committee .....	4,364.17
Budget Analyst to Finance Committee .....	3,614.17
Assistant to Finance Chairman/Clerk .....	3,739.17
Counsel to Government Organization .....	7,072.50
Clerk to Government Organization Committee.....	3,739.17
Secretary to Government Organization Committee.....	3,764.98
Counsel to Health and Human Resources Committee.....	7,072.50
Clerk to Health and Human Resources Committee .....	3,739.17
Counsel to Judiciary Committee.....	7,197.50
Clerk/Analyst to Judiciary Committee .....	3,739.17
Supervisor, Materials & Supplies .....	4,676.66
Purchasing & Procurement Clerk .....	3,940.85
Mail Clerk.....	2,460.83
Custodian .....	2,565.35

The Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such full-time staff personnel during any session of the Legislature as shall be needed in addition to staff personnel authorized by this Senate resolution adopted during any such session. The Clerk of the Senate, with the approval of the

presiding officer of the Senate, or the presiding officer of the Senate shall have authority to employ such staff personnel between sessions of the Legislature as shall be needed, the compensation of all staff personnel during and between sessions of the Legislature, notwithstanding any such Senate resolution, to be fixed by the presiding officer of the Senate. In all such cases, the Clerk of the Senate, with the approval of the presiding officer of the Senate, or the presiding officer of the Senate shall have authority to supervise and dismiss such staff personnel.

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

The Senate proceeded to the third order of business.

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

**House Concurrent Resolution 1**—Extending an invitation to His Excellency, the Governor, to deliver an address to the Legislature and raising a Joint Assembly therefor.

*Whereas*, His Excellency, the Governor, has advised that he will be pleased to address a Joint Assembly of the Senate and House of Delegates at the convenience of the two houses; therefore, be it

*Resolved by the Legislature of West Virginia:*

That His Excellency, the Governor, be hereby invited to address a Joint Assembly of the Legislature at 7:00 o'clock postmeridian this day; and, be it

*Further Resolved*, That the President of the Senate and the Speaker of the House of Delegates appoint three members of each of the respective houses of the Legislature as a committee to wait upon His Excellency, the Governor, and escort him into the Hall of the House of Delegates at the time herein appointed for hearing the address.

The message further announced the appointment of the following committee on the part of the House of Delegates:

Delegates Jennings, Phillips, and Byrd.

At the request of Senator Takubo, 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.

Whereupon, the President appointed as Senate members of such committee, authorized by the foregoing resolution, the following:

Senators Takubo, Boley, and Prezioso.

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

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, and by unanimous consent, the following bills and joint resolutions were considered introduced, read by their titles, and referred to the appropriate committees:

**By Senator Clements:**

**Senate Bill 1**—A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to creating a felony offense for subsequent actions of cruelty to animals that cause bodily injury to, or serious bodily injury or death of, the animal.

Referred to the Committee on the Judiciary.

**By Senator Clements:**

**Senate Bill 2**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17C-6A-1, §17C-6A-2, §17C-6A-3, §17C-6A-4, §17C-6A-5, and §17C-6A-6, all relating to providing for automated license plate

reader systems; providing for required training; providing for use of captured data; and imposing a misdemeanor penalty for violations.

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

**By Senator Clements:**

**Senate Bill 3**—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to registration fees for military-related special registration plates.

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

**By Senator Rucker:**

**Senate Bill 4**—A Bill to amend and reenact §61-7-2 of the Code of West Virginia, 1931, as amended, relating to dangerous weapons; defining “pepper spray”; exempting pepper spray from definition of “deadly weapons”; and providing that persons over 16 years of age may carry pepper spray for the purpose of self-defense.

Referred to the Committee on the Judiciary.

**By Senator Azinger:**

**Senate Bill 5**—A Bill to repeal §48-1-210 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto four new sections, designated §48-1-239a, §48-1-239b, §48-1-239c, and §48-1-239d; to amend and reenact §48-9-102, §48-9-203, §48-9-204, §48-9-206, §48-9-207, §48-9-209, §48-9-403, and §48-9-601 of said code; and to amend said code by adding thereto a new section, designated §48-9-204a, all relating to establishing that shared legal and physical custody of a child in cases of divorce is presumed to be in the best interests of the child.

Referred to the Committee on the Judiciary.

**By Senator Cline:**

**Senate Bill 6**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §17C-1-70 and §17C-1-71; and to amend and reenact §17C-17-9a,

§17C-17-11a, and §17C-17-11d of said code, all relating to increasing the weight limits for vehicles on highways other than the national system of interstate and defense highways; and providing definitions.

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

**By Senator Azinger:**

**Senate Bill 7**—A Bill to amend and reenact §61-8B-7, §61-8B-9a, and §61-8B-9b of the Code of West Virginia, 1931, as amended, all relating to raising the age of children who are victims of certain sex offenses to 16.

Referred to the Committee on the Judiciary.

**By Senator Azinger:**

**Senate Bill 8**—A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to dangerous weapons; providing for license to carry deadly weapons; and exempting honorably discharged veterans of the armed forces of the United States from payment of fees and costs required to get a license to carry deadly weapons.

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

**By Senator Swope:**

**Senate Bill 9**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-22-4; and to amend and reenact §21-1C-5 of said code, all relating to requiring certain documents that include records of wages be considered confidential; prohibiting governmental entity that requires private company contracting with, or seeking to contract with, a governmental entity for a construction project to submit any document that includes records of actual wages paid to employees from disclosing document or information contained therein to any other entity or person; permitting disclosure of such document or information to state or federal agency; providing that any such document containing records of actual wages paid to employees shall be considered confidential and proprietary and may not be

considered a public record; defining “governmental entity”; defining contents of certified payroll document; providing that any document containing records of actual wages paid to employees filed or submitted pursuant to the West Virginia Jobs Act may not be disclosed by the Division of Labor or a public authority to any other entity or person other than to a state or federal agency; and providing that any document submitted or filed pursuant to the West Virginia Jobs Act that includes records of actual wages paid to employees or information contained therein shall be considered confidential and proprietary and may not be considered a public record.

Referred to the Committee on Government Organization.

**By Senator Swope:**

**Senate Bill 10**—A Bill to amend and reenact §17C-15-49 of the Code of West Virginia, 1931, as amended, relating to operation of vehicles with safety belts; allowing admissibility of certain evidence in a civil action for damages; changing definition of “passenger vehicle” for purposes of safety belt requirement; and allowing the admission of the use or nonuse of a safety belt on the issues of negligence, contributory negligence, comparative negligence, and failure to mitigate damages.

Referred to the Committee on the Judiciary.

**By Senator Swope:**

**Senate Bill 11**—A Bill to amend and reenact §21-3D-3 and §21-3D-4 of the Code of West Virginia, 1931, as amended, all relating generally to certification requirements of crane operators; providing that crane operators may be certified by additional nationally recognized accredited agencies; and changing the written exam requirements for Class A and Class B certifications.

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

**By Senator Maynard:**

**Senate Bill 12**—A Bill to amend and reenact §30-1-22 of the Code of West Virginia, 1931, as amended, relating to lobbying by counsel of state boards and commissions.



Referred to the Committee on the Judiciary.

**By Senator Azinger:**

**Senate Bill 13**—A Bill to amend and reenact §61-3-11 of the Code of West Virginia, 1931, as amended, relating to increasing the penalty for burglary if a crime against another person is committed during the burglary.

Referred to the Committee on the Judiciary.

**By Senator Azinger:**

**Senate Bill 14**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-7a, relating to making it a felony to attempt to kill another person; and establishing a penalty.

Referred to the Committee on the Judiciary.

**By Senator Azinger:**

**Senate Bill 15**—A Bill to amend and reenact §8-12-5a of the Code of West Virginia, 1931, as amended, relating to removing authority of municipalities to restrict firearm possession without a valid concealed handgun license in certain areas during brief temporary events.

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

**By Senator Azinger:**

**Senate Bill 16**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §1-7-1, §1-7-2, §1-7-3, and §1-7-4, all relating generally to protecting the right to privacy and association of the citizens of West Virginia; creating the Protect Our Right to Unite Act; declaring legislative purpose; defining terms; providing that no public agency may require nonprofit entities to disclose donor information, subject to certain exceptions; providing that where the state or a public agency obtains donor information may not be released, subject to certain exceptions; providing exemption from Freedom of Information Act requests; providing for redaction of donor information; providing exception for court orders; providing

exception for discovery requests under certain conditions; providing civil remedies; and providing for the payment of attorneys' fees and costs, and, in certain circumstances, treble damages.

Referred to the Committee on the Judiciary.

**By Senator Azinger:**

**Senate Bill 17**—A Bill to amend and reenact §46A-5-101 of the Code of West Virginia, 1931, as amended, relating to conforming the state Consumer Credit and Protection Act to the federal Fair Debt Collection and Practices Act.

Referred to the Committee on the Judiciary.

**By Senator Clements:**

**Senate Bill 18**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-38-1, §19-38-2, §19-38-3, §19-38-4, §19-38-5, §19-38-6, and §19-38-7, all relating to creating the West Virginia Healthy Food Crop Block Grant Program; stating findings; defining terms; creating fund; providing general revenue to fund grants for five years; partnering with nonprofit food and farm organization; establishing grant selection committee and membership; providing method for allocating grants; limiting grants; providing for rulemaking; and establishing program review reports.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on Finance.

**By Senator Rucker:**

**Senate Bill 19**—A Bill to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, relating to prohibiting the State Board of Education from accepting federal education plans without approval of the Legislature.

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

**By Senator Rucker:**

**Senate Bill 20**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated

§56-4-72, relating to providing compensation to victims of abusive lawsuits; and providing that a party in a civil action is entitled to recover attorneys' fees and costs after a court dismisses a claim as lacking any basis in law or fact.

Referred to the Committee on the Judiciary.

**By Senator Baldwin:**

**Senate Bill 21**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6O-1, §46A-6O-2, and §46A-6O-3, all relating to prohibiting certain misleading pharmaceutical advertising practices; providing for certain disclosures and warnings in pharmaceutical advertising for the protection of patients; and imposing criminal penalties.

Referred to the Committee on the Judiciary.

**By Senator Beach:**

**Senate Bill 22**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-22e, relating to county boards of education; and requiring boards to provide free feminine hygiene products in grades six through 12.

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

**By Senator Rucker:**

**Senate Bill 23**—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to providing a special license plate to support adoption; and establishing fees.

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

**By Senator Rucker:**

**Senate Bill 24**—A Bill to amend and reenact §3-1-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-2-2 of said code, all relating to residency requirements for people entitled to vote and people eligible to register to vote;

requiring that a person be a legal resident of the state, county, or municipality in which he or she offers to vote; requiring that a person be a legal resident of the state or county in which he or she applies to register to vote; and defining the term “legal resident”.

Referred to the Committee on the Judiciary.

**By Senator Hamilton:**

**Senate Bill 25**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-22-803, relating to adoption records; authorizing adult adoptees access to certain records, including adoption records and medical history; requiring birth parents to provide certain health information; allowing birth parents to designate a contact preference and allowing them to provide certain information; allowing birth parents to request name redaction; providing for a name redacting process; directing the Department of Health and Human Resources to administer records, require additional information, and charge a reasonable fee; providing a procedure for the collection and dissemination of information; providing for the tracking of information and reporting to the Legislative Oversight Commission on Health and Human Resources Accountability; and authorizing the Department of Health and Human Resources to promulgate legislative rules.

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

**By Senator Hamilton:**

**Senate Bill 26**—A Bill to amend and reenact §33-3-33 of the Code of West Virginia, 1931, as amended, relating to the surcharge on fire and casualty insurance policies; providing that surcharge be increased to one percent; and providing that surcharge be used solely for volunteer fire departments.

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

**By Senator Hamilton:**

**Senate Bill 27**—A Bill to amend and reenact §3-8-2b of the Code of West Virginia, 1931, as amended, relating to requiring a

political action committee to disclose the names and addresses of its contributors to the Secretary of State.

Referred to the Committee on the Judiciary.

**By Senator Maroney:**

**Senate Bill 28**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-19, relating to permitting West Virginia Board of Medicine investigators to carry a concealed weapon.

Referred to the Committee on the Judiciary.

**By Senator Maroney:**

**Senate Bill 29**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §27-5-2a, relating to permitting an authorized physician to order the involuntary hospitalization of an individual whom the physician believes is addicted or mentally ill; setting forth a procedure; defining terms; and limiting liability.

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

**By Senator Hamilton:**

**Senate Bill 30**—A Bill to amend and reenact §17B-2-12 of the Code of West Virginia, 1931, as amended, relating to extending the expiration of driver's licenses for active military members' spouses.

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

**By Senator Hamilton:**

**Senate Bill 31**—A Bill to amend and reenact §5-10-18 of the Code of West Virginia, 1931, as amended, relating to providing an 11-month window to permit members of the Public Employees Retirement System to purchase credited service that had been previously forfeited.

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

**By Senator Hamilton:**

**Senate Bill 32**—A Bill to amend and reenact §17C-15-26 of the Code of West Virginia, 1931, as amended, relating to allowing vehicles operated by transportation directors and transportation supervisors employed by county boards of education to use red flashing warning lights.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Hamilton:**

**Senate Bill 33**—A Bill to amend and reenact §7-14-8 of the Code of West Virginia, 1931, as amended, relating to the age requirements of persons for the position of deputy sheriff.

Referred to the Committee on Government Organization.

**By Senator Hamilton:**

**Senate Bill 34**—A Bill to amend and reenact §17C-14-9a of the Code of West Virginia, 1931, as amended; to amend and reenact §17C-15-26 of said code; and to amend and reenact §24A-2-2b of said code, all relating to emergency vehicles; increasing penalties for failure to use due caution when approaching an emergency vehicle while using emergency signals; authorizing the use of red flashing lights by tow trucks and wreckers; and providing that Public Service Commission publish guidelines for use of certain safety equipment and a fee schedule for use of secondary vehicle.

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

**By Senator Clements:**

**Senate Bill 35**—A Bill to amend and reenact §22-15A-4 of the Code of West Virginia, 1931, as amended, relating to limiting the civil penalty for persons convicted of littering to an amount up to \$2,000.

Referred to the Committee on the Judiciary.

**By Senator Clements:**

**Senate Bill 36**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-14A-1, §20-14A-2, §20-14A-3, §20-14A-4, §20-14A-5, §20-14A-6, §20-14A-7, §20-14A-8, §20-14A-9, §20-14A-10, §20-14A-11, §20-14A-12, and §20-14A-13, all relating to establishing the Mountaineer Trail Network Recreation Authority; providing a statement of legislative purpose and findings; providing definitions; establishing the Mountaineer Trail Network Recreation Authority; providing for a method of appointment to the board of the authority; prescribing the terms of appointment; describing the powers and duties of the authority; limiting the liability of landowners; setting forth purchasing and bidding procedures; providing civil remedies; providing for conflicts of interest; providing criminal penalties; providing for severability; establishing an effective date; and authorizing rulemaking.

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

**By Senator Smith:**

**Senate Bill 37**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-28; to amend said code by adding thereto a new section, designated §26-5-2; and to amend said code by adding thereto a new section, designated §26-9-3, all relating to providing long-term care and substance abuse treatment; authorizing the Secretary of the Department of Health and Human Resources to modernize or build new facilities; requiring certified beds for long-term care and substance abuse treatment; requiring facilities for outpatient substance abuse treatment; requiring the hiring of adequate professional classified staff; and replacing an outdated reference in said code to Pinecrest Hospital with the correct name of Jackie Withrow Hospital.

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

**By Senator Azinger:**

**Senate Bill 38**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-9a, relating to requiring all schools provide an elective course on Hebrew Scriptures, Old Testament of the Bible, or New Testament of the Bible; stating a purpose; permitting students to use a translation of their choice; requiring teacher certification; and requiring federal and state laws be followed regarding religious neutrality while accommodating the diverse religious views of students.

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

**By Senator Maynard:**

**Senate Bill 39**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-59-1, relating to requiring health care providers to make available to patients an estimate of the provider's standard charges for items and services provided by the provider; and requiring under certain circumstances an explanation of options available and a cost comparison.

Referred to the Committee on Health and Human Resources.

**By Senator Maynard:**

**Senate Bill 40**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-7L-1, §55-7L-2, and §55-7L-3, all relating to permitting civil actions by a social media website user for censorship or suppression of social media user's speech; providing definitions; stating defenses to civil action; and authorizing the Attorney General to bring action on behalf of a social media user.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 41**—A Bill to amend and reenact §19-25-2, §19-25-3, §19-25-4, §19-25-5, and §19-25-6 of the Code of West Virginia, 1931, as amended, all relating generally to limiting



landowner liability for injuries to, or caused by, persons entering or going upon land for noncommercial recreational purposes, wildlife propagation purposes, military training purposes, law-enforcement training purposes, or homeland defense training purposes; clarifying that limitation on liability and duty to warn applies only to landowner permitting the general public to enter or go upon such land for recreational or wildlife propagation purposes; providing that a landowner is not liable for, and has no duty to warn of, dangerous or hazardous wild animals on the land; deleting obsolete language providing that a landowner does not confer invitee or licensee status on persons invited or permitted upon land; substituting the term “fee” for the term “charge”; defining the term “fee”; providing that for the purposes of limiting landowner liability, a fee does not include a fee for an annual event or occurrence if the total of such fees in a year do not exceed \$25 per individual; providing that for the purposes of limiting landowner liability, a fee does not include voluntary donations to certain charitable entities; amending the term “land” to include premises; amending the definition of the term “owner of land” to specifically include any person holding legal possession, ownership, or partial ownership of an interest in land or a person sponsoring land or premises for volunteer improvement or maintenance purposes; amending the definition of the term “recreational purposes” to specifically include parking on or traversing land to engage in recreational activities and maintaining, or making improvements to, land for the purpose of making recreational activities accessible; naming the activities of rock climbing, bouldering, and kayaking as being activities within the definition of “recreational purposes”; and making numerous technical corrections.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 42**—A Bill to amend and reenact §18-2-7b of the Code of West Virginia, 1931, as amended, relating to permitting the county boards of education to include faith-based electives in classroom drug prevention programs.

Referred to the Committee on Education.

**By Senator Cline:**

**Senate Bill 43**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-8b; to amend said code by adding thereto a new section, designated §33-15-4u; to amend said code by adding thereto a new section, designated §33-15E-18; to amend said code by adding thereto a new section, designated §33-16-3ff; to amend said code by adding thereto a new section, designated §33-24-7u; to amend said code by adding thereto a new section, designated §33-25-8r; and to amend said code by adding thereto a new section, designated §33-25A-8u, all relating to imposing a cap under an insurance policy or a discount prescription drug plan on the total amount that a covered person is required to pay for a covered prescription insulin drug; and providing the cap may not exceed \$100 per 30-day supply of the drug, regardless of the amount or type of insulin needed to fill the covered person's prescription.

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

**By Senator Cline:**

**Senate Bill 44**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-24-10a, relating to establishing a tax credit for eligible taxpayers for employing eligible individuals in recovery from a substance use disorder; setting a \$2,000 cap per year credit for each individual; establishing requirements; requiring rulemaking; and defining terms.

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

**By Senator Cline:**

**Senate Bill 45**—A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to the required teaching of an agricultural science education course.

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

**By Senator Rucker:**

**Senate Bill 46**—A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-7-2 of said code, all relating to defining “pepper spray”; exempting pepper spray from definition of “deadly weapons”; providing that persons over 16 years of age may carry pepper spray for the purpose of self-defense; and providing that such persons may carry pepper spray in the State Capitol Complex.

Referred to the Committee on the Judiciary.

**By Senator Cline:**

**Senate Bill 47**—A Bill to amend and reenact §17B-1-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §17C-1-69 of said code; and to amend and reenact §17C-15-44 of said code, all relating to autocycles; amending the definition of “autocycle”; and clarifying the autocycle exemption from helmet requirements.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Swope:**

**Senate Bill 48**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5A-1, §21-5A-2, §21-5A-3, and §21-5A-4, all relating to prohibiting political subdivisions from enacting any ordinance, regulation, local policy, local resolution, or other legal requirements regulating certain areas of the employer-employee relationship and the sale or marketing of consumer merchandise; establishing a short title; establishing areas where political subdivisions are prohibited from enacting or promulgating ordinances, local policies, or local regulations; and providing for exceptions and applicability.

Referred to the Committee on the Judiciary.

**By Senator Swope:**

**Senate Bill 49**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1, relating generally to the Local Control and Accountability Act; providing counties with authority to impose a one percent county sales tax under certain circumstances; clarifying that a county sales tax does not apply in municipalities already imposing a municipal sales tax; clarifying applicability of county sales tax when a portion of the county is annexed by a municipality with an existing municipal sales tax; and requiring counties imposing a county sales tax to use the services of the Tax Commissioner to administer the tax.

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

**By Senator Cline:**

**Senate Bill 50**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-6-15, relating to the creation of emergency text number systems for children; and declaring this be known as Constance's Law.

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

**By Senator Cline:**

**Senate Bill 51**—A Bill to amend and reenact §48-10-802 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §48-10-803, all relating to specifying forms of grandparent visitation; allowing daytime and overnight visits as well as electronic communication; and defining the term "electronic communication".

Referred to the Committee on the Judiciary.

**By Senator Stollings:**

**Senate Bill 52**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the Excess

Lottery Fund, to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2020, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020.

Referred to the Committee on Finance.

**By Senator Stollings:**

**Senate Bill 53**—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the Excess Lottery Fund, to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2020, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020.

Referred to the Committee on Finance.

**By Senator Stollings:**

**Senate Bill 54**—A Bill to amend and reenact §23-4-6a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §23-4-26, all relating to occupational pneumoconiosis; eliminating the prohibition on permanent partial disability awards based solely on a diagnosis of occupational pneumoconiosis; declaring that an employee with occupational pneumoconiosis without measurable pulmonary impairment shall be paid certain benefits; and requiring certain claimants to receive permanent partial disability awards that may later be offset from a future disability award.

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

**By Senator Stollings:**

**Senate Bill 55**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-4u, relating to accident and sickness insurance and preexisting condition coverage.

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

**By Senator Stollings:**

**Senate Bill 56**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-8b; to amend said code by adding thereto a new section, designated §33-15-4u; to amend said code by adding thereto a new section, designated §33-16-3ff; to amend said code by adding thereto a new section, designated §33-24-7u; to amend said code by adding thereto a new section, designated §33-25-8r; and to amend said code by adding thereto a new section, designated §33-25A-8u, all relating to prohibiting insurance coverage from requiring prior authorization for physician prescribed tests to stage cancer.

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

**By Senator Unger:**

**Senate Bill 57**—A Bill to amend and reenact §5H-1-1 of the Code of West Virginia, 1931, as amended, relating to defining terms to assure that correctional officers are considered law-enforcement officers for the purpose of the West Virginia Fire, EMS, and Law-Enforcement Survivor Benefit Act.

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

**By Senator Unger:**

**Senate Bill 58**—A Bill to amend and reenact §64-3-1a of the Code of West Virginia, 1931, as amended, relating to directing certain amendments to Department of Environmental Protection rules relating to Air Quality and Water Resources; clarifying when certain notice requirements may be met; requiring a public hearing to be held for all permits for construction and major modification of major stationary sources for the prevention of significant deterioration of air quality; detailing certain requirements for the public hearing; and requiring a public hearing be held in the community for all permits under the National Pollutant Discharge Elimination System Program.

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

**By Senator Beach:**

**Senate Bill 59**—A Bill to amend and reenact §21-11-10 of the Code of West Virginia, 1931, as amended, relating to requiring persons building residential structures to inform the county board of education of the number of units to be constructed and the estimated number of occupants of those structures; and requiring this information be provided before a building permit may be issued.

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

**By Senator Beach:**

**Senate Bill 60**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-1-15, relating to creating the Office of Outdoor Recreation; authorizing the hiring of a director of the office and any other personnel necessary; setting forth the duties of the office; requiring an annual report to the Legislature; requiring collaboration with the West Virginia Development Office; requiring consultation with the outdoor recreation community; and authorizing the use of appropriated funds for a grant and loan program to further outdoor recreation in the state.

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

**By Senator Beach:**

**Senate Bill 61**—A Bill to amend and reenact §17C-15-26 of the Code of West Virginia, 1931, as amended, relating to safety of tow trucks, wreckers, and tilt-bed vehicles; authorizing red flashing warning lights on said vehicles under certain circumstances; and titling this bill in honor of Jeff Clovis.

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

**By Senator Beach:**

**Senate Bill 62**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-11-9b, relating to the Katherine Johnson Fair Pay Act of 2020; honoring Katherine Coleman Johnson; 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; making it unlawful for an employer to require a waiver of employees’ rights to disclose information about his or her wages, benefits, or other compensation or to share information about another employee’s wages, benefits, or other compensation; and limiting employers’ inquiry into applicants’ wage and salary history.

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

**By Senator Beach:**

**Senate Bill 63**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-29-1, §11-29-2, and §11-29-3, all relating to creating five-year tax credits for persons engaged in industrial hemp manufacturing; setting eligibility requirements for tax credit; establishing amount of tax credit allowed; establishing how the credit may be applied; and authorizing rules.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on Finance.

**By Senator Beach:**

**Senate Bill 64**—A Bill to amend and reenact §7-3-3 of the Code of West Virginia, 1931, as amended, relating to expanding county commissions’ ability to dispose of county or district property; and adding the ability of county commissions to dispose of the property to a nonprofit community or senior center organization without conducting a public sale.



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

**By Senator Lindsay:**

**Senate Bill 65**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2P-1, §16-2P-2, §16-2P-3, §16-2P-4, §16-2P-5, §16-2P-6, §16-2P-7, §16-2P-8, §16-2P-9, §16-2P-10, §16-2P-11, §16-2P-12, §16-2P-13, §16-2P-14, §16-2P-15, §16-2P-16, §16-2P-17, §16-2P-18, §16-2P-19, and §16-2P-20, all relating to establishing the Family and Medical Leave Insurance Benefits Act; defining terms; detailing eligibility requirements; declaring the duration of benefits authorized by the article; noting the amount of benefits; specifying contributions; setting certain requirements and entitlements under the article; protecting against certain adverse action for exercising certain rights under the article; prohibiting retaliation or discrimination under the article; declaring the article to run concurrently with other leave-related laws; requiring employers to provide certain notice; detailing the process for enforcing the article; addressing erroneous payments and disqualification; permitting self-employed persons to elect coverage with certain requirements; requiring the Insurance Commissioner to establish the Family and Medical Leave Insurance Program; requiring certain disclosures related to federal income tax; creating the Family and Medical Leave Insurance Account Fund; authorizing certain expenditures from the fund and investments of the fund; requiring annual reports to the Legislature; requiring the Insurance Commissioner to implement a public education program; encouraging the Insurance Commissioner to use state data collection and technology to integrate the program with other state policies; authorizing legislative rules by a certain date; and setting an effective date.

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

**By Senator Lindsay:**

**Senate Bill 66**—A Bill to amend and reenact §24-6-12 of the Code of West Virginia, 1931, as amended, relating to requiring

members of the State Police to follow the towing services policy of the county in which the member is located.

Referred to the Committee on Government Organization.

**By Senator Lindsay:**

**Senate Bill 67**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-30-14a, relating to social workers; and creating a litigation practice license for social workers.

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

**By Senator Lindsay:**

**Senate Bill 68**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-9-101, relating to designating social workers in the Department of Health and Human Resources to promote better student school attendance and performance, and the health and well-being of students at home; describing duties; and limiting use of information obtained.

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

**By Senator Lindsay:**

**Senate Bill 69**—A Bill to amend and reenact §5-10A-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-10D-1 of said code; and to amend said code by adding thereto a new article, designated §16-5VV-1, §16-5VV-2, §16-5VV-3, §16-5VV-4, §16-5VV-5, §16-5VV-6, §16-5VV-7, §16-5VV-8, §16-5VV-9, §16-5VV-10, §16-5VV-11, §16-5VV-12, §16-5VV-13, §16-5VV-14, §16-5VV-15, §16-5VV-16, §16-5VV-17, §16-5VV-18, §16-5VV-19, §16-5VV-20, §16-5VV-21, §16-5VV-22, §16-5VV-23, §16-5VV-24, §16-5VV-25, §16-5VV-26, §16-5VV-27, §16-5VV-28, §16-5VV-29, §16-5VV-30, §16-5VV-31, §16-5VV-32, §16-5VV-33, §16-5VV-34, and §16-5VV-35, all relating to the Consolidated Public Retirement Board; providing that the board administer the Emergency Medical Services Retirement

System; establishing the Emergency Medical Services Retirement System; setting forth definitions; including application of honorable service condition to plan participants; providing effective dates and voting requirement; establishing federal qualification requirements; providing for liberal construction; providing that plan is not a substitute for Social Security; providing for and setting membership standards; setting forth required contributions from members and employers; creating fund and providing for investments; providing for transfer from Public Employees Retirement System; setting time limits; setting forth notice requirements; providing for the commencement of benefits, federal law maximum benefit limitations, minimum required distributions, and direct rollovers; providing for retirement credited through member's use of accrued annual or sick leave; providing for retirement benefits; setting forth annuity options; providing for refunds in certain circumstances; providing for deferred retirement; providing for forfeitures of benefits; providing awards and benefits for duty-related disability and for other causes; requiring physical examinations; establishing criteria for termination of disability; providing for prior disability; providing awards and benefits to surviving spouse and additional death benefits and scholarships for dependent children; providing for burial benefit; prohibiting double death benefits; establishing exemption from taxation, garnishment, and other process; authorizing certain deductions; establishing the effect of qualified domestic relation orders; prohibiting fraud; establishing criminal penalties; requiring repayment in certain circumstances; providing for treatment of prior military service; establishing effective date of the system; providing voluntary employer participation; establishing starting date for benefits; limiting county liability; and providing for no forfeiture of benefits if system terminates.

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

**By Senator Prezioso:**

**Senate Bill 70**—A Bill to amend and reenact §21-11-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §21-11-10b and

§21-11-10c, all relating to requiring any newly constructed, state-assisted, detached single-family house, a townhouse, or multilevel dwelling unit, whether detached or attached to other units or structures, or a ground floor unit in a building of three or fewer dwelling units, to meet minimum standards of universal design for persons with disabilities.

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

**By Senator Tarr:**

**Senate Bill 71**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-4-703a, relating to requiring minors in possession of marijuana, and their parents or legal guardians, to attend classes teaching the dangers of marijuana; fees charged; and procedure for failure to attend.

Referred to the Committee on the Judiciary.

**By Senator Baldwin:**

**Senate Bill 72**—A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to exempting from property tax certain real properties in this state owned by a nonprofit corporation with the purpose of organizing, supporting, and maintaining a contemporary agricultural and industrial fair and exposition.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on Finance.

**By Senator Baldwin:**

**Senate Bill 73**—A Bill to amend and reenact §3-1-8 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-2-5 of said code, all relating to the criteria for political party status; allowing a group of affiliated voters to become a recognized political party if the group's candidate receives one percent of the votes in an election for any one of six statewide offices, including that of Governor, Secretary of State, Treasurer, Auditor, Attorney General, or Commissioner of Agriculture;

allowing a group of affiliated voters to become a recognized political party if 5,000 or more individuals have identified as members of the group on their current voter registration forms; and requiring voting registration forms to provide a space for individuals who do not select a political party affiliation to write the name of a group of affiliated voters to which they belong.

Referred to the Committee on the Judiciary.

**By Senator Baldwin:**

**Senate Bill 74**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §60A-9A-1, §60A-9A-2, §60A-9A-3, §60A-9A-4, §60A-9A-5, and §60A-9A-6, all relating to requiring wholesale drug distributors to report certain information to the West Virginia Board of Pharmacy.

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

**By Senator Baldwin:**

**Senate Bill 75**—A Bill to amend and reenact §54-2-9 of the Code of West Virginia, 1931, as amended, relating to changing the determination of just compensation to be paid to the landowner when eminent domain is used for a pipeline.

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

**By Senator Tarr:**

**Senate Bill 76**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-15C-1, §62-15C-2, §62-15C-3, §62-15C-4, and §62-15C-5, all relating to limiting the liability of employers in cases where convictions for certain crimes are expunged; requiring creation of a database record showing offenses were expunged; requiring courts to cross-reference database for expungements; providing that an employer is not liable to furnish health insurance or health care costs to persons whose records are expunged for drug

addiction related offenses or drug addiction related diseases; and providing exceptions.

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

**By Senator Takubo:**

**Senate Bill 77**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13FF-1, §11-13FF-2, §11-13FF-3, §11-13FF-4, §11-13FF-5, §11-13FF-6, §11-13FF-7, §11-13FF-8, and §11-13FF-9, all relating to establishing a tax credit for certain physicians who locate in this state to practice; providing for criteria for the tax credit; establishing education requirements; setting forth a time limit to claim the tax credit; setting forth length of residency requirements; setting forth findings; defining terms; authorizing the credit; specifying the amount of the tax credit; providing how the credit may be asserted; specifying no tax credit carryover; allowing forms and schedules to be established by the Tax Commissioner in rule; setting maximum amount per taxpayer per year; authorizing the Tax Commissioner to promulgate rules; and setting effective date.

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

**By Senator Smith:**

**Senate Bill 78**—A Bill to amend and reenact §49-4-605 of the Code of West Virginia, 1931, as amended, relating to termination of parental rights; and requiring the Department of Health and Human Resources to file a petition to terminate parental rights when a parent has, on two separate occasions, had their child removed from their care and determined by a court to have subjected that child to abuse or neglect.

Referred to the Committee on the Judiciary.

**By Senator Smith:**

**Senate Bill 79**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §37-4-9; and to amend and reenact §55-12A-7 of said code, all

relating to proceeds from certain oil and gas wells that are due to persons whose name or address are unknown are to be kept in a special fund and if unclaimed within seven years the proceeds shall be transferred to the Oil and Gas Reclamation Fund; providing that if there is a surface disturbance those named surface owners of a leased interest subject to pooling for a horizontal well are the only surface owners insofar as the well permit is concerned; providing that if another surface owner should become known his or her name shall be added as a surface owner on the permit; providing that if proceeds from other mineral tracts in a unit or pool of a horizontal well are not claimed by an unknown, missing, or abandoned owner within seven years the proceeds shall be transferred to the Oil and Gas Reclamation Fund; providing that certain provisions take effect beginning when funds have been unclaimed for seven years after the special commissioner's lease regardless of when the lease was signed; and authorizing rulemaking.

Referred to the Committee on the Judiciary.

**By Senator Smith:**

**Senate Bill 80**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3tt, relating to allowing county commissions to impose an amusement tax.

Referred to the Committee on Government Organization.

**By Senator Smith:**

**Senate Bill 81**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-4-9b, relating to the termination, expiration, or cancellation of oil or natural gas leases; providing a requirement for a lessee to execute and deliver to the lessor, within a specified time and without cost, a recordable release for terminated, expired, or canceled oil or natural gas leases; providing for a procedure by which a lessor may serve notice to a lessee if a lessee fails to timely provide the release; providing requirements for the content of the notice; requiring a lessee to timely notify the lessor in writing of a dispute regarding the termination, expiration, or cancellation of the oil and natural gas lease; providing for an affidavit of termination,

expiration, or cancellation with specified contents; providing a requirement that county clerks accept and record said affidavit; and providing that with proper notification by the lessor and in the absence of a dispute by the lessee, an affidavit of termination, expiration, or cancellation, upon recordation by a county clerk, creates a rebuttable presumption of termination and cancellation of the oil or natural gas lease for certain interests and renders the recorded oil or natural gas lease as insufficient notice of the recorded lease under the notice statute.

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

**By Senator Smith:**

**Senate Bill 82**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-10A-1, §22-10A-2, §22-10A-3, §22-10A-4, §22-10A-5, §22-10A-6, §22-10A-7, §22-10A-8, §22-10A-9, and §22-10A-10, all relating to creating the Orphan Oil and Gas Well Prevention Act; providing for a short title; providing for legislative findings and declarations; providing for restrictions to permit oil and natural gas wells, certain prohibitions, and requiring plugging assurance requirements; providing for limitations on the transfer of wells; providing for responsibility of previous operators to plug transferred wells; providing for different methods for operators to provide plugging assurance of wells, including for wells not producing in paying quantities; providing administrative and management responsibilities for the Chief of the Office of Oil and Gas and the State Treasurer regarding plugging assurance funds; providing clarifications regarding the duties of mineral and surface owners; providing for rule-making authority and severability; and providing an effective date.

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

**By Senator Smith:**

**Senate Bill 83**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2P-1, §16-2P-2, §16-2P-3, §16-2P-4, §16-2P-5, §16-2P-6, §16-2P-



7, §16-2P-8, §16-2P-9, §16-2P-10, and §16-2P-11, all relating to enacting the Fetal Heartbeat Act; prohibiting abortions when a fetal heartbeat is detected; providing that the article applies only to intrauterine pregnancies; providing exceptions; making findings; providing for severability; establishing standards, requirements, and procedures; requiring documentation; requiring notice and acknowledgments; establishing criminal penalties; permitting civil actions; defining terms; and providing for rulemaking.

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

**By Senator Smith:**

**Senate Bill 84**—A Bill to amend and reenact §22-6A-7 of the Code of West Virginia, 1931, as amended, relating to allowing for expedited oil and gas well permitting and expedited oil and gas well permit modifications upon the payment of applicable expedited fees; designating the proceeds of such expedited fees; providing for the daily pro rata refund of the expedited fees if the permit is not approved between day 45 and day 60 after the submission of a permit application; providing for the daily pro rata refund of one half of the modification fees between day 10 and day 20 after the submission of a permit modification application; and relating generally to horizontal well oil and gas permitting.

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

**By Senator Baldwin:**

**Senate Bill 85**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-10b, relating to providing a credit against personal income tax for classroom teachers for nonreimbursed costs of supplies; and setting a maximum credit of \$500.

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

**By Senator Baldwin:**

**Senate Bill 86**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25; to amend said code by adding thereto a new section,

designated §18-2-43; and to amend said code by adding thereto a new section, designated §18B-2A-9, all relating to establishing the Stay in State tax credit against personal income for higher education tuition of certain state residents; creating credit for student loan payments of all in-state community college, college, or university undergraduates and their in-state employers against personal income tax; establishing conditions and qualifications for the tax credit; providing methodology for calculating credit; providing for graduate and employer eligibility of payments against student loans for employees; defining terms; and providing for the board of education, State Board of Education, and governing boards of colleges' promotion of the program.

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

**By Senator Baldwin:**

**Senate Bill 87**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §4-2A-5a, relating to drug testing of legislators.

Referred to the Committee on the Judiciary.

**By Senator Baldwin:**

**Senate Bill 88**—A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, relating to mobility impairment identifying documents.

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

**By Senator Baldwin:**

**Senate Bill 89**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5H-1, §16-5H-2, §16-5H-3, §16-5H-4, §16-5H-5, and §16-5H-6, all relating to creating the Wholesale Prescription Drug Importation Program; setting requirements for the design of the program; setting certain deadlines for the implementation of the program; requiring monitoring for anticompetitive behavior; ensuring compliance with federal law; requiring a plan for program

financing to be provided to the Joint Committee on Government and Finance; authorizing emergency rule-making authority; providing for certain implementation requirements; and requiring annual reporting to the Legislature.

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

**By Senator Baldwin:**

**Senate Bill 90**—A Bill to amend and reenact §3-1-37 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-9-6 and §3-9-9 of said code, all relating to adjusting the distance from a polling place that certain electioneering and election-related activity is prohibited; making legislative findings and justifications for the changes; and ensuring consistency in the law with respect to application of the distances within which certain conduct is prohibited at polling places.

Referred to the Committee on the Judiciary.

**By Senator Baldwin:**

**Senate Bill 91**—A Bill to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating to permitting honorably discharged veterans to hunt, trap, or fish in this state without first obtaining a license.

Referred to the Committee on Natural Resources; and then to the Committee on Finance.

**By Senator Baldwin:**

**Senate Bill 92**—A Bill to amend and reenact §11-6B-3 of the Code of West Virginia, 1931, as amended, relating to exempting the first \$150,000 of the assessed value of a person's primary residence in this state if the person is a veteran and is permanently and totally physically or mentally disabled.

Referred to the Committee on Finance.

**By Senator Baldwin:**

**Senate Bill 93**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated

§16-5S-9a, relating to creating the shared table initiative for senior citizens who suffer from food insecurity; stating findings; acknowledging the success of a similar initiative in public schools; stating the purpose of the bill; granting rule-making authority with certain minimum contents; stating certain requirements for guidelines and guidance policies; stating certain requirements regarding health guidelines, compliance, and coverage; authorizing certain collaboration; and authorizing the Bureau for Senior Services to make certain requirements.

Referred to the Committee on Government Organization.

**By Senators Trump, Weld, Azinger, Baldwin, Beach, Clements, Cline, Hardesty, Jeffries, Lindsay, Maynard, Pitsenbarger, Romano, Rucker, Smith, Takubo, and Woelfel:**

**Senate Bill 94**—A Bill to amend and reenact §3-3-1, §3-3-2, §3-3-2b, §3-3-4, §3-3-5, and §3-3-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §3-3-1a, all relating generally to absentee voting; clarifying that voters with disabilities prevented from voting in person may vote by mail-in absentee ballot; providing that voters with physical disabilities may vote by electronic absentee ballot; clarifying that certain overseas military members and citizens may vote by electronic absentee ballot; defining terms; providing that a voter with a physical disability may electronically submit an application to vote absentee; providing that the information collected in the application to be placed on the special absentee voting list include whether a voter with a physical disability requests an electronic absentee ballot; clarifying that a voter with a physical disability can receive assistance to vote in certain circumstances; establishing requirements and deadlines for transmission, submission, and acceptance of electronic absentee ballots; and updating obsolete terms.

Referred to the Committee on the Judiciary.

**By Senator Tarr:**

**Senate Bill 95**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-

16-6, relating to authorizing the West Virginia Public Employees Insurance Agency to establish base benefits insurance plans.

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

**By Senator Trump:**

**Senate Bill 96**—A Bill to amend and reenact §8-12-5a of the Code of West Virginia, 1931, as amended, relating to prohibiting municipalities from limiting the rights of persons to purchase, possess, transfer, own, carry, transport, sell, or store deadly weapons or pepper spray in any manner inconsistent with or in conflict with state law; and restricting the award of reasonable attorney's fees and costs to petitioners seeking redress under this law to only those that prevail.

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

**By Senator Trump:**

**Senate Bill 97**—A Bill to amend and reenact §51-9-10 of the Code of West Virginia, 1931, as amended, relating to adding a circumstance, a delay by the Governor in filling a judicial vacancy, to the circumstances in which a senior judge or justice may continue to receive per diem compensation after the judge or justice has already received the amount of the annual salary of a sitting circuit judge.

Referred to the Committee on the Judiciary.

**By Senator Smith:**

**Senate Bill 98**—A Bill to amend and reenact §62-12-9 of the Code of West Virginia, 1931, as amended, relating to requiring probationers who have served 10 or more years to participate in a work release program and spend six months in a work release center; and requiring that 70 percent of their earnings be held in an account and provided to them at the successful completion of the six-month period.

Referred to the Committee on the Judiciary.

**By Senator Romano:**

**Senate Bill 99**—A Bill to amend and reenact §3-2-6 of the Code of West Virginia, 1931, as amended, relating to allowing voters who register in person at the office of the county clerk to register and vote during early in-person voting.

Referred to the Committee on the Judiciary.

**By Senator Romano:**

**Senate Bill 100**—A Bill to amend and reenact §60A-4-401 of the Code of West Virginia, 1931, as amended, relating to providing that the penalty for possession of marijuana carries a fine of no more than \$1,000 without confinement.

Referred to the Committee on the Judiciary.

**By Senator Romano:**

**Senate Bill 101**—A Bill to amend and reenact §23-4-1f of the Code of West Virginia, 1931, as amended, relating to allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder resulting from an event that occurred during their employment.

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

**By Senator Palumbo:**

**Senate Bill 102**—A Bill to amend and reenact §3-10-5, §3-10-6, §3-10-7, and §3-10-8 of the Code of West Virginia, 1931, as amended, all relating to requiring vacancies in the House of Delegates, State Senate, circuit court clerk, county commission, county clerk, prosecuting attorney, sheriff, assessor, or county surveyor be filled by a person affiliated with the same party as the person vacating the office was affiliated at the time of his or her last election to the office or, if not elected, at the time of his or her appointment.

Referred to the Committee on the Judiciary.

**By Senator Tarr:**

**Senate Bill 103**—A Bill to amend and reenact §3-2-31 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-3-3 of said code, all relating to updating election law by providing language governing new election systems; and allowing voters during in-person early voting to change their address and vote the proper ballot without challenge.

Referred to the Committee on the Judiciary.

**By Senator Azinger:**

**Senate Bill 104**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §37D-1-1, §37D-1-2, §37D-1-3, §37D-1-4, §37D-1-5, §37D-1-6, §37D-2-1, §37D-2-2, §37D-2-3, §37D-2-4, §37D-2-5, §37D-2-6, §37D-2-7, and §37D-2-8, all relating to creating the Timber Cotenancy Modernization and Majority Protection Act and the Unknown and Unlocatable Timber Interest Owners Act; permitting the harvest of timber by fewer than all the interest owners under certain conditions; providing an exception to waste and trespass; providing short titles; providing declarations of public policy and legislative findings; providing definitions; providing that consent for the lawful use and harvesting of timber by the persons owning an undivided three fourths of the royalty interests, as defined, in the timber estate is permissible, is not waste, and is not trespass; providing that nonconsenting cotenants may elect a harvest royalty interest or a working interest share of harvest; providing that interests owned by unknown or unlocatable owners be reserved, reported, and deposited in a fund hereby created, known as the Unknown and Unlocatable Timber Interest Owners Fund to be administered by the State Treasurer in conjunction with the West Virginia Uniform Unclaimed Property Act; providing methods for determination of leasehold and contractual terms, including reviews and determinations; providing liability protection for damages resulting from the lawful use or harvesting of timber; requiring surface use agreements in specified circumstances; providing a mechanism for surface owners to acquire title to certain harvested timber interests; preserving common law rights; providing reporting requirements and administrative duties,

including civil penalties for noncompliance under the West Virginia Uniform Unclaimed Property Act; providing for rule-making authority; providing crediting of interest to owner's accounts; and providing an effective date of July 1, 2020.

Referred to the Committee on the Judiciary.

**By Senator Cline:**

**Senate Bill 105**—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, 2020, to the Department of Military Affairs and Public Safety, Fire Commission, fund 0436, fiscal year 2020, organization 0619, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020.

Referred to the Committee on Finance.

**By Senator Cline:**

**Senate Bill 106**—A Bill to amend and reenact §5-1-25 of the Code of West Virginia, 1931, as amended, relating to making daylight saving time the official time in West Virginia, year round.

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

**By Senator Cline:**

**Senate Bill 107**—A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to requiring satisfactory completion of a class in personal finance to graduate from high school.

Referred to the Committee on Education.

**By Senator Cline:**

**Senate Bill 108**—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, 2020, to the Department of Military Affairs and Public Safety, Fire Commission, fund 0436, fiscal year 2020, organization 0619, by supplementing and amending the



appropriations for the fiscal year ending June 30, 2020, by adding a new line item.

Referred to the Committee on Finance.

**By Senator Palumbo:**

**Senate Bill 109**—A Bill to amend and reenact §7-11B-3, §7-11B-4, and §7-11B-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §7A-2-4 of said code; and to amend said code by adding thereto a new section, designated §7A-2-5, all relating to incentives for consolidating local governments; amending the definitions of certain terms to include municipalities that successfully consolidated; granting additional powers to governing bodies of municipalities that successfully consolidated; authorizing municipalities that successfully consolidate additional powers related to creation of a development or redevelopment district; allowing consolidation of local governments to include public school districts, library districts, and fire districts; creating certain incentives for municipalities that consolidate; creating certain incentives for counties that consolidate; and creating certain incentives for municipalities and counties that form metro governments by consolidation.

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

**By Senator Palumbo:**

**Senate Bill 110**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §1-2-2a, relating to creating the Independent Redistricting Commission; designating duties of the commission; providing that members are nominated by State Election Commission; setting forth required traits and restrictions of members; providing for how commission members are appointed; setting forth a process for determining the chair of the commission; providing for the filling of vacancies of commission; requiring members to conduct an organizational meeting and select a vice chairperson; providing for the removal of a member for cause; providing for the filling of vacancies that may occur on commission; setting forth certain requirements of the commission; providing that three members

constitute a quorum; providing that members are ineligible for public office or registration as paid lobbyist for three years after completing their last term on commission; requiring that commission plan and propose congressional and legislative districts; providing specific criteria that commission must observe in proposing district mappings; requiring commission to advertise a proposed draft map of districts to the public; permitting legislators to make inquiry of commission members regarding their methodology and proposed redistrict mapping; requiring that commission publish its proposals for district boundaries; requiring the commission to recommend redistricting plans to the Legislature; authorizing a vote on the plans in an extraordinary session called by the Governor; requiring the full Legislature to vote on the first proposal plan ratification without amendment; setting forth a process for subsequent proposed plans, amendment restrictions, and vote requirements; authorizing the West Virginia Supreme Court of Appeals to make the final determination between three plans proposed by the Independent Redistricting Commission if the Legislature and Governor cannot agree; requiring that the commission certify to Secretary of State that its proposals for district boundaries is in accordance with constitutional and legal requirements; providing for reimbursement of expenses and per diem allowances for commission members; authorizing the commission to contract for staffing and consultants; prohibiting certain persons from influencing or attempting to influence district mapping proposals of the commission; and providing for the expiration of commission appointments.

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

**By Senator Palumbo:**

**Senate Bill 111**—A Bill to amend and reenact §16-9A-2 and §16-9A-4 of the Code of West Virginia, 1931, as amended, all relating generally to tobacco usage and e-cigarette restrictions; defining terms; prohibiting e-cigarettes on certain public school property by persons under the age of 18 at certain times; and increasing the penalty for certain tobacco-related and e-cigarette offenses on public school property.

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

**By Senator Ihlenfeld:**

**Senate Bill 112**—A Bill to amend and reenact §6B-2-5 of the Code of West Virginia, 1931, as amended, relating to prohibiting members of the Legislature and part-time public officials from having an interest in public contracts under certain circumstances; requiring certain disclosures; and requiring the Ethics Commission to conduct oversight and make a public statement in certain circumstances.

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

**By Senator Romano:**

**Senate Bill 113**—A Bill to amend and reenact §3-8-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §3-8-8a, all relating to requiring certain disclosures of election expenditures; clarifying when contributions are required to be disclosed; creating exceptions; clarifying that certain federal entities must make certain state disclosures; requiring disclosure of covered transfers; stating legislative findings; defining terms; providing requirements for disclosure of donations related to the transfer of certain sums of money related to campaign-related disbursements; requiring certain disclosures be made within 48 hours; specifying information required in the disclosures; clarifying the relationship between covered transfers and other regulated areas of election expenditures; creating a misdemeanor offense; and authorizing rulemaking.

Referred to the Committee on the Judiciary.

**By Senator Romano:**

**Senate Bill 114**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-11-1 and §9-11-2, all relating to providing continued eligibility for developmental disability services to dependents of military service members; defining terms; establishing dependents retention of

rights for developmental disability services provided conditions are met; providing dependents be placed on waiting list for services; establishing a process to reestablish services for dependent upon return to state; prohibiting payment for services rendered outside state; and providing for rulemaking.

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

**By Senator Romano:**

**Senate Bill 115**—A Bill to amend and reenact §33-3-33 of the Code of West Virginia, 1931, as amended, relating to surcharge on fire and casualty insurance policies for purpose of funding volunteer fire departments; providing that surcharge be increased to one percent beginning January 1, 2020; and deleting obsolete language.

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

**By Senator Romano:**

**Senate Bill 116**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-3-33c, relating to creating a surcharge on fire and casualty insurance policies in order to relieve the burden from municipalities and counties of certain fire-related cleanup and demolition; requiring the assessment of a surcharge on certain policies; creating exceptions; setting forth collection and remittance requirements; authorizing penalties; creating the Political Subdivisions Fire Cleanup Relief Fund; permitting municipalities and counties to apply to the Treasurer for a disbursement from the fund; authorizing the Treasurer to disburse funds; and granting rule-making authority.

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

**By Senator Romano:**

**Senate Bill 117**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-

10-22m; and to amend said code by adding thereto a new section, designated §18-7A-26x, all relating to a \$1,000 cost-of-living adjustment to certain retirees of the Public Employees Retirement System and the State Teachers Retirement System by June 30, 2021; and providing for the pro rata distribution of the cost-of-living adjustment to certain beneficiaries.

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

**By Senator Romano:**

**Senate Bill 118**—A Bill to amend and reenact §5G-1-3 of the Code of West Virginia, 1931, as amended, relating to modifying the procedure certain public agencies must take in order to contract for certain architectural and engineering services; requiring joint discussions with prospective architectural or engineering firms in certain situations; permitting contract proposals with a fee for service from the firms; replacing the single entity negotiations with a competitive low-bid process; and allowing for the public agency to reject all proposed contracts and seek proposals from additional firms.

Referred to the Committee on Government Organization.

**By Senator Romano:**

**Senate Bill 119**—A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended, relating to creating an online voters' guide; requiring all information in the certificate of announcement; permitting candidates running for statewide office to submit a personal statement; directing the State Election Committee to create the guide; and requiring the Secretary of State post the voters' guide on its website.

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

**By Senator Romano:**

**Senate Bill 120**—A Bill to amend and reenact §22-10-6 of the Code of West Virginia, 1931, as amended, relating to the establishment of priorities for expenditures for plugging abandoned gas or oil wells; and to require money that results from

the forfeiture of an oil and gas operator's bond as a result of the operator's failure to plug a well or otherwise comply with state statutes and rules to first be applied to correct or mitigate an immediate threat to the environment or hindrance or impediment to the development of mineral resources of this state that caused the forfeiture of the bond.

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

**By Senator Romano:**

**Senate Bill 121**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-9-1, §12-9-2, and §12-9-3, all relating to creating the Corporate Anti-Subsidy Act; permitting West Virginia to enter into the Interstate Compact Agreement Prohibiting Company-Specific Subsidies; and setting a level playing field that would abolish the nation-wide practice of company-specific subsidies that currently pits states against one another.

Referred to the Committee on Interstate Cooperation; and then to the Committee on Government Organization.

**By Senator Trump:**

**Senate Bill 122**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-4-1, §4-4-2, §4-4-3, §4-4-4, §4-4-5, and §4-4-6, all relating to the Appropriation Supremacy Act of 2020; providing title; defining appropriation; stating findings and purpose; establishing that appropriations by the Legislature take precedence over contrary directives in statute or rules; requiring liberal construction of article; and recognizing constitutional restrictions on appropriations.

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

**By Senator Trump:**

**Senate Bill 123**—A Bill to amend and reenact §47-15-1 and §47-15-2 of the Code of West Virginia, 1931, as amended, all relating to pyramid promotional schemes; defining terms; prohibiting pyramid promotional schemes; allowing certain plans

or operations which do not cause inventory loading and implement a bona fide inventory repurchase program; specifying requirements for recruiting literature, sales manuals, and contracts; providing that a bona fide inventory repurchase program is not required to apply to certain inventory; and requiring certain disclosures.

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

**By Senator Trump:**

**Senate Bill 124**—A Bill to amend and reenact §31B-3-303 of the Code of West Virginia, 1931, as amended, relating to establishing that the intent and policy of the Legislature is that common law corporate “veil piercing” claims may not be used to impose personal liability on a member or manager of a limited liability company; and nullifying the Supreme Court of Appeals of West Virginia’s decision in *Joseph Kubican v. The Tavern, LLC.*, 232 W. Va. 268, 752 S.E.2d 299 (2013).

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 125**—A Bill to amend and reenact §61-8B-11 of the Code of West Virginia, 1931, as amended, relating generally to evidence in prosecution for sexual offenses; prohibiting a victim from being subjected to certain physical examinations; and providing that a victim’s refusal to undergo certain physical examinations does not preclude admission of evidence regarding other physical examinations.

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 126**—A Bill to amend and reenact §3-10-3a of the Code of West Virginia, 1931, as amended; to amend and reenact §23-5-10 of said code; to amend said code by adding thereto a new section, designated §23-5-11a; to amend and reenact §29A-5-4 of said code; to amend and reenact §29A-6-1 of said code; to amend said code by adding thereto a new section, designated §51-2A-24; to amend and reenact §51-9-1a of said code; to amend said code by

adding thereto a new article, designated §51-11-1, §51-11-2, §51-11-3, §51-11-4, §51-11-5, §51-11-6, §51-11-7, §51-11-8, §51-11-9, §51-11-10, §51-11-11, §51-11-12, §51-11-13, and §51-11-14; and to amend and reenact §58-5-1 of said code, all relating generally to the West Virginia Appellate Reorganization Act of 2020; terminating the Workers' Compensation Board of Review and transferring duties to the Intermediate Court of Appeals; requiring board to dispose of cases by a certain date; requiring contested cases under State Administrative Procedures Act to go to the Intermediate Court of Appeals; transferring jurisdiction for review of family court final orders from circuit courts to Intermediate Court of Appeals; placing judges of Intermediate Court of Appeals under the judicial retirement system; altering the residency requirements for membership on the Judicial Vacancy Advisory Commission; creating the Intermediate Court of Appeals; providing a short title; providing legislative findings; defining terms; establishing and defining two geographical districts of the Intermediate Court of Appeals; requiring three-judge panels for proceedings; authorizing jurisdiction of the Intermediate Court of Appeals over certain matters; specifically excluding certain matters from jurisdiction of the Intermediate Court of Appeals; providing eligibility criteria for judges of the Intermediate Court of Appeals; providing that no two judges of the Intermediate Court of Appeals may be residents of the same state senatorial district or of the same county; providing a process for appointment of judges to the Intermediate Court of Appeals to staggered judicial terms; providing that the Governor's appointments are subject to Senate confirmation; providing that judges of the Intermediate Court of Appeals may not be candidates for any elected office during judicial term; providing for temporary filling of judicial vacancy occurring before the expiration of an appointed judge's term; establishing certain requirements for the filing of appeals to the Intermediate Court of Appeals; clarifying that an appeal bond may be required before appeal to the Intermediate Court of Appeals may take effect; requiring the chief judge of each Intermediate Court of Appeals district to publish and submit certain reports to the Legislature and Supreme Court of Appeals regarding pending cases; authorizing filing fees; providing for deposit of filing fees in a special revenue account to fund the State Police Forensic



Laboratory; recognizing the constitutional authority of the Supreme Court of Appeals to exercise administrative authority of the Intermediate Court of Appeals; providing that procedures and operations of the Intermediate Court of Appeals shall comply with rules promulgated by the Supreme Court of Appeals; requiring that appeals to the Intermediate Court of Appeals be filed with the Clerk of the Supreme Court of Appeals; providing that Intermediate Court of Appeals proceedings take place in publicly available facilities across the state; granting the Intermediate Court of Appeals discretion to require oral argument; authorizing the Administrative Director of the Supreme Court of Appeals to employ staff for Intermediate Court of Appeals operations; providing that the budget for Intermediate Court of Appeals operations shall be included in the appropriation for the Supreme Court of Appeals; authorizing the Intermediate Court of Appeals to issue opinions as binding precedent for respective districts; providing for discretionary review of Intermediate Court of Appeals decisions by Supreme Court of Appeals; authorizing an annual salary, retirement benefits, and reimbursement of expenses for judges of the Intermediate Court of Appeals; providing for reimbursement of expenses of Intermediate Court of Appeals staff; providing for sunset of the Intermediate Court of Appeals on certain date unless continued by the Legislature; and providing that certain appeals are reviewed and a written decision issued by either the Intermediate Court of Appeals or the Supreme Court of Appeals, as a matter of right.

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

**By Senator Trump:**

**Senate Bill 127**—A Bill to amend and reenact §18B-2A-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18B-3C-9 of said code, all relating to authorizing a governing board of a state institution of higher education to eliminate tenure for faculty at the institution under its jurisdiction; and removing prior exemptions.

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

**By Senator Cline:**

**Senate Bill 128**—A Bill to amend and reenact §61-2-10b of the Code of West Virginia, 1931, as amended, relating to increasing the criminal penalties for malicious assault, unlawful assault, and assault on a law-enforcement officer.

Referred to the Committee on the Judiciary.

**By Senator Cline:**

**Senate Bill 129**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-6-1a, relating to authorizing the Commissioner of the Division of Highways or local authorities to establish minimum speed limits in certain congested areas; and imposing fines.

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

**By Senator Trump:**

**Senate Bill 130**—A Bill to amend and reenact §17C-5-2, §17C-5-2b, §17C-5-4, §17C-5-7, and §17C-5-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §17C-5A-1, §17C-5A-1a, and §17C-5A-3 of said code; to amend said code by adding thereto two new sections, designated §17C-5A-1b and §17C-5A-1c; to amend said code by adding thereto a new section, designated §17C-5C-6; and to amend and reenact §17C-19-3 of said code, all relating generally to the procedures for drivers' license suspensions and revocations for driving under the influence of alcohol, controlled substances, or drugs; transferring authority for hearing matters related to suspensions or revocations of drivers' license for operating a motor vehicle while under the influence of alcohol, controlled substances, or drugs from the Office of Administrative Hearings to courts; establishing mandatory revocation periods for individuals convicted of driving under the influence; authorizing alternate revocation period involving participation in Motor Vehicle Alcohol Test and Lock Program for certain first offenses; establishing mandatory revocation periods for individuals upon subsequent convictions for driving under the influence; directing Commissioner of Division of Motor Vehicles to revoke driver's license upon conviction for driving under the

influence; requiring individuals whose driver's licenses have been revoked upon conviction for driving under the influence to complete comprehensive safety and treatment program before driver's license can be reinstated; prohibiting persons convicted of certain felonies from participating in Motor Vehicle Alcohol Test and Lock Program; permitting persons convicted of certain misdemeanors to participate in Motor Vehicle Alcohol Test and Lock Program; requiring driver consent prior to imposing participation in Motor Vehicle Alcohol Test and Lock Program; requiring any period of revocation imposed pursuant to a conviction begin once any period of incarceration has been served; making individuals who are found guilty of driving under the influence ineligible for deferral of further proceedings upon condition of participation in Motor Vehicle Alcohol Test and Lock Program; requiring deferral program to be completed within one year; prohibiting secondary test of blood without issuance of warrant signed by a magistrate or circuit judge; authorizing secondary test of blood with written consent; requiring that individual arrested for driving under the influence be advised verbally of certain consequences for refusal to submit to secondary chemical test; requiring that individual arrested for driving under the influence be given written statement informing the individual of legal consequences of taking or refusing to submit to secondary chemical test and informing the individual of right to receive secondary blood test; requiring arresting officer to wait 15 minutes before refusal considered final; requiring that, following an individual's refusal to submit to secondary chemical test, an arresting officer execute a signed statement that the officer administered all required warnings; directing officer to submit copy of written statement to Commissioner of Division of Motor Vehicles and court having jurisdiction over charges filed against the individual; eliminating all statutory provisions authorizing or requiring the Commissioner of the Division of Motor Vehicles to take administrative action upon an individual's driver's license on the basis of a driving under the influence arrest absent direction from court; directing Bureau for Public Health to prepare report for Joint Committee on Government and Finance related to minimum levels of drugs and controlled substances to be admitted as prima facie evidence of driving under the influence and minimum levels

that laboratories can reliably identify and measure in blood; limiting administrative jurisdiction of Division of Motor Vehicles and Office of Administrative Hearings to offenses occurring on or before June 30, 2021; providing that administrative hearings relating to refusal to undergo a secondary chemical test do not apply to offenses occurring on or after July 1, 2021; eliminating requirement for an order entered by the Division of Motor Vehicles revoking a driver's license to advise of procedures for requesting administrative hearing when the offense is driving under the influence; limiting the right of individuals to challenge suspension or revocation of driver's licenses to the issue of mistaken identity; requiring the commissioner to take corrective action if a driver's license is incorrectly suspended or revoked based on mistaken identity; providing that plea of no contest constitutes a conviction; requiring pretrial suspension of driver's license if individual refuses to submit to secondary chemical test; permitting pretrial suspension of driver's license by court under certain circumstances; establishing right to request and receive hearing of suspension orders pending criminal proceedings in court where case is pending; setting time limits for defendant to request hearing and for hearing to be held; requiring the clerk of a court to transmit a copy of an order suspending or revoking a driver's license and any surrendered license to the Division of Motor Vehicles; providing terms and length of pretrial license suspension; giving persons convicted of driving under the influence credit for pretrial suspension time against period of revocation imposed; authorizing court to modify pretrial suspension of driver's license; providing that any period of modified pretrial driver's license suspension is not credited against future period of revocation imposed; establishing the scope of review for judicial review of pretrial driver's license suspension for refusal to submit to secondary chemical test; directing clerk of court to forward orders on refusal hearings to Division of Motor Vehicles; providing that finding of driver refusal is final if no hearing requested; prescribing periods of revocation for Commissioner of Division of Motor Vehicles to impose upon receipt of court order on refusal; directing copy of revocation order to be sent to person by certified mail; specifying contents of order; providing that revocation for refusal run concurrently with other revocation imposed as a result of same

incident that led to refusal; making persons convicted of driving under the influence eligible for participation in comprehensive safety and treatment program and related reductions in length of revocation for successful completion thereof; establishing procedures and timeline for the Office of Administrative Hearings to transfer jurisdiction of certain driver's license suspension and revocation matters to the courts; establishing timeline for Office of Administrative Hearings to transfer jurisdiction of certain driver's license suspension and revocation matters to Division of Motor Vehicles; directing arresting officer to request, and driver to surrender, driver's license upon arrest for driving under the influence; eliminating obsolete language; and making technical corrections.

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

**By Senator Trump:**

**Senate Bill 131**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25c, relating to education; creating the Tim Tebow Act; permitting students instructed at home, by a private tutor, or enrolled in a private, parochial, or church school, or a school operated by a religious order, who do not attend a school that is a member of the West Virginia Secondary School Activities Commission to participate in extracurricular activities that are under the authority of the commission at a school that is a member of the commission; providing requirements, standards, and insurance coverage; and providing that accommodating schools may not be impeded from competing against other schools.

Referred to the Committee on Education.

**By Senator Smith:**

**Senate Bill 132**—A Bill to amend and reenact §11-6A-5a of the Code of West Virginia, 1931, as amended, relating to pollution control facilities tax treatment; clarifying that wind power projects are not pollution control facilities for purposes of this article; and providing that wind power projects be taxed at the real property rate.

Referred to the Committee on Finance.

**By Senator Smith:**

**Senate Bill 133**—A Bill to amend and reenact §46A-6B-3 of the Code of West Virginia, 1931, as amended, relating to the use of aftermarket crash parts by a motor vehicle repair shop; and requiring new original equipment parts be used in order to maintain the manufacturer's warranty.

Referred to the Committee on the Judiciary.

**By Senator Smith:**

**Senate Bill 134**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-9-1, relating to transferring child welfare enforcement responsibilities to the West Virginia State Police; transferring employees, funds, and property of the Department of Health and Human Resources to the West Virginia State Police; providing that transferred employees remain in the Civil Service System, continue to participate in Public Employees Retirement System Insurance, and continue to be covered by the Public Employees Insurance Act; and requiring rulemaking.

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

**By Senator Swope:**

**Senate Bill 135**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5A-1, §21-5A-2, §21-5A-3, and §21-5A-4, all relating to prohibiting political subdivisions from enacting certain ordinances, regulations, local policies, local resolutions, or other legal requirements; providing a short title; defining terms; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates information requested, required, or excluded on an application for employment; providing an exception; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer to pay a wage higher than any

applicable state or federal law; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer to pay wages or fringe benefits based on a rate prevailing in the locality; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates work stoppage, strike activity, or means by which employees organize; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer to provide paid or unpaid leave time; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer or its employees to participate in an apprenticeship or apprenticeship training program not required by federal or state law; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates an employee's hours and scheduling; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates standards or requirements regarding the sale or marketing of consumer merchandise that are different from or in addition to state law; providing an exception; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates standards of care or conduct of certain professions; clarifying effect on prior written agreements; providing that any prohibited ordinance, regulation, local policy, local resolution, or other legal requirement in effect prior to the effective date is void; providing that the prohibitions do not apply to employees of a political subdivision; and clarifying the effect on the West Virginia Alcohol and Drug-Free Workplace Act.

Referred to the Committee on the Judiciary.

**By Senator Swope:**

**Senate Bill 136**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-

28-1, §47-28-2, §47-28-3, and §47-28-4, all relating to prohibiting certain misleading lawsuit advertising practices; providing for certain disclosures and warnings in lawsuit advertising for the protection of patients; and imposing criminal penalties.

Referred to the Committee on the Judiciary.

**By Senator Blair:**

**Senate Bill 137**—A Bill to amend and reenact §16-2-14 of the Code of West Virginia, 1931, as amended, relating to employees of local boards of health; making legislative findings; requiring the Legislature to provide funds to Department of Health and Human Resources to provide local boards of health funds for pay raises for employees when the Legislature provides funds for across-the-board pay raises for state employees; limiting Department of Health and Human Resources from using provided funds for any other purpose; requiring annual funding to continue pay raises; and prohibiting Department of Health and Human Resources from placing additional restrictions or obligations on provided funds.

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

**By Senator Blair:**

**Senate Bill 138**—A Bill to amend and reenact §7-11B-3, §7-11B-4, and §7-11B-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §7A-2-4 of said code; and to amend said code by adding thereto a new section, designated §7A-2-5, all relating to incentives for consolidating local governments; amending the definitions of certain terms to include municipalities that successfully consolidated; granting additional powers to governing bodies of municipalities that successfully consolidated; authorizing municipalities that successfully consolidate additional powers related to creation of a development or redevelopment district; allowing consolidation of local governments to include public school districts, library districts, and fire districts; creating certain incentives for municipalities that consolidate; creating certain incentives for counties that consolidate; and creating certain incentives for municipalities and counties that form metro governments by consolidation.



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

**By Senator Blair:**

**Senate Bill 139**—A Bill to amend and reenact §7-5-22 of the Code of West Virginia, 1931, as amended; and to amend and reenact §22-16-4 of said code, all relating to shifting funding from the Landfill Closure Assistance Fund to local solid waste authorities.

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

**By Senator Blair:**

**Senate Bill 140**—A Bill to amend and reenact §6-7-5 of the Code of West Virginia, 1931, as amended, relating to changing the rate at which certain judges are paid for mileage when traveling within the state.

Referred to the Committee on Finance.

**By Senator Blair:**

**Senate Bill 141**—A Bill to amend and reenact §3-10-3a of the Code of West Virginia, 1931, as amended; to amend and reenact §23-5-15 of said code; to amend and reenact §29A-5-4 of said code; to amend and reenact §29A-6-1 of said code; to amend and reenact §51-9-1a of said code; to amend said code by adding thereto a new article, designated §51-11-1, §51-11-2, §51-11-3, §51-11-4, §51-11-5, §51-11-6, §51-11-7, §51-11-8, §51-11-9, §51-11-10, §51-11-11, §51-11-12, and §51-11-13; and to amend and reenact §58-5-1 of said code, all relating generally to the West Virginia Appellate Reorganization Act of 2020; creating an Intermediate Court of Appeals in West Virginia; providing that the Judicial Vacancy Advisory Commission shall assist the Governor in filling judicial vacancies in the Intermediate Court of Appeals; providing that petitions for review of final decisions of the Workers' Compensation Board of Review must be made to the Intermediate Court of Appeals and that petitioners have a right to review in such court; providing that the Supreme Court of Appeals has discretion to review final decisions of the Intermediate Court of Appeals in workers' compensation claims; providing that the

Workers' Compensation Board of Review may continue to certify questions of law directly to the Supreme Court of Appeals; requiring that appeal of contested cases under State Administrative Procedures Act be made to the Intermediate Court of Appeals; placing judges of Intermediate Court of Appeals under the judicial retirement system; establishing the Intermediate Court of Appeals by a certain date; providing a short title; providing legislative findings; defining terms; requiring a three-judge panel for proceedings; authorizing jurisdiction of the Intermediate Court of Appeals over certain matters; excluding certain matters from jurisdiction of the Intermediate Court of Appeals; providing eligibility criteria for judges of the Intermediate Court of Appeals; providing a process for initial appointment of judges to the Intermediate Court of Appeals to staggered judicial terms, and to 10-year terms on the expiration of terms thereafter; providing for the filling of vacancies in unexpired judicial terms by appointment; providing that the Governor's appointments are subject to Senate confirmation; providing that judges of the Intermediate Court of Appeals may not be candidates for any elected public office during judicial term; establishing certain requirements for the filing of appeals to the Intermediate Court of Appeals; clarifying that an appeal bond may be required before appeal to the Intermediate Court of Appeals may take effect; requiring the Chief Judge of the Intermediate Court of Appeals to publish and submit certain reports to the Legislature and Supreme Court of Appeals regarding pending cases; authorizing filing fees; providing for deposit of filing fees in a special revenue account to fund the State Police Forensic Laboratory; recognizing the constitutional authority of the Supreme Court of Appeals to exercise administrative authority over the Intermediate Court of Appeals; providing that procedures and operations of the Intermediate Court of Appeals shall comply with rules promulgated by the Supreme Court of Appeals; requiring that appeals to the Intermediate Court of Appeals be filed with the Clerk of the Supreme Court of Appeals; providing that Intermediate Court of Appeals proceedings shall take place in publicly available facilities as arranged by the Administrative Director of the Supreme Court of Appeals; granting the Intermediate Court of Appeals discretion to require oral argument; authorizing the Administrative Director of the Supreme Court of Appeals to employ staff for Intermediate Court of Appeals operations; providing that the budget for Intermediate Court of

Appeals operations shall be included in the appropriation for the Supreme Court of Appeals; authorizing the Intermediate Court of Appeals to issue opinions as binding precedent for lower courts; providing for discretionary review of Intermediate Court of Appeals decisions by Supreme Court of Appeals; authorizing an annual salary, retirement benefits, and reimbursement of expenses for judges of the Intermediate Court of Appeals; providing for reimbursement of expenses of Intermediate Court of Appeals staff; providing that certain appeals are reviewed and a written decision issued by either the Intermediate Court of Appeals or the Supreme Court of Appeals as a matter of right; removing obsolete language from the code; and making technical corrections to the code.

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

**By Senator Sypolt:**

**Senate Bill 142**—A Bill to amend and reenact §7-7-6e of the Code of West Virginia, 1931, as amended, relating to expanding the Coyote Control Program by providing for an assessment on breeding cows; providing an option for owners of breeding cows not to participate in the program; requiring notice; and setting forth a purpose.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on Finance.

**By Senator Sypolt:**

**Senate Bill 143**—A Bill to amend and reenact §11-21-21 of the Code of West Virginia, 1931, as amended, relating to changing the qualifier for low income to 300 percent or less of the federal poverty guideline from 150 percent or less of the federal poverty guideline for a senior citizens' homestead tax credit.

Referred to the Committee on Finance.

**By Senator Sypolt:**

**Senate Bill 144**—A Bill to amend and reenact §61-5-17 of the Code of West Virginia, 1931, as amended, relating to making it a misdemeanor for a person to impede or obstruct a law-enforcement officer in the conduct of an investigation of a misdemeanor who

knowingly and willfully makes a materially false statement; establishing a penalty; and making a technical correction.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 145**—A Bill to amend and reenact §3-2-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17B-2-1 of said code, all relating to permitting photo identification on voter registration identification cards; and providing that voter registration and designation information may also be placed on drivers' licenses or state-issued identification cards, if so determined by the Secretary of State in cooperation with the Commissioner of Motor Vehicles.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 146**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22m; and to amend said code by adding thereto a new section, designated §18-7A-26x, all relating to establishing a minimum monthly retirement annuity of \$750 for those retirants with 20 or more years of credited service.

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

**By Senator Sypolt:**

**Senate Bill 147**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §41-3-12, relating to providing that any next of kin who is criminally responsible for the death of a relative may not be involved in the decedent's burial arrangements.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 148**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto six new sections, designated §17-30-1, §17-30-2, §17-30-3, §17-30-4, §17-30-5, and §17-30-6,

all relating to creating the Road Maintenance Program; providing for legislative intent; providing for certain maintenance activities to be performed by private contractors; providing for payment; providing for purchasing requirements; providing for reports and audit reviews; providing an effective date; and providing severability.

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

**By Senator Sypolt:**

**Senate Bill 149**—A Bill to amend and reenact §17-16A-29 of the Code of West Virginia, 1931, as amended, relating to including emergency response vehicles in the single fee program for EZ Pass transponders.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Trump:**

**Senate Joint Resolution 1**—Proposing an amendment to the Constitution of the State of West Virginia, amending section nine, article IV thereof, relating to the impeachment of officials; providing that courts have no authority or jurisdiction to intercede in or interfere with impeachment proceedings of the House of Delegates or the Senate; specifying that a judgment rendered by the Senate following an impeachment trial is not reviewable in any court of this state; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

**By Senator Smith:**

**Senate Joint Resolution 2**—Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to exempting veterans who are 100 percent disabled from paying ad valorem real property taxes; numbering and designating such proposed amendment; and

providing a summarized statement of the purpose of such proposed amendment.

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

**By Senator Tarr:**

**Senate Joint Resolution 3**—Proposing an amendment to the Constitution of the State of West Virginia, amending section 22, article III thereof, relating to the right to keep and bear arms; prohibiting restriction of this amendment by state or local government; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

On motion of Senator Takubo, at 12:22 p.m., the Senate recessed for the purpose of holding a meeting of the Committee on Rules at the rostrum.

The Senate reconvened at 12:28 p.m. and, at the request of Senator Takubo, unanimous consent being granted, returned to the fourth order of business.

Senator Carmichael (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

**Senate Resolution 4**, Amending Senate Rule 15 relating to bill and resolution introduction.

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

Respectfully submitted,

Mitch Carmichael,  
*Chair ex officio.*

At the request of Senator Takubo, unanimous consent being granted, the resolution (S. R. 4) contained in the preceding report from the Committee on Rules was taken up for immediate consideration.

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

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:31 p.m., the Senate recessed until 6:45 p.m. today.

The Senate reconvened at 6:45 p.m. today.

The hour of 7 p.m. having arrived, that being the time set for the joint assembly to hear the address of His Excellency, the Governor, the Senate recessed until five minutes after adjournment of the joint assembly. Members of the Senate then repaired in a body to the hall of the House of Delegates.

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(NOTE: For formal procedure in the joint assembly, see the Journal of the House of Delegates for this day. For the State of the State address of His Excellency, the Governor, the Honorable Jim Justice, as provided electronically by the Governor's office, see the Appendix to the Journal of the Senate, page 3637.)

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The joint assembly having been dissolved, at 8:35 p.m., the Senate returned to its chamber and resumed its regular session.

### **Executive Communications**

Senator Carmichael (Mr. President) presented the following communication from His Excellency, the Governor, submitting the executive budget and annual budget bill, which was received and read by the Clerk:



*Jim Justice*  
*Governor of West Virginia*

January 8, 2020

EXECUTIVE MESSAGE NO. 1  
FIRST REGULAR SESSION

The Honorable Mitch Carmichael  
West Virginia Senate  
State Capitol  
Charleston, West Virginia 25305

Dear President Carmichael:

I herewith submit, pursuant to the Constitution of the State of West Virginia, a budget and budget bill for the fiscal year beginning July 1, 2020.

Sincerely,

A handwritten signature in blue ink that reads "Jim Justice".

Jim Justice  
Governor

JJ/lc



Subsequently, Senator Carmichael (Mr. President) laid before the Senate the aforementioned annual budget bill,

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 150**—A Bill making appropriations of public money out of the Treasury in accordance with section 51, article VI of the Constitution.

Which was read by its title and referred to the Committee on Finance.

On motion of Senator Takubo, at 8:36 p.m., the Senate adjourned until tomorrow, Thursday, January 9, 2020, at 11 a.m.

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## THURSDAY, JANUARY 9, 2020

The Senate met at 11:13 a.m.

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

Prayer was offered by Roger Leatherman, President of the Mineral County Commission, Keyser, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Patricia Puertas Rucker, a senator from the sixteenth district.

Pending the reading of the Journal of Wednesday, January 8, 2020,

At the request of Senator Hardesty, 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 sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

**By Senator Sypolt:**

**Senate Bill 151**—A Bill to amend and reenact §15A-4-21 of the Code of West Virginia, 1931, as amended, relating to requiring the Division of Corrections and Rehabilitation to assist inmates, prior to release, obtain a certified copy of their birth certificate, a Social Security card, and a driver's license or a state-issued identification card; and requiring the commissioner to provide those inmates instruction in basic life skills, including, but not limited to, managing personal finances, writing a check, balancing a checkbook, writing a resume, and being interviewed for employment.

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

**By Senator Sypolt:**

**Senate Bill 152**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §8-5A-1, relating to creating the Taxation with Representation Act; and providing for nonresidents of a municipality who work in that municipality and who pay user fees pursuant to a municipal ordinance may vote in municipal elections.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 153**—A Bill to amend and reenact §17C-15-44 of the Code of West Virginia, 1931, as amended, relating to permitting persons who are 21 years of age or older to operate or be a passenger on a motorcycle without a helmet if they have held a license valid for the operation of a motorcycle for a minimum of two years; and making a technical correction.

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

**By Senator Sypolt:**

**Senate Bill 154**—A Bill to amend and reenact §17C-15-44 of the Code of West Virginia, 1931, as amended, relating to allowing out-of-state residents to ride a motorcycle without a helmet if they are allowed to do so in their state of residence.

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

**By Senator Sypolt:**

**Senate Bill 155**—A Bill to amend and reenact §49-4-112 of the Code of West Virginia, 1931, as amended, relating to the payment of attorney fees in subsidized adoptions or guardianships directly to the attorney.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 156**—A Bill to amend and reenact §48-27-802 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §48-27-803, all relating to victims of domestic violence and their right to know the place of employment and residence of their assailant; and requiring that the West Virginia State Police shall maintain a registry of this information.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 157**—A Bill to amend and reenact §48-27-207 of the Code of West Virginia, 1931, as amended, relating to requiring a licensed program for victims of domestic violence to provide specific services to aid victims of domestic violence and their children; and requiring that the Family Protection Services Board propose rules to implement program.

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

**By Senator Sypolt:**

**Senate Bill 158**—A Bill to amend and reenact §15-12-10 of the Code of West Virginia, 1931, as amended, relating to requiring

the State Police to visit the homes of registered sex offenders at regular intervals.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 159**—A Bill to amend and reenact §7-11B-14 of the Code of West Virginia, 1931, as amended; and to amend and reenact §8-12-5 of said code, all relating to allowing municipalities to contract, without bidding, projects up to \$50,000.

Referred to the Committee on Government Organization.

**By Senator Sypolt:**

**Senate Bill 160**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-2D-1, §20-2D-2, and §20-2D-3, all relating to creating a Voluntary WVU Rifle Team Check-off Program on the cost of hunting and fishing licenses; creating a special fund for this purpose; and providing how funds are to be used.

Referred to the Committee on Natural Resources; and then to the Committee on Finance.

**By Senator Sypolt:**

**Senate Bill 161**—A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §19-1A-6, all relating to salaries for members of the Division of Forestry.

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

**By Senator Blair:**

**Senate Bill 162**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-6b; to amend said code by adding thereto a new section, designated §17-3-11; and to amend said code by adding thereto a new article, designated §17-30-1, §17-30-2, §17-30-3, §17-30-4, and §17-30-5, all relating generally to enhancing maintenance and repair of the state's roads and highways; establishing roads

accountability and transparency; directing the State Auditor to develop and maintain a searchable website of funding actions and expenditures relating to state and public roads; setting forth the minimum content to be contained in the website; directing the Commissioner of Highways to provide information and data to the State Auditor; requiring an annual update to the Joint Committee on Government and Finance; creating the Special Road Repair Fund as a sub-account of the State Road Fund; authorizing the commissioner to transfer certain funds into the sub-account for certain purposes; creating the Enhanced Road Repair and Maintenance Program; stating legislative finding and purpose of program; requiring Division of Highways county supervisors consult with county commissions and legislators to submit project requests to the Division of Highways; setting forth a funding formula; setting forth requirements concerning bidding, vendors, and contracts with private vendors; specifying uses of Special Road Repair Fund; defining terms; providing requirements for Commissioner of Highways and districts; requiring rulemaking; and requiring reporting by Division of Highways and Legislative Auditor.

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

**By Senator Blair:**

**Senate Bill 163**—A Bill to amend and reenact §7-18-3 and §7-18-4 of the Code of West Virginia, 1931, as amended, all relating to municipal or county taxation of hotel rooms booked through a marketplace facilitator; defining terms; providing for collection and remittance of the tax imposed by any municipality or county; requiring the marketplace facilitator separately state the tax on all bills, invoices, accounts, books of account, and records relating to occupancy or use of a hotel room; and deeming all taxes collected be held in trust by the marketplace facilitator until remitted.

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

**By Senator Trump:**

**Senate Bill 164**—A Bill to amend and reenact §44-3A-24 of the Code of West Virginia, 1931, as amended, relating to the administrative closing of stale or unprogressed estates.

Referred to the Committee on the Judiciary.

**By Senator Blair:**

**Senate Bill 165**—A Bill to amend and reenact §11-8-6e of the Code of West Virginia, 1931, as amended, relating to the effect on regular levy rate when appraisal results in tax increase; and allowing an increase of not more than 10 percent in the total projected property tax revenues realized when current levy rates are imposed by the county commission and the municipalities before requiring a reduction in levy rate or holding public hearing.

Referred to the Committee on Finance.

**By Senator Blair:**

**Senate Bill 166**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-22e, relating to county boards of education; requiring boards to provide free feminine hygiene products in grades five through 12 to female students not otherwise having access to the products; and defining terms.

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

**By Senator Blair:**

**Senate Bill 167**—A Bill to amend and reenact §7-7-6e of the Code of West Virginia, 1931, as amended, relating to expanding the Coyote Control Program by providing for an assessment on breeding cows; providing an option for owners of breeding cows not to participate in the program; requiring notice; and setting forth a purpose.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on Finance.

**By Senator Blair:**

**Senate Bill 168**—A Bill to amend and reenact §11-10-14a of the Code of West Virginia, 1931, as amended, relating to allowing certain deductions to be made from individual personal income tax refunds; providing check-off for nursing home and health care for aged and disabled veterans in the West Virginia Veterans Home;

and providing check-off for purposes of operating and maintaining the Donel C. Kinnard Memorial State Veterans Cemetery.

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

**By Senator Rucker:**

**Senate Bill 169**—A Bill to amend and reenact §61-2-9a of the Code of West Virginia, 1931, as amended, relating generally to stalking and harassment; creating the offense of harassment with the intent to cause another to physically injure himself or herself or to take his or her own life; creating the offense of continuing to harass another knowing, or having reason to know, that such harassment is likely to cause another to physically injure himself or herself or take his or her own life due, in whole or part, to the harassment; removing the time limit within which a second or subsequent violation constitutes a felony; and creating criminal penalties.

Referred to the Committee on the Judiciary.

**By Senator Blair:**

**Senate Bill 170**—A Bill to amend and reenact §11-21-20 of the Code of West Virginia, 1931, as amended, relating to personal income tax; alleviating double taxation on foreign income at the state level; and sunseting the credit for income tax paid on foreign income in 2069.

Referred to the Committee on Finance.

**By Senator Blair:**

**Senate Bill 171**—A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to exempting from personal property taxation private passenger automobiles that are 25 years old or older.

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

**By Senator Blair:**

**Senate Bill 172**—A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to licenses to

carry deadly weapons; and exempting honorably discharged veterans of the armed forces of the United States from payment of fees and costs otherwise required to obtain a license to carry concealed deadly weapons.

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

**By Senator Blair:**

**Senate Bill 173**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-38-1, §19-38-2, §19-38-3, and §19-38-4, all relating to creating the West Virginia Farm-to-School Grant Program; setting out findings and purpose; creating the fund; providing method for allocating grants; limiting grants; authorizing rulemaking; and requiring program review and reports.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on Finance.

**By Senator Blair:**

**Senate Bill 174**—A Bill to amend and reenact §18-10-3 of the Code of West Virginia, 1931, as amended, relating to federal funding for West Virginia University and West Virginia State University.

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

**By Senator Blair:**

**Senate Bill 175**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5F-1-7; to amend and reenact §7-1-3rr of said code; and to amend said code by adding thereto a new article, designated §8-39-1, all relating to governmental websites; requiring executive branch agencies maintain a website that contains specific information; authorizing county commissions to maintain websites with specific information; requiring county commissions to provide certain information to the Secretary of State; authorizing municipalities to maintain websites with specific information available to the public



at no charge; requiring information to be updated; and requiring updated information be provided to the Office of Technology.

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

**By Senator Blair:**

**Senate Bill 176**—A Bill to amend and reenact §4-2A-3 of the Code of West Virginia, 1931, as amended, relating to limiting the number of days members of the Legislature may receive compensation during an extended and extraordinary session if the budget bill has not been enacted.

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

**By Senator Blair:**

**Senate Bill 177**—A Bill to amend and reenact §17B-2-12 of the Code of West Virginia, 1931, as amended, relating to extending the expiration of driver's licenses for active military members' spouses.

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

**By Senator Blair:**

**Senate Bill 178**—A Bill to amend and reenact §5-10-18 of the Code of West Virginia, 1931, as amended, relating to providing an 11-month window to permit members of the Public Employees Retirement System to purchase credited service that had been previously forfeited.

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

**By Senator Blair:**

**Senate Bill 179**—A Bill to amend and reenact §5-10-2 and §5-10-52 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5-10-56; and to amend said code by adding thereto a new section, designated §18-7A-17c, all relating to retirement and pension benefits of

certain members of the West Virginia Public Employees Retirement System and the West Virginia Teachers Retirement System who serve in the Legislature; providing that persons who first become members of the retirement system after June 30, 2020, shall have their final average salary calculated based on total years of service; and providing that members of the Legislature shall receive one day of credited service for each day paid.

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

**By Senator Blair:**

**Senate Bill 180**—A Bill to amend and reenact §17B-7-5 and §17B-7-9 of the Code of West Virginia, 1931, as amended, all relating to the Second Chance Driver's License Program; providing that a court's accounting of amounts due for crime victim restitution be separately identified; providing that any moneys for restitution that are not submitted in the accounting by the court may not be waived by the participant's completion of the program; and providing that amounts of court costs collected under the Second Chance Driver's License Program attributable to crime victim restitution are not subject to the five percent offset for use by the Director of the Division of Justice and Community Services in the administration of the program.

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

**By Senator Blair:**

**Senate Bill 181**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-13, relating to the Senior Farmers Market Nutrition Program; setting forth legislative findings and intent; creating special revenue account designated the Senior Farmers Market Nutrition Program Fund; identifying source of funds; providing terms for expenditures; requesting additional moneys to be added to the fund; and directing that balance funds at the end of the fiscal year remain in the fund.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on Finance.

**By Senator Blair:**

**Senate Bill 182**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-38-1, §19-38-2, §19-38-3, §19-38-4, §19-38-5, §19-38-6, and §19-38-7, all relating to creating West Virginia Healthy Food Crop Block Grant Program; stating findings; defining terms; creating fund; partnering with nonprofit food and farm organizations; establishing grant selection committee and membership; providing method for allocating grants; limiting grants; providing for rulemaking; and establishing program review reports.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on Finance.

**By Senator Blair:**

**Senate Bill 183**—A Bill to amend and reenact §29-22A-10b of the Code of West Virginia, 1931, as amended, relating to modifying the requirement that a racetrack must have participated in the West Virginia Thoroughbred Development Fund since, on, or before January 1, 1999, in order for counties to receive two percent of the net terminal income where the video lottery terminals are located.

Referred to the Committee on Finance.

**By Senator Weld:**

**Senate Bill 184**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-19-1, relating to providing protection from civil liability for certain individuals for damage to an owner's motor vehicle when removing a domesticated animal from the locked and/or unattended motor vehicle under certain circumstances.

Referred to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 185**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated

§20-2-63, relating to exempting certain persons from fees for hunting, fishing, and trapping licenses and permits; providing that fees for hunting, trapping, and fishing licenses and permits are waived for certain volunteer firefighters; including eligibility requirements; requiring compliance with all other requirements to obtain license; and granting rule-making authority.

Referred to the Committee on Natural Resources; and then to the Committee on Finance.

**By Senator Weld:**

**Senate Bill 186**—A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-7-1 of said code, all relating to pension benefits exempt from state income taxation; and including Division of Natural Resources police into the class of law-enforcement officers exempted.

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

**By Senator Weld:**

**Senate Bill 187**—A Bill to amend and reenact §18B-10-1a of the Code of West Virginia, 1931, as amended, relating generally to in-state residency tuition rates; providing that nonresident members of a reserve unit in West Virginia qualify as residents for purposes of determining tuition rates; removing the requirement that members of the National Guard participate in the National Guard education services program; and providing that current members of the United States armed forces who reside in West Virginia qualify as residents for purposes of determining tuition rates.

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

**By Senator Weld:**

**Senate Bill 188**—A Bill to amend and reenact §60A-4-407 of the Code of West Virginia, 1931, as amended, relating to requiring participation in a drug court program, under certain circumstances,

before a conditional discharge for first offense of possession of a controlled substance may be granted.

Referred to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 189**—A Bill to amend and reenact §30-5-27 of the Code of West Virginia, 1931, as amended, relating to partial filling of prescriptions; permitting partial filling of prescriptions for controlled substances listed in Schedule II under certain circumstances; setting conditions for partial filling of prescriptions for controlled substances listed in Schedule II; permitting remaining portion of prescription to be filled within 30 days of first partial filling; setting forth steps to be followed if pharmacist is unable to fill remaining portion of prescription; prohibiting further quantities from being supplied beyond 72 hours in absence of new prescription; providing that remaining portions of a partially filled prescription for controlled substances listed in Schedule II may be filled in emergency situations; and defining “emergency situation”.

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

**By Senator Weld:**

**Senate Bill 190**—A Bill to amend and reenact §29-22A-10b of the Code of West Virginia, 1931, as amended, relating to modifying the requirement that a racetrack must have participated in the West Virginia Thoroughbred Development Fund since, on, or before January 1, 1999, in order for counties to receive two percent of the net terminal income where the video lottery terminals are located.

Referred to the Committee on Finance.

**By Senator Weld:**

**Senate Bill 191**—A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to cruelty to animals; creating the felony offense of aggravated cruelty to animals; providing a criminal penalty for the offense; and defining a term.

Referred to the Committee on the Judiciary.

**By Senator Tarr:**

**Senate Bill 192**—A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Secondary School Activities Commission; and requiring Legislative Auditor to perform financial and performance audits of commission.

Referred to the Committee on Education.

**By Senator Tarr:**

**Senate Bill 193**—A Bill to amend and reenact §5A-3-10 of the Code of West Virginia, 1931, as amended, relating to establishing deadlines for spending units to submit procurements to the Purchasing Division when a continuing procurement for goods and services exceeds \$1 million.

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

**By Senator Sypolt:**

**Senate Bill 194**—A Bill to amend and reenact §18A-5-2 of the Code of West Virginia, 1931, as amended, relating to eliminating the requirement that schools be closed on election days.

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

**By Senator Sypolt:**

**Senate Bill 195**—A Bill to amend and reenact §44-1-29 of the Code of West Virginia, 1931, as amended, relating to authorization for a personal representative, trustee, administrator, or executor of a deceased person's estate to transfer or amend conservation or preservation easements; defining the duty of the personal representative, trustee, administrator, or executor; and establishing conditions for the exercise of the authority to transfer or amend.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 196**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-27-313, relating to staying civil actions resulting from domestic violence for 60 days from the date of entry of a final domestic violence protective order.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 197**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-59-1, §16-59-2, §16-59-3, §16-59-4, §16-59-5, §16-59-6, §16-59-7, §16-59-8, §16-59-9, §16-59-10, §16-59-11, §16-59-12, §16-59-13, §16-59-14, and §16-59-15, all relating to enacting the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact; entering into the compact with all jurisdictions also enacting the compact; stating purpose of compact; defining terms; identifying member states as home states; retaining authority of member state to require license under circumstances not covered by compact; setting conditions for home state's license to authorize practice in a remote state under the compact; requiring member states to recognize licenses issued by another member state under certain conditions; setting requirements for individuals to exercise privilege to practice; setting scope of practice; making individuals practicing in remote states subject to that state's laws; authorizing remote states to take action against individual's privilege to practice within that state under certain circumstances; providing effect of restrictions on license on compact privileges; setting conditions of practicing in remote state under compact terms; defining relationship of compact with Emergency Management Assistance Compact; setting terms and requirements for certification of veterans, certain service members, and their spouses; recognizing exclusive power of home states to impose adverse action against license issued by home state; providing consequences for compact participation if individual's license is subject to adverse action by home state; requiring member states to report adverse actions against licenses; authorizing states to take action against individual's privilege to practice within that state;

requiring home state EMS authority investigate and take appropriate action based on reported conduct in remote state; authorizing alternative programs in lieu of adverse action; authorizing member state's EMS authority to issue subpoenas; authorizing member state's EMS authority to issue certain cease and desist orders; establishing Interstate Commission for EMS Personnel Practice; providing venue; maintaining state sovereign immunity; providing for membership; providing for voting; requiring annual meetings; requiring meetings to be public; providing exceptions; authorizing commission prescribe bylaws and/or rules to govern conduct; granting certain powers to commission; providing for financing for the commission; making validity of annual assessment against state contingent upon funds being appropriated by the Legislature or otherwise being made available; providing for qualified immunity of certain persons; requiring commission defend certain persons for actions arising out of actions occurring within the scope of duties related to the commission; requiring commission indemnify and hold harmless certain persons under certain circumstances; providing for development and maintenance of coordinated database and reporting system; requiring member states provide certain information to coordinated database; requiring notification by coordinated database administrator of adverse action taken against individual in member state; authorizing member state to designate information not to be shared with the public without express permission of contributing state; providing for removal of information from database when required to be expunged; authorizing rule-making commission; providing scope of rulemaking; providing procedures for rulemaking; authorizing emergency rulemaking by the commission; providing that commission rules are not binding on the State of West Virginia until they have been authorized as legislative rules; providing timeline and procedure for proposing legislative rules; authorizing emergency rulemaking; directing state government to enforce compact and take necessary actions to effectuate its purposes and intent; directing courts take judicial notice of compact and rules promulgated pursuant to compact; providing procedures for the commission to follow if member state has defaulted; authorizing member state be terminated from the compact under certain



conditions; setting terms of termination; authorizing appeal; authorizing mediation and binding dispute resolution between commission and member state; authorizing enforcement of the compact by the commission; authorizing legal action; establishing venue; providing for venue in West Virginia; providing implementation date for the compact; making any state joining after implementation subject to rules as they exist when the compact is adopted; authorizing member state withdraw from the compact; maintaining member state authority to enter into licensure or cooperative agreements with nonmember state; authorizing amendment of the compact; providing for liberal construction; providing for severability of the compact if it is found to violate constitution of member state; directing Emergency Medical Services Advisory Council review decisions of the commission; and authorizing Emergency Medical Services Advisory Council make recommendation to Legislature for withdrawal from the compact.

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

**By Senator Blair:**

**Senate Bill 198**—A Bill to amend and reenact §11-13A-3a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22-6-29a, all relating to creating the Oil and Gas Abandoned Well Plugging Fund for use by the West Virginia Department of Environmental Protection to plug abandoned oil and gas wells without a responsible operator; providing for administration of the fund; requiring severance tax to be deposited in the fund; providing specific purposes and limitations for use of the fund; modifying imposition of the tax on the privilege of severing natural gas or oil by marginal oil and gas wells; providing exemptions from the severance tax; deleting a subsection of the code which expired by its own terms; providing reporting requirements for the Oil and Gas Reclamation Fund and the Oil and Gas Abandoned Well Plugging Fund; providing rule-making authority; and providing a short title.

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

**By Senator Weld:**

**Senate Bill 199**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-42-1, §30-42-2, §30-42-3, §30-42-4, §30-42-5, §30-42-6, §30-42-7, §30-42-8, §30-42-9, §30-42-10, §30-42-11, §30-42-12, §30-42-13, §30-42-14, and §30-42-15, all relating to creating the Court Reporter Act of 2020; and providing for the administration and certification of court reporters, including application, fees, criteria for approval or denial of certification, resolution of complaints concerning certified reporters, and the discipline and administrative hearing process.

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

**By Senator Weld:**

**Senate Bill 200**—A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to certain diseases for which rebuttable presumption of injury arising out of and in the course of employment exists for firefighters, including bladder cancer, mesothelioma, and testicular cancer.

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

**By Senator Weld:**

**Senate Bill 201**—A Bill to amend and reenact §61-2-9a of the Code of West Virginia, 1931, as amended, relating generally to the criminal offenses of stalking and harassment; clarifying essential elements of harassment; defining terms; and continuing criminal penalties.

Referred to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 202**—A Bill to amend and reenact §16-13A-3 of the Code of West Virginia, 1931, as amended, relating to allowing one member of a public district service board to be a county commissioner of the county commission with authority to appoint

the members of the board, regardless of whether the commissioner resides within the district.

Referred to the Committee on Government Organization.

**By Senator Weld:**

**Senate Bill 203**—A Bill to amend and reenact §11-10-14a of the Code of West Virginia, 1931, as amended, relating to allowing certain deductions to be made from individual personal income tax refunds; providing check-off for nursing home and health care for aged and disabled veterans in the West Virginia Veterans Home; and providing check-off for purposes of operating and maintaining the Donel C. Kinnard Memorial State Veterans Cemetery.

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

**By Senator Weld:**

**Senate Bill 204**—A Bill to amend and reenact §3-1-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-10-8 of said code, all relating to providing for the nonpartisan elections of county prosecuting attorneys; requiring that nonpartisan elections of prosecuting attorneys commence in 2020; and providing that after that, appointments to fill vacancies in office shall be nonpartisan.

Referred to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 205**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §44-1-6a, relating to the administration of estates and trusts; creating a limited letter of administration that may be issued for estates that do not exceed the value of \$2,000; establishing procedures and responsibilities relating to a limited letter of administration; providing for a cause of action for parties affected by an applicant's failure to carry out distribution as stated in the application; and providing for a \$50 fee for each application regardless of whether the clerk issues a limited letter of administration.

Referred to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 206**—A Bill to amend and reenact §44-2-1 of the Code of West Virginia, 1931, as amended, relating to appraisalment of a decedents' estate and proceedings which determine if reference to fiduciary commissioner is to be made; and adding language to be contained in an appraisalment showing nonprobate assets that are not to be sold by the personal representative of the estate.

Referred to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 207**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-4A-1, §7-4A-2, §7-4A-3, §7-4A-4, §7-4A-5, §7-4A-6, §7-4A-7, §7-4A-8, and §7-4A-9, all relating to creating the Prosecuting Attorney's Detectives Act; providing a short title; making legislative findings; providing for law-enforcement titles; setting forth the duties and powers of prosecuting attorney's detectives; providing for compensation of prosecuting attorney's detectives; permitting prosecuting attorneys to hire detectives; establishing arrest power of prosecuting attorney's detectives; setting forth requirements; limiting off-duty employment; and providing miscellaneous provisions.

Referred to the Committee on the Judiciary.

**By Senator Tarr:**

**Senate Bill 208**—A Bill to amend and reenact §46A-6J-2 and §46A-6J-3 of the Code of West Virginia, 1931, as amended, all relating to the protection of consumers from price gouging and unfair pricing practices during and shortly after a state of emergency; amending definition of "state of emergency"; and modifying the time period for which prices for certain goods may not be changed following a state of emergency.

Referred to the Committee on the Judiciary.

**By Senator Rucker:**

**Senate Bill 209**—A Bill to repeal §8-6-5 of the Code of West Virginia, 1931, as amended, relating to annexation by minor boundary adjustment.

Referred to the Committee on Government Organization.

**By Senator Tarr:**

**Senate Bill 210**—A Bill to amend and reenact §6B-2-5 of the Code of West Virginia, 1931, as amended, relating to prohibiting registered lobbyists from holding any appointed position in the state legislative, executive, or judicial branches of government for at least five years; and providing time frame to calculate exclusion.

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

**By Senator Palumbo:**

**Senate Bill 211**—A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9, and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6, and §5-11A-7 of said code, all relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act; prohibiting discrimination based upon age and sexual orientation, or gender identity; and defining “sexual orientation” and “gender identity”.

Referred to the Committee on the Judiciary.

**By Senator Palumbo:**

**Senate Bill 212**—A Bill to amend and reenact §61-6-21 of the Code of West Virginia, 1931, as amended, relating to prohibiting civil rights violations based on gender identity or sexual orientation; criminal penalties; when evidence of constitutionally protected speech or associations is not admissible in criminal prosecutions; exceptions; providing for sentencing alternatives for persons convicted of violations; and designating amendments to this section as Angel’s Law.

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 213**—A Bill to amend and reenact §44D-1-103, §44D-1-105, and §44D-1-108 of the Code of West Virginia, 1931, as amended; to amend and reenact §44D-6-602 of said code; to amend and reenact §44D-7-703 of said code; to amend and reenact §44D-8-808 of said code; and to amend said code by adding thereto a new article, designated §44D-8A-801, §44D-8A-802, §44D-8A-803, §44D-8A-804, §44D-8A-805, §44D-8A-806, §44D-8A-807, §44D-8A-808, §44D-8A-809, §44D-8A-810, §44D-8A-811, §44D-8A-812, §44D-8A-813, §44D-8A-814, §44D-8A-815, §44D-8A-816, and §44D-8A-817, all relating to the administration of trusts; definitions; default and mandatory rules; principal place of administration; grantor's powers and powers of withdrawal; cotrustees; powers to direct; and enacting the West Virginia Uniform Directed Trust Act which specifies how trust directors can act concerning trusts in this state.

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 214**—A Bill to amend and reenact §7-5-22 of the Code of West Virginia, 1931, as amended; and to amend and reenact §22-16-4 of said code, all relating to shifting funding from the Landfill Closure Assistance Fund to local solid waste authorities.

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

**By Senator Maynard:**

**Senate Bill 215**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-15D-1, §33-15D-2, §33-15D-3, §33-15D-4, §33-15D-5, and §33-15D-6, all relating to creating the Health Care Choice Act; stating legislative findings and purpose; and authorizing insurers from other states to engage in the business of health insurance in West Virginia only with the written approval of the Insurance Commissioner and subject to qualifications and other requirements determined by the Insurance Commissioner.

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

**By Senator Maynard:**

**Senate Bill 216**—A Bill to amend and reenact §24-6-12 of the Code of West Virginia, 1931, as amended, relating to requiring emergency service organizations to create districts whereby towing services within a district may be dispatched or implement a policy whereby all available towing services within an area currently served by an organization are dispatched on a rotating basis; requiring the West Virginia State Police to create districts whereby towing services within a district may be dispatched or implement a policy whereby all available towing services are dispatched on a rotating basis; requiring a municipality, when handling towing services, to create districts whereby towing services within a district may be dispatched or implement a policy whereby all available towing services are dispatched on a rotating basis; continuing the Public Service Commission's jurisdiction over the towing service providers themselves; prohibiting the State Police and municipalities from imposing their own rules, policies, or ordinances; and defining a term.

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

**By Senator Maynard:**

**Senate Bill 217**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-8a, relating to requiring the Department of Health and Human Resources to collaborate with the Workforce Development Board and the West Virginia Division of Personnel for purposes of job placement.

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

**By Senator Maynard:**

**Senate Bill 218**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated

§30-1-24, relating to permitting unlicensed persons to be hired by consumers; providing for a short title; providing for definitions; providing for disclosure information; providing for an example disclosure form; providing for working without a license; providing for defense and relief; providing for remedies; providing for applicability; providing for limitations; providing for preemption of state statutes; and providing for an effective date.

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

**By Senator Maynard:**

**Senate Bill 219**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-30-27, relating to requiring the Secretary of the Department of Environmental Protection to prepare guidelines for small gas stations that have small volume aboveground storage tanks; and requiring rulemaking.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 220**—A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18B-1-12; and to amend and reenact §21-1A-3 of said code, all relating to exemptions from mandated immunizations.

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

**By Senator Maynard:**

**Senate Bill 221**—A Bill to amend and reenact §5A-10-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5A-11-3 of said code, all relating to the disposition of vacated school buildings or other state-owned buildings; requiring Real Estate Division to develop minimum standards for use, renovation, or disposition of vacated buildings; maintaining certain legal responsibilities of the previous owner; and authorizing the



Public Land Corporation to acquire vacated buildings through legal transactions and conveyances.

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

**By Senator Maynard:**

**Senate Bill 222**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-1-8c, relating to the West Virginia Monument and Memorial Protection Act of 2020; prohibiting the removal, renaming, alteration, or relocation of any statue, monument, memorial, nameplate, plaque, school, street, bridge, building, park, preserve, or reserve recognized by the West Virginia State Historic Preservation Office and which is located on public property and has been erected for, or named or dedicated in honor of, certain historical, military, labor, civil rights, and Native-American events, figures, and organizations; prohibiting any person from preventing the governmental entity having responsibility for maintaining the items, structures, or areas from taking proper measures to protect, preserve, care for, repair, or restore the items, structures, or areas recognized by the West Virginia State Historic Preservation Office; and authorizing the West Virginia State Historic Preservation Office to grant waivers under certain circumstances.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 223**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j, relating to exempting senior citizens from personal income tax.

Referred to the Committee on Finance.

**By Senator Maynard:**

**Senate Bill 224**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7e, relating to requiring the State Board of Education to

develop a program of instruction on home maintenance for the elderly and the disabled.

Referred to the Committee on Education.

**By Senator Maynard:**

**Senate Bill 225**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-12-21, relating to empowering municipalities to enact Adopt-A-Street programs; and establishing eligibility criteria.

Referred to the Committee on Government Organization.

**By Senator Maynard:**

**Senate Bill 226**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-17A-8, relating to providing for special obligation notes to finance construction of completion of Interstate 73 and Interstate 74 through West Virginia; and providing for the repayment of the bonds by unmanned toll booth collections.

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

**By Senator Maynard:**

**Senate Bill 227**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §8B-1-1, §8B-1-2, §8B-1-3, §8B-1-4, §8B-1-5, and §8B-1-6, all relating to creating the Local Government Labor and Consumer Marketing Regulatory Limitation Act; prohibiting political subdivisions from enacting certain ordinances, regulations, local policies, local resolutions, or other legal requirements; providing a short title; setting forth legislative findings and declarations; defining terms; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates information requested, required, or excluded on an application for employment; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer to pay a wage higher than any

applicable state or federal law; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer to pay wages or fringe benefits based on a rate prevailing in the locality or the state; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates work stoppages, strike activity, or means by which employees organize; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer to provide paid or unpaid leave time; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer or its employees to participate in an apprenticeship or apprenticeship training program not required by federal or state law; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates an employee's hours and scheduling; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates standards or requirements regarding the sale or marketing of consumer merchandise that are different from or in addition to state law; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates standards of care or conduct for certain professions; providing for civil relief; establishing a civil cause of action which, if proven in a court of competent jurisdiction, may permit a person to recover damages, including compensatory and punitive damages, costs and attorney's fees, injunctive relief, or any other appropriate equitable relief against any political subdivision violating the Local Government Labor and Consumer Marketing Regulatory Limitation Act; providing exceptions; clarifying effect on prior written agreements; providing that any prohibited ordinance, regulation, local policy, local resolution, or other legal requirement in effect prior to the effective date of chapter is void; providing that the prohibitions do not apply to employees of a political

subdivision; and clarifying the effect on the West Virginia Alcohol and Drug-Free Workplace Act.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 228**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-25-2a, relating to eliminating the liability of owners of active mine lands, abandoned mine lands, and active or inactive railway lines to any person who may enter upon those premises.

Referred to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 229**—A Bill to amend and reenact §16-1-6 of the Code of West Virginia, 1931, as amended, relating to powers and duties of the Commissioner of the Bureau for Public Health; and requiring the commissioner to create a pilot program to provide reimbursement of dental care for adults at free and charitable clinics.

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

**By Senator Weld:**

**Senate Bill 230**—A Bill to amend and reenact §18-2-40 of the Code of West Virginia, 1931, as amended, relating to require the State Board of Education to provide for the routine education of all professional educators, including principals and administrators, and those service personnel having direct contact with students on warning signs and resources to assist in suicide prevention under guidelines established by the state board.

Referred to the Select Committee on Children and Families; and then to the Committee on Education.

**By Senators Rucker, Carmichael (Mr. President), Maynard, Sypolt, and Tarr:**

**Senate Bill 231**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-

20-1, §16-20-2, §16-20-3, §16-20-4, §16-20-5, §16-20-6, §16-20-7, §16-20-8, and §16-20-9, all relating to creating the Born Alive Abortion Survivors Protection Act; and establishing penalties.

Referred to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 232**—A Bill to amend and reenact §47-21-2 of the Code of West Virginia, 1931, as amended, relating to charitable raffles; and removing outdated prohibitions against electronic or mechanical ticket dispensers and readers and associated digital fundraising platforms.

Referred to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 233**—A Bill to amend and reenact §5-10-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-10D-1 of said code; to amend and reenact §7-14D-5 of said code; to amend and reenact §8-22A-6 of said code; to amend and reenact §16-5V-6 of said code; and to amend said code by adding thereto a new article, designated §20-17-1, §20-17-2, §20-17-3, §20-17-4, §20-17-5, §20-17-6, §20-17-7, §20-17-8, §20-17-9, §20-17-10, §20-17-11, §20-17-12, §20-17-13, §20-17-14, §20-17-15, §20-17-16, §20-17-17, §20-17-18, §20-17-19, §20-17-20, §20-17-21, §20-17-22, §20-17-23, §20-17-24, §20-17-25, §20-17-26, §20-17-27, §20-17-28, §20-17-29, §20-17-30, §20-17-31, §20-17-32, §20-17-33, §20-17-34, §20-17-35, and §20-17-36, all relating to establishing the West Virginia Division of Natural Resources Police Officer Retirement System; providing for additional members of the Consolidated Public Retirement Board; and providing for criminal offense of defrauding the system and penalties therefor.

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

**By Senator Romano:**

**Senate Bill 234**—A Bill to amend and reenact §15-10-5 of the Code of West Virginia, 1931, as amended, relating to

acknowledging the transfer of the Federal Protection Service from the U.S. General Services Administration to the U.S. Department of Homeland Security by the enactment of the Homeland Security Act of 2002.

Referred to the Committee on the Judiciary.

**By Senator Ihlenfeld:**

**Senate Bill 235**—A Bill to amend and reenact §61-2-10b of the Code of West Virginia, 1931, as amended, relating to increasing the criminal penalties for the battery of a law-enforcement officer.

Referred to the Committee on the Judiciary.

**By Senator Ihlenfeld:**

**Senate Bill 236**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-3F-1, §61-3F-2, and §61-3F-3, all relating to online privacy protection for children; prohibiting the marketing or advertising of certain products or services to minors; and requiring operators of website, online services or applications.

Referred to the Select Committee on Children and Families; and then to the Committee on the Judiciary.

**By Senator Baldwin:**

**Senate Bill 237**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-16A-31, relating to exempting emergency vehicles and private ambulances from paying tolls or other charges.

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

**By Senator Lindsay:**

**Senate Bill 238**—A Bill to amend and reenact §6C-1-2, §6C-1-3, and §6C-1-4 of the Code of West Virginia, 1931, as amended, all relating to making the state's whistleblower law also be applicable to the private employment sector; prohibiting an employer from discharging, threatening, or otherwise

discriminating against an employee because the employee reports, or is about to report, a violation or a suspected violation of a law or a governmental regulation to a public body; and modifying, deleting, and defining terms.

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

**By Senator Ihlenfeld:**

**Senate Bill 239**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-11-6a; and to amend and reenact §21-11-15 of said code, all relating to requiring general contractors to have and maintain general liability insurance; setting policy minimums; and permitting the Insurance Commissioner to increase those policy minimums.

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

**By Senator Jeffries:**

**Senate Bill 240**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-6-22b; and to amend and reenact §16-6-23 of said code, all relating to food service establishments securing covers of grease traps; and increasing the civil penalty for noncompliance with the requirements of the article.

Referred to the Committee on the Judiciary.

**By Senator Baldwin:**

**Senate Bill 241**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-9A-7a, relating to requiring the State Board of Education to develop a method for funding student transportation costs as a stand-alone consideration separate from the current total state basic foundation program; requiring consideration of cost factors in addition to population density or number of students on a particular bus route; and requiring a report to the Legislature.

Referred to the Committee on Education.

**By Senator Palumbo:**

**Senate Bill 242**—A Bill to amend and reenact §9-8-2 of the Code of West Virginia, 1931, as amended, relating to work requirements for Supplemental Nutrition Assistance Program benefits; and removing a provision making all counties ineligible for a federal waiver effective October 1, 2022.

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

**By Senator Baldwin:**

**Senate Bill 243**—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to exempting firearm safe storage products from the consumers sales tax.

Referred to the Committee on Finance.

**By Senator Baldwin:**

**Senate Bill 244**—A Bill to amend and reenact §19-12E-3 and §19-12E-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §19-12E-12, all relating to modifying the Industrial Hemp Development Act; conforming the definition of “hemp” to federal law; clarifying the authority of the Commissioner of Agriculture related to testing; authorizing independent laboratories certified by the commissioner to test hemp produced by a licensee; and requiring the commissioner to propose emergency rules.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on the Judiciary.

**By Senator Baldwin:**

**Senate Bill 245**—A Bill to amend and reenact §17C-3-4b of the Code of West Virginia, 1931, as amended, relating to the placement of traffic control devices before and after street or highway construction or maintenance.

Referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the thirteenth order of business.



Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions:

**Senate Bill 1:** Senators Baldwin and Cline;

**Senate Bill 2:** Senators Cline and Jeffries;

**Senate Bill 3:** Senators Baldwin, Cline, and Roberts;

**Senate Bill 4:** Senators Cline, Roberts, Stollings, and Tarr;

**Senate Bill 5:** Senator Roberts;

**Senate Bill 6:** Senator Roberts;

**Senate Bill 7:** Senator Roberts;

**Senate Bill 8:** Senators Cline and Tarr;

**Senate Bill 10:** Senators Cline and Hamilton;

**Senate Bill 12:** Senators Cline and Tarr;

**Senate Bill 13:** Senator Tarr;

**Senate Bill 14:** Senator Tarr;

**Senate Bill 15:** Senator Tarr;

**Senate Bill 18:** Senators Baldwin and Jeffries;

**Senate Bill 19:** Senator Cline;

**Senate Bill 21:** Senators Jeffries and Lindsay;

**Senate Bill 22:** Senators Jeffries, Lindsay, and Stollings;

**Senate Bill 25:** Senator Baldwin;

**Senate Bill 27:** Senator Baldwin;

**Senate Bill 30:** Senator Baldwin;

**Senate Bill 37:** Senators Baldwin, Cline, Hamilton, and Jeffries;

**Senate Bill 38:** Senator Cline;

**Senate Bill 39:** Senators Baldwin and Cline;

**Senate Bill 41:** Senator Cline;

**Senate Bill 42:** Senator Cline;

**Senate Bill 45:** Senator Hamilton;

**Senate Bill 51:** Senator Baldwin;

**Senate Bill 52:** Senators Jeffries and Lindsay;

**Senate Bill 53:** Senators Jeffries and Lindsay;

**Senate Bill 54:** Senator Jeffries;

**Senate Bill 55:** Senators Baldwin, Jeffries, and Lindsay;

**Senate Bill 56:** Senators Baldwin and Jeffries;

**Senate Bill 61:** Senator Baldwin;

**Senate Bill 62:** Senator Lindsay;

**Senate Bill 65:** Senator Baldwin;

**Senate Bill 70:** Senators Lindsay and Stollings;

**Senate Bill 77:** Senators Cline, Hamilton, and Lindsay;

**Senate Bill 79:** Senators Baldwin and Hamilton;

**Senate Bill 82:** Senators Baldwin, Hamilton, and Jeffries;

**Senate Bill 84:** Senator Hamilton;

**Senate Bill 85:** Senator Jeffries;

**Senate Bill 87:** Senators Hamilton and Jeffries;

- Senate Bill 92:** Senators Cline, Jeffries, and Lindsay;
- Senate Bill 94:** Senators Hamilton and Stollings;
- Senate Bill 96:** Senator Cline;
- Senate Bill 97:** Senators Hamilton and Lindsay;
- Senate Bill 99:** Senator Lindsay;
- Senate Bill 101:** Senators Baldwin, Jeffries, and Lindsay;
- Senate Bill 102:** Senators Jeffries and Lindsay;
- Senate Bill 106:** Senators Baldwin and Stollings;
- Senate Bill 107:** Senator Hamilton;
- Senate Bill 109:** Senator Stollings;
- Senate Bill 110:** Senators Baldwin and Stollings;
- Senate Bill 113:** Senators Baldwin and Lindsay;
- Senate Bill 115:** Senator Stollings;
- Senate Bill 126:** Senator Cline;
- Senate Bill 127:** Senator Cline;
- Senate Bill 128:** Senator Hamilton;
- Senate Bill 132:** Senator Cline;
- Senate Bill 134:** Senator Cline;
- Senate Bill 137:** Senators Baldwin and Cline;
- Senate Bill 140:** Senator Hamilton;
- Senate Bill 142:** Senators Hamilton and Jeffries;
- Senate Bill 143:** Senator Cline;

**Senate Bill 144:** Senator Cline;

**Senate Bill 145:** Senator Cline;

**Senate Bill 147:** Senator Cline;

**Senate Bill 148:** Senator Cline;

**Senate Bill 149:** Senator Baldwin;

**Senate Joint Resolution 2:** Senator Cline;

And,

**Senate Joint Resolution 3:** Senator Cline.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Takubo, at 11:19 a.m., the Senate adjourned until tomorrow, Friday, January 10, 2020, at 11 a.m.

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## FRIDAY, JANUARY 10, 2020

The Senate met at 11:10 a.m.

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

Prayer was offered by the Honorable Rollan A. Roberts, a senator from the ninth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael T. Azinger, a senator from the third district.

Pending the reading of the Journal of Thursday, January 9, 2020,

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

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

The Senate then proceeded to the fourth order of business.

Senator 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 94**, Providing persons with physical disabilities ability to vote by electronic absentee ballot.

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

**Com. Sub. for Senate Bill 94** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-3-1, §3-3-2, §3-3-2b, §3-3-4, §3-3-5, and §3-3-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §3-3-1a, all relating generally to absentee voting; clarifying that voters with disabilities prevented from voting in person may vote by mail-in absentee ballot; providing that voters with physical disabilities may vote by electronic absentee ballot; clarifying that certain overseas military members and citizens may vote by electronic absentee ballot; defining terms; providing that a voter with a physical disability may electronically submit an application to vote absentee; establishing that a voter may be on the special absentee voting list while the voter has a physical disability; providing that the information collected in the application to be placed on the special absentee voting list include whether a voter with a physical disability requests an electronic absentee ballot; clarifying that a voter with a physical disability can receive assistance to vote in certain circumstances; establishing requirements and deadlines for transmission, submission, and acceptance of electronic absentee ballots; and updating obsolete terms

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills and joint resolutions were considered introduced, read by their titles, and referred to the appropriate committees:

**By Senator Jeffries:**

**Senate Bill 246**—A Bill to amend and reenact §51-9-1a, §51-9-5, §51-9-6b, and §51-9-6d of the Code of West Virginia, 1931, as amended, all relating to including family court judges in the retirement system for judges; and authorizing family court judges to participate in the retirement system for judges.

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

**By Senator Ihlenfeld:**

**Senate Bill 247**—A Bill to amend and reenact §18A-4-10 of the Code of West Virginia, 1931, as amended, relating to a bonus for school service personnel who use less than four days of personal leave.

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

**By Senator Romano:**

**Senate Bill 248**—A Bill to repeal §17A-10-3c of the Code of West Virginia, 1931, as amended, relating to additional registration fees for alternative fuel vehicles.

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

**By Senator Ihlenfeld:**

**Senate Bill 249**—A Bill to amend and reenact §24A-7-7 of the Code of West Virginia, 1931, as amended, relating to the authority

of motor carrier inspectors and law-enforcement officers to enforce all traffic rules and safety inspections as to commercial vehicles.

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

**By Senator Ihlenfeld:**

**Senate Bill 250**—A Bill to amend and reenact §5-10-18 of the Code of West Virginia, 1931, as amended, relating to providing an 11-month window to permit members of the Public Employees Retirement System to purchase credited service that had been previously forfeited.

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

**By Senator Jeffries:**

**Senate Bill 251**—A Bill to amend and reenact §23-4-1f of the Code of West Virginia, 1931, as amended, relating to allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder resulting from an event that occurred during their employment; making findings; and defining terms.

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

**By Senator Baldwin:**

**Senate Bill 252**—A Bill to amend and reenact §16-4C-3 and §16-4C-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-4C-24, all relating to creating the Emergency Medical Services Personnel Loan Forgiveness Program; permitting emergency service personnel to have certain portions of their educational loans forgiven; granting the Emergency Medical Service Advisory Council the authority to approve loan forgiveness awards; establishing application criteria; establishing the amounts of awards; establishing requirements for the certification of personnel status; defining terms; and creating a special revenue account known as the Emergency Medical Services Personnel Loan Forgiveness Program Fund.

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

**By Senator Jeffries:**

**Senate Bill 253**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-10P-1, §18-10P-2, §18-10P-3, and §18-10P-4, all relating to wages of persons with disabilities; initiating a State Employment First Policy to facilitate integrated employment of disabled persons; providing legislative findings; establishing a taskforce to develop a State Employment First Policy; and providing for implementation of the State Employment First Policy.

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

**By Senator Rucker:**

**Senate Bill 254**—A Bill to amend and reenact §17C-5A-3 of the Code of West Virginia, 1931, as amended, relating to the addition of grievance and appellate procedures and judicial review for individuals participating in, or who have participated in, the Division of Motor Vehicles' Safety and Treatment Program; and authorizing the Commissioner of the Division of Motor Vehicles to promulgate a rule to add such procedures and judicial review for participants of the Safety and Treatment Program.

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

**By Senator Rucker:**

**Senate Bill 255**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-6-19a, relating to clarifying that persons 16 years of age and older may possess pepper spray on the State Capitol Complex, and in the buildings thereon, solely for self-defense purposes; defining terms; and authorizing the Director of the Division of Protective Services to temporarily prohibit the possession of pepper spray on the State Capitol Complex and in the buildings thereon during designated special events.



Referred to the Committee on the Judiciary.

**By Senator Rucker:**

**Senate Bill 256**—A Bill to amend and reenact §11A-3-2 of the Code of West Virginia, 1931, as amended, relating to requiring the sheriff to send notices to the owners of record and to each resident or occupant of real property prior to selling the property for which property taxes have not been paid.

Referred to the Committee on Government Organization.

**By Senator Rucker:**

**Senate Bill 257**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-20-1, §16-20-2, §16-20-3, and §16-20-4, all relating to prohibiting discrimination based on an individual's mental or physical disability in access to organ transplantation; and providing enforcement mechanisms.

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

**By Senator Ihlenfeld:**

**Senate Bill 258**—A Bill to amend and reenact §17C-15-46 of the Code of West Virginia, 1931, as amended, relating to when child passenger safety devices are required.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Romano:**

**Senate Bill 259**—A Bill to amend and reenact §60A-4-406 of the Code of West Virginia, 1931, as amended, relating to applying a mandatory period of incarceration prior to parole eligibility to persons 18 years old or over who are convicted of distributing a controlled substance within 200 feet of a public library.

Referred to the Committee on the Judiciary.

**By Senator Ihlenfeld:**

**Senate Bill 260**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated

§46A-2A-102a, relating to the collection and use of personal information by retail establishments for certain purposes.

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

**By Senator Ihlenfeld:**

**Senate Bill 261**—A Bill to amend and reenact §61-3C-3 and §61-3C-4 of the Code of West Virginia, 1931, as amended, all relating to contaminating a computer with ransomware; creating criminal penalties for introducing ransomware into any computer, computer system, or computer network with the intent to extort money or other consideration; setting forth the elements of the offense; and defining a term.

Referred to the Committee on the Judiciary.

**By Senator Ihlenfeld:**

**Senate Bill 262**—A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to creating a rebuttable presumption, under the workers' compensation law, for a law-enforcement officer who has developed a cardiovascular or pulmonary disease or who has developed leukemia, lymphoma, or multiple myeloma and who has received the injury or contracted the disease during the course of his or her employment.

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

**By Senator Woelfel:**

**Senate Bill 263**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-12-20, relating to foreclosure actions involving abandoned properties; authorizing a municipality to commence a proceeding in a court of competent jurisdiction in the county in which the property is located to compel a foreclosure; defining a "vacant and abandoned residential property"; designating the section as the Zombie Property Remediation Act of 2020; and requiring conveyance of the deed following foreclosure.

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

**By Senator Baldwin:**

**Senate Bill 264**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25, relating to creating a tax credit for individuals who successfully complete a firearms safety course.

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

**By Senator Swope:**

**Senate Bill 265**—A Bill to amend and reenact §22-15A-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §22-15A-30; and to amend and reenact §22-16-12 of said code, all relating to authorizing the Department of Environmental Protection to develop a program called the Reclamation of Abandoned and Dilapidated Properties Program to reclaim abandoned and dilapidated structures in order to improve West Virginia communities and to open new parcels for development.

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

**By Senator Weld:**

**Senate Bill 266**—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to clarifying and updating language regarding special license plates for Fairmont State alumni.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Jeffries:**

**Senate Bill 267**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3-24i, relating to the criminal possession of rented or leased personal property; establishing the elements of the offense;

requirements of service of written demand; affirmative defense; and exceptions.

Referred to the Committee on the Judiciary.

**By Senator Tarr:**

**Senate Bill 268**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-29, relating to requiring the Secretary of the Department of Health and Human Resources to seek a waiver within the Supplemental Nutrition Assistance Program to allow that benefits issued under the Supplemental Nutrition Assistance Program be limited to purchases with the same or similar nutritional value as purchases allowable under the Women’s, Infant, and Children Program; requiring the secretary to coordinate with appropriate state agencies in seeking the waiver; and requiring the secretary to report to the Legislative Oversight Commission on Health and Human Resources Accountability concerning progress made toward seeking the waiver by December 31, 2020.

Referred to the Committee on Health and Human Resources.

**By Senator Stollings:**

**Senate Bill 269**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5AA-1, §16-5AA-2, §16-5AA-3, §16-5AA-4, §16-5AA-5, and §16-5AA-6, all relating to establishing an advisory council on rare diseases; creating the advisory council and its composition; setting terms of members; defining terms; defining duties and powers of the advisory council; setting out particular duties of the Secretary of the Department of Health and Human Resources; and establishing a special revenue account.

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

**By Senators Takubo, Baldwin, Weld, and Woelfel:**

**Senate Bill 270**—A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9, and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3,

§5-11A-5, §5-11A-6, and §5-11A-7 of said code, all relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act; prohibiting discrimination based upon age and sexual orientation, or gender identity; and defining “sexual orientation” and “gender identity”.

Referred to the Committee on the Judiciary.

**By Senator Baldwin:**

**Senate Bill 271**—A Bill to amend and reenact §61-6-21 of the Code of West Virginia, 1931, as amended, relating to prohibiting civil rights violations based on gender identity or sexual orientation; criminal penalties; when evidence of constitutionally protected speech or associations is not admissible in criminal prosecutions; exceptions; and providing for sentencing alternatives for persons convicted of violations.

Referred to the Committee on the Judiciary.

**By Senator Woelfel:**

**Senate Bill 272**—A Bill to repeal §61-3-36 and §61-3-46 of the Code of West Virginia, 1931, as amended; and to repeal §61-8-25 of said code, relating to arcane criminalized conduct.

Referred to the Committee on the Judiciary.

**By Senator Ihlenfeld:**

**Senate Bill 273**—A Bill to amend and reenact §11A-3-18 and §11A-3-42 of the Code of West Virginia, 1931, as amended, all relating to time for which the original owner of real property, or anyone else who was entitled to pay taxes on real property, may redeem property after a tax lien sale.

Referred to the Committee on Government Organization.

**By Senator Jeffries:**

**Senate Bill 274**—A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to authorizing the year-round hunting of coyote by artificial light or any night vision technology.

Referred to the Committee on Natural Resources.

**By Senator Carmichael (Mr. President):**

**Senate Bill 275**—A Bill to amend and reenact §3-10-3a of the Code of West Virginia, 1931, as amended; to amend and reenact §23-5-15 of said code; to amend and reenact §29A-5-4 of said code; to amend and reenact §29A-6-1 of said code; to amend said code by adding thereto a new section, designated §51-2A-24; to amend and reenact §51-9-1a of said code; to amend said code by adding thereto a new article, designated §51-11-1, §51-11-2, §51-11-3, §51-11-4, §51-11-5, §51-11-6, §51-11-7, §51-11-8, §51-11-9, §51-11-10, §51-11-11, §51-11-12, and §51-11-13; and to amend and reenact §58-5-1 of said code, all relating generally to the West Virginia Appellate Reorganization Act of 2020; creating an Intermediate Court of Appeals in West Virginia; providing that the Judicial Vacancy Advisory Commission shall assist the Governor in filling judicial vacancies in the Intermediate Court of Appeals; providing that petitions for review of final decisions of the Workers' Compensation Board of Review must be made to the Intermediate Court of Appeals and that petitioners have a right to review in such court; providing that the Supreme Court of Appeals has discretion to review final decisions of the Intermediate Court of Appeals in workers' compensation claims; providing that the Workers' Compensation Board of Review may continue to certify questions of law directly to the Supreme Court of Appeals; requiring that appeal of contested cases under State Administrative Procedures Act be made to the Intermediate Court of Appeals; transferring jurisdiction to review family court final orders from circuit courts to the Intermediate Court of Appeals; placing judges of Intermediate Court of Appeals under the judicial retirement system; establishing the Intermediate Court of Appeals by a certain date; providing a short title; providing legislative findings; defining terms; requiring a three-judge panel for proceedings; authorizing jurisdiction of the Intermediate Court of Appeals over certain matters; excluding certain matters from jurisdiction of the Intermediate Court of Appeals; providing eligibility criteria for judges of the Intermediate Court of Appeals; providing a process for initial appointment of judges to the Intermediate Court of Appeals to staggered judicial terms and to ten-year terms on the

expiration of terms thereafter; providing for the filling of vacancies in unexpired judicial terms by appointment; providing that the Governor's appointments are subject to Senate confirmation; providing that judges of the Intermediate Court of Appeals may not be candidates for any elected public office during judicial term; establishing certain requirements for the filing of appeals to the Intermediate Court of Appeals; clarifying that an appeal bond may be required before appeal to the Intermediate Court of Appeals may take effect; requiring the Chief Judge of the Intermediate Court of Appeals to publish and submit certain reports to the Legislature and Supreme Court of Appeals regarding pending cases; authorizing filing fees; providing for deposit of filing fees in a special revenue account to fund the State Police Forensic Laboratory; recognizing the constitutional authority of the Supreme Court of Appeals to exercise administrative authority over the Intermediate Court of Appeals; providing that procedures and operations of the Intermediate Court of Appeals shall comply with rules promulgated by the Supreme Court of Appeals; requiring that appeals to the Intermediate Court of Appeals be filed with the Clerk of the Supreme Court of Appeals; providing that Intermediate Court of Appeals proceedings shall take place in publicly available facilities as arranged by the Administrative Director of the Supreme Court of Appeals; granting the Intermediate Court of Appeals discretion to require oral argument; authorizing the Administrative Director of the Supreme Court of Appeals to employ staff for Intermediate Court of Appeals operations; providing that the budget for Intermediate Court of Appeals operations shall be included in the appropriation for the Supreme Court of Appeals; authorizing the Intermediate Court of Appeals to issue opinions as binding precedent for lower courts; providing for discretionary review of Intermediate Court of Appeals decisions by Supreme Court of Appeals; authorizing an annual salary, retirement benefits, and reimbursement of expenses for judges of the Intermediate Court of Appeals; providing for reimbursement of expenses of Intermediate Court of Appeals staff; providing that certain appeals are reviewed and a written decision issued by either the Intermediate Court of Appeals or the Supreme Court of Appeals, as a matter of right; removing obsolete language from the code; and making technical corrections to the code.

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

**By Senator Trump:**

**Senate Bill 276**—A Bill to amend and reenact §3-10-3a of the Code of West Virginia, 1931, as amended; to amend and reenact §23-5-15 of said code; to amend and reenact §29A-5-4 of said code; to amend and reenact §29A-6-1 of said code; to amend said code by adding thereto a new section, designated §51-2A-24; to amend and reenact §51-9-1a of said code; to amend said code by adding thereto a new article, designated §51-11-1, §51-11-2, §51-11-3, §51-11-4, §51-11-5, §51-11-6, §51-11-7, §51-11-8, §51-11-9, §51-11-10, §51-11-11, §51-11-12, and §51-11-13; and to amend and reenact §58-5-1 of said code, all relating generally to the West Virginia Appellate Reorganization Act of 2020; creating an Intermediate Court of Appeals in West Virginia; providing that the Judicial Vacancy Advisory Commission shall assist the Governor in filling judicial vacancies in the Intermediate Court of Appeals; providing that petitions for review of final decisions of the Workers' Compensation Board of Review must be made to the Intermediate Court of Appeals and that petitioners have a right to review in such court; providing that the Supreme Court of Appeals has discretion to review final decisions of the Intermediate Court of Appeals in workers' compensation claims; providing that the Workers' Compensation Board of Review may continue to certify questions of law directly to the Supreme Court of Appeals; requiring that appeal of contested cases under State Administrative Procedures Act be made to the Intermediate Court of Appeals; transferring jurisdiction to review family court final orders from circuit courts to the Intermediate Court of Appeals; placing judges of Intermediate Court of Appeals under the judicial retirement system; establishing the Intermediate Court of Appeals by a certain date; providing a short title; providing legislative findings; defining terms; requiring a three-judge panel for proceedings; authorizing jurisdiction of the Intermediate Court of Appeals over certain matters; excluding certain matters from jurisdiction of the Intermediate Court of Appeals; providing eligibility criteria for judges of the Intermediate Court of Appeals; providing a process



for initial appointment of judges to the Intermediate Court of Appeals to staggered judicial terms and to ten-year terms on the expiration of terms thereafter; providing for the filling of vacancies in unexpired judicial terms by appointment; providing that the Governor's appointments are subject to Senate confirmation; providing that judges of the Intermediate Court of Appeals may not be candidates for any elected public office during judicial term; establishing certain requirements for the filing of appeals to the Intermediate Court of Appeals; clarifying that an appeal bond may be required before appeal to the Intermediate Court of Appeals may take effect; requiring the Chief Judge of the Intermediate Court of Appeals to publish and submit certain reports to the Legislature and Supreme Court of Appeals regarding pending cases; authorizing filing fees; providing for deposit of filing fees in a special revenue account to fund the State Police Forensic Laboratory; recognizing the constitutional authority of the Supreme Court of Appeals to exercise administrative authority over the Intermediate Court of Appeals; providing that procedures and operations of the Intermediate Court of Appeals shall comply with rules promulgated by the Supreme Court of Appeals; requiring that appeals to the Intermediate Court of Appeals be filed with the Clerk of the Supreme Court of Appeals; providing that Intermediate Court of Appeals proceedings shall take place in publicly available facilities as arranged by the Administrative Director of the Supreme Court of Appeals; granting the Intermediate Court of Appeals discretion to require oral argument; authorizing the Administrative Director of the Supreme Court of Appeals to employ staff for Intermediate Court of Appeals operations; providing that the budget for Intermediate Court of Appeals operations shall be included in the appropriation for the Supreme Court of Appeals; authorizing the Intermediate Court of Appeals to issue opinions as binding precedent for lower courts; providing for discretionary review of Intermediate Court of Appeals decisions by Supreme Court of Appeals; authorizing an annual salary, retirement benefits, and reimbursement of expenses for judges of the Intermediate Court of Appeals; providing for reimbursement of expenses of Intermediate Court of Appeals staff; providing that

certain appeals are reviewed and a written decision issued by either the Intermediate Court of Appeals or the Supreme Court of Appeals, as a matter of right; removing obsolete language from the code; and making technical corrections to the code.

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

**By Senator Trump:**

**Senate Bill 277**—A Bill to amend and reenact §60A-7-705 of the Code of West Virginia, 1931, as amended, relating to civil asset forfeiture; requiring that state prove the owner of seized property has been convicted of a felony controlled substance offense and that the seized property was substantially related to the crime before the state can perfect title to the seized property; modifying the standard of proof; and requiring that state return seized property to its owner if its evidentiary burden is not met.

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 278**—A Bill to amend and reenact §27-6A-3 of the Code of West Virginia, 1931, as amended, relating to a defendant's competency to stand trial; and actions of the circuit judge.

Referred to the Committee on the Judiciary.

**By Senators Trump and Stollings:**

**Senate Bill 279**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-22; to amend said code by adding thereto a new section, designated §33-16-18; to amend said code by adding thereto a new section, designated §33-24-45; to amend said code by adding thereto a new section, designated §33-25-22; and to amend said code by adding thereto a new section, designated §33-25A-36, all relating to the assignment of certain benefits in dental care insurance coverage.

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

**By Senator Tarr:**

**Senate Bill 280**—A Bill to amend and reenact §9-8-4 of the Code of West Virginia, 1931, as amended, relating to requiring paternity be established prior to the award of public benefits subject to this chapter; requiring DNA test be conducted to establish paternity and referral for criminal prosecution if paternity is inappropriately denied and support is not timely paid; providing that state benefits paid on behalf of the child will be reduced from any state benefits paid to nonsupport-paying parent; and requiring that nonsupporting parent reimburse the state for any assistance paid to support the child.

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

**By Senator Woelfel:**

**Senate Bill 281**—A Bill to amend and reenact §8-14-12 of the Code of West Virginia, 1931, as amended, relating to removing the residency requirement for persons applying for reappointment to a municipal police department.

Referred to the Committee on Government Organization.

**By Senator Baldwin:**

**Senate Bill 282**—A Bill to amend and reenact §29-6-10 of the Code of West Virginia, 1931, as amended, relating to authorizing the transfer of personal leave by a former employee of a county board of education when the employee is subsequently employed by a state agency.

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

**By Senator Weld:**

**Senate Bill 283**—A Bill to amend and reenact §61-2-9d of the Code of West Virginia, 1931, as amended, relating to the criminal

offense of strangulation; creating the criminal offense of suffocation; and increasing the criminal penalty for these crimes.

Referred to the Committee on the Judiciary.

**By Senator Carmichael (Mr. President):**

**Senate Bill 284**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-53-1, §33-53-2, §33-53-3, §33-53-4, §33-53-5, §33-53-6, §33-53-7, §33-53-8, §33-53-9, §33-53-10, §33-53-11, and §33-53-12, all relating to West Virginia Health Care Continuity Act; including provisions for the creation of a State Commission on Health Care Continuity, when the act becomes effective, the establishment of the West Virginia Patient Protection Pool risk-sharing program, and the involvement of the Joint Committee on Government and Finance; providing limitations on preexisting condition exclusions for health benefit plans; requiring rulemaking; requiring fairness in cost sharing and ratemaking; and including a conflict of laws provision.

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

**By Senator Carmichael (Mr. President):**

**Senate Bill 285**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j; to amend and reenact §19-23-3, §19-23-7, §19-23-10, §19-23-12b, §19-23-13, and §19-23-13c of said code; to amend said code by adding thereto a new section, designated §19-23-10a; to amend and reenact §29-22-18a of said code; to amend and reenact §29-22A-3, §29-22A-7, §29-22A-10, §29-22A-10b, §29-22A-10d, §29-22A-10e, and §29-22A-12 of said code; and to amend and reenact §29-22C-3, §29-22C-8, §29-22C-10, §29-22C-27, and §29-22C-27a of said code, all relating generally to horse and dog racing lottery; modifying certain definitions; discontinuing the West Virginia Racing Commission special account known as the West Virginia Greyhound Breeding Development Fund; transferring all moneys in the West Virginia Greyhound Breeding Development Fund to the State Excess Lottery Revenue Fund for appropriation by the Legislature; requiring that upon transfer of

moneys from the West Virginia Greyhound Breeding Development Fund to the State Excess Lottery Revenue Fund, a certain amount be withheld and deposited in the special account known as the Administration, Promotion, Education, Capital Improvement and Greyhound Adoption Programs to include Spaying and Neutering Account; requiring that all moneys previously required to be directed to the West Virginia Greyhound Breeding Development Fund be redirected to the State Excess Lottery Revenue Fund for appropriation by the Legislature; requiring that all moneys previously required to be directed into any fund or paid for the purposes of funding purses, awards, or providing any other funding for greyhound races to be redirected to the State Excess Lottery Revenue Fund for appropriation by the Legislature; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to qualify for such a license; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to contract to receive telecasts and accept wagers; providing that a dog racetrack is required to hold a racing license to conduct simulcast racing regardless of whether the racetrack continues to conduct live dog racing; authorizing the West Virginia Racing Commission to promulgate rules, including emergency rules, regarding licensure of dog racetracks conducting only simulcast racing; eliminating the requirement that a video lottery licensee at a dog track must hold a racing license to renew a video lottery license or racetrack table games license; requiring the Lottery Commission to transfer a percentage of gross terminal revenue derived from racetrack video lottery at thoroughbred tracks, and deducted for administrative costs and expenses, to the Racing Commission's General Administrative Account; eliminating the requirement that an applicant for a video lottery license or license renewal at a dog racetrack must provide evidence of the existence of an agreement regarding proceeds from video lottery terminals with certain parties; providing that a percentage of net terminal income originating at thoroughbred racetracks will be deposited in the West Virginia Thoroughbred Development Fund; permitting a dog racetrack to continue to operate operational video lottery and racetrack table games in a location where live racing was previously conducted; eliminating the requirement that a racetrack table games licensee at a dog racetrack must race a

minimum number of dates; providing a one-time credit towards personal income taxes for the adoption of displaced greyhounds; and requiring that a certain amount of money be withheld and deposited into a special revenue account known as the Displaced Workers Employment Retraining Fund to assist with the retraining of workers directly impacted by the termination of greyhound racing.

Referred to the Committee on Finance.

**By Senator Tarr:**

**Senate Bill 286**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-59-1 and §16-59-2, all relating to prohibiting the development of syringe exchange programs; providing for the closure of existing programs; and providing for civil penalties.

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

**By Senator Tarr:**

**Senate Bill 287**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-27, relating to requiring county boards of education to establish programs for random drug testing for illegal drugs of student drivers in grades 9-12 in public schools and student athletes in grades 7-12; and requiring referral to Child Protective Services and notice to parents when results are positive.

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

**By Senator Tarr:**

**Senate Bill 288**—A Bill to amend and reenact §16-2B-1, §16-2B-3, and §16-2B-4 of the Code of West Virginia, 1931, as amended, all relating to family planning and child spacing; charging the Bureau for Public Health with developing and implementing a plan to prevent and reduce exposure of unborn children to illicit substances and neonatal abstinence syndrome.

Referred to the Select Committee on Children and Families; and then to the Committee on Finance.

**By Senator Weld:**

**Senate Bill 289**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-3E-1, §15-3E-2, §15-3E-3, §15-3E-4, §15-3E-5, and §15-3E-6, all relating to creating the Green Alert Plan.

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

**By Senator Weld:**

**Senate Bill 290**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-3A-1, §22-3A-2, §22-3A-3, §22-3A-4, and §22-3A-5, all relating to creating the Underground Mining Subsidence Damage Act.

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

**By Senator Weld:**

**Senate Bill 291**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7g; to amend said code by adding thereto a new section, designated §33-15-4u; to amend said code by adding thereto a new section, designated §33-16-3ff; to amend said code by adding thereto a new section, designated §33-24-7u; to amend said code by adding thereto a new section, designated §33-25-8r; and to amend said code by adding thereto a new section, designated §33-25A-8u, all relating to requiring the Public Employees Insurance Agency and other health insurance providers to provide mental health parity between behavioral health, mental health, substance use disorders, and medical and surgical procedures; providing definitions; providing mandatory coverage; providing for mandatory annual reporting; providing for rulemaking; and setting forth an effective date.

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

**By Senator Weld:**

**Senate Bill 292**—A Bill to amend and reenact §61-2-9a of the Code of West Virginia, 1931, as amended, relating generally to the criminal offenses of stalking and harassment; clarifying essential elements of harassment; defining terms; and continuing criminal penalties.

Referred to the Committee on the Judiciary.

**By Senators Weld, Stollings, Rucker, Roberts, Plymale, Maynard, and Azinger:**

**Senate Bill 293**—A Bill to amend and reenact §48-22-201 and §48-22-501 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §49-2-111c, all relating to adoption; providing that if a minor child to be adopted has been removed from a prior home due to abuse or neglect, the petition for adoption may be filed in the same county as the original abuse and neglect proceeding; eliminating a 45-day waiting period; and requiring the Department of Health and Human Services to pay for adoption services.

Referred to the Select Committee on Children and Families; and then to the Committee on Health and Human Resources.

**By Senator Tarr:**

**Senate Bill 294**—A Bill to repeal §5-3-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §5-3A-1, §5-3A-2, §5-3A-3, §5-3A-4, §5-3A-5, and §5-3A-6, all relating to creating the State Settlement and Recovered Funds Accountability Act; providing a short title; setting forth legislative findings; directing that recovered funds and assets be deposited into the State Treasury in the General Revenue Fund of the state, and providing exceptions; directing that certain recovered funds and assets be held in trust to be deposited into a special revenue account in the State Treasury; requiring legislative appropriation of those funds and assets; creating two special revenue funds in the State Treasury, known as the Consumer Protection Recovery Fund and the Consumer Protection Restitution Fund; requiring annual transfer of moneys exceeding \$7 million in the Consumer Protection Recovery Fund



to the General Revenue Fund; providing for disbursement of funds from the Consumer Protection Recovery Fund; requiring transfer of funds from the Consumer Protection Restitution Fund into the Consumer Protection Recovery Fund; authorizing the deposit and expenditure of attorney's fees, expenses, and costs awarded to the Attorney General from the fund; prohibiting agreements to settlement or agreement terms that are contrary to the provisions of law; requiring reporting by the Attorney General to report annually as to the receipts and expenditures of the funds and the disposition of causes; and repealing provisions requiring the Attorney General to deposit all fees received for representing the state into the General Revenue Fund.

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

**By Senator Cline:**

**Senate Bill 295**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8B-10a, relating to establishing criminal penalties for sexual relationships between teachers and students in schools in West Virginia.

Referred to the Committee on the Judiciary.

**By Senator Cline:**

**Senate Bill 296**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-9A-27, relating to requiring, for an official or unofficial school-sanctioned athletic or sporting event, that each athlete's participation in the athletic or sporting event be based on the athlete's biological sex as indicated on the athlete's original birth certificate issued at the time of birth; providing for ineligibility of public funding; providing for civil actions to be taken against school officials; providing that civil trial be conducted in the same manner as the court would conduct a criminal trial; providing that official found to have permitted an athlete's participation in an athletic or sporting event that is not based on the athlete's biological sex as indicated on the athlete's original birth certificate

issued at the time of birth be removed from his or her official position and be ineligible to hold public office or a position as a school administrator or principal for a period of five years; providing for a civil penalty; and defining a term.

Referred to the Committee on Education.

**By Senator Cline:**

**Senate Bill 297**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7e, relating to requiring the State Board of Education to create a home economics course for students in secondary schools.

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

**By Senator Cline:**

**Senate Bill 298**—A Bill to amend and reenact §17B-1-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §17C-1-69 of said code; and to amend and reenact §17C-15-44 of said code, all relating to autocycles; amending the definition of “autocycle”; and clarifying the autocycle exemption from helmet requirements.

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

**By Senator Cline:**

**Senate Bill 299**—A Bill to amend and reenact §18-2-7c of the Code of West Virginia, 1931, as amended, relating to requiring the State Board of Education to develop curriculum content for a semester-long financial literacy course; requiring all county boards of education implement the financial literacy course in all high schools in the particular county; and requiring all students to satisfactorily complete a course in financial literacy as a graduation requirement.

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

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 300**—A Bill to amend and reenact §11-24-3 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act; and specifying effective dates.

Referred to the Committee on Finance.

**By Senators Tarr, Weld, Stollings, Rucker, Roberts, Plymale, Maynard, and Azinger:**

**Senate Bill 301**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-9-101, §49-9-102, §49-9-103, §49-9-104, §49-9-105, §49-9-106, §49-9-107, §49-9-108, §49-9-109, and §49-9-110, all relating to the Foster Care Ombudsman Program; continuing the Foster Care Ombudsman; providing authority to the ombudsman; permitting access to foster care children; providing access to certain records; providing the ombudsman with subpoena authority; requiring government entities to cooperate with the ombudsman; requiring investigations to remain confidential; providing the ombudsman with a limitation of liability; setting forth criminal penalties; and providing funding for the ombudsman.

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

**By Senators Weld, Stollings, Rucker, Roberts, Plymale, Maynard, and Azinger:**

**Senate Bill 302**—A Bill to repeal §49-2-102, §49-2-104, and §49-2-125 of the Code of West Virginia, 1931, as amended; to amend and reenact §49-1-206 of said code; to amend and reenact §49-2-108, §49-2-110, §49-2-111, §49-2-112, §49-2-118, §49-2-121, §49-2-124, and §49-2-126 of said code; and to amend said code by adding thereto two new sections, designated §49-2-127 and §49-2-128, all relating to foster care.

Referred to the Committee on Health and Human Resources.

**By Senator Rucker:**

**Senate Bill 303**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-10P-1, §18-10P-2, §18-10P-3, §18-10P-4, §18-10P-5, and §18-10P-6, all relating to enacting the Students' Right-to-Know Act; providing purpose of making high school students aware of the cost of four-year colleges and other alternative career paths; requiring the State Board of Education to collect and disseminate certain career landscape information; and establishing an effective date.

Referred to the Committee on Education.

**By Senator Rucker:**

**Senate Bill 304**—A Bill to repeal §18-9-3a of the Code of West Virginia, 1931, as amended, relating to county board of education financial statements.

Referred to the Committee on Government Organization.

**By Senators Sypolt, Cline, Maynard, Pitsenbarger, and Stollings:**

**Senate Bill 305**—A Bill to amend and reenact §23-2-1a of the Code of West Virginia, 1931, as amended, relating to exempting nonpaid volunteers at a volunteer fire department or emergency medical services organization who volunteer for the purpose of fundraising, or other administrative capacity, from workers' compensation benefits.

Referred to the Committee on Banking and Insurance; and then to the Committee on Government Organization.

**By Senator Trump:**

**Senate Bill 306**—A Bill to amend and reenact §17B-2B-3, §17B-2B-4, §17B-2B-5, and §17B-2B-7 of the Code of West Virginia, 1931, as amended, all relating to licensing of drivers utilizing bioptic telescopic devices.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Maynard:**

**Senate Bill 307**—A Bill to amend and reenact §11A-3-23 of the Code of West Virginia, 1931, as amended, relating to correcting a citation to code.

Referred to the Committee on Government Organization.

**By Senator Weld:**

**Senate Bill 308**—A Bill to amend and reenact §55-7J-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-2-29b of said code, all relating to criminal penalties for violation or contempt of protective orders for victims of financial exploitation.

Referred to the Committee on the Judiciary.

**By Senators Swope and Pitsenbarger:**

**Senate Bill 309**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-22-1a, relating to competitive bidding for government construction contracts arising out of declared states of emergency; allowing contracts for construction projects to be procured through competitive bidding on an open-ended basis as to quantity or by unit pricing on estimated quantities; allowing the establishment of multiple award construction contracts; eliminating need for emergency construction contract to specify the exact location of construction involved in the solicitation for bids; making the requirement that the entity to whom the contract is awarded furnish payment or performance bonds discretionary; and making the award of such contracts subject to other competitive bidding requirements of said code.

Referred to the Committee on Government Organization.

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 310**—A Bill to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating meaning of federal adjusted gross income and certain other terms

used in West Virginia Personal Income Tax Act; and specifying effective dates.

Referred to the Committee on Finance.

**By Senator Sypolt:**

**Senate Joint Resolution 4**—Proposing an amendment to the Constitution of the State of West Virginia, amending section six, article III thereof, relating to protecting the electronic communication and data of citizens from unreasonable searches and seizures; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

**By Senator Sypolt:**

**Senate Joint Resolution 5**—Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to homestead exemption increase; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

Senator Weld offered the following resolution:

**Senate Concurrent Resolution 1**—Designating dogs that are adopted from West Virginia animal shelters and rescues as West Virginia's official state dog.

Whereas, According to a recent study, animal shelters and rescues in the United States take in more than 5.5 million dogs each year; and

Whereas, Approximately 800,000 of these dogs are euthanized every year; and

Whereas, West Virginia has more than 500 animal shelters and rescues that are dedicated to finding homes for the thousands of dogs they take in each year; and

Whereas, The Legislature seeks to raise public awareness of shelter and rescue dogs; therefore, be it

*Resolved by the Legislature of West Virginia:*

That dogs adopted from West Virginia animal shelters and rescues be designated as West Virginia's official state dog; and, be it

*Further Resolved,* That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Governor and the schools of this state.

Which, under the rules, lies over one day.

Senator Trump offered the following resolution:

**Senate Concurrent Resolution 2**—Requesting the citizens of Frederick County, Virginia, to consider becoming a part of the State of West Virginia.

Whereas, Frederick County, Virginia, was formed in 1743, and Hampshire County, Virginia, was formed in 1754. Most of what was originally Hampshire County, when it was formed in 1754, was territory that had been part of Frederick County. Berkeley County, Virginia, was formed from Frederick County in 1772; and

Whereas, The counties of Jefferson, Berkeley, Morgan, Hampshire, Mineral, Hardy and Grant counties in the State of West Virginia all contain territory that was once part of Frederick County, Virginia, such that Frederick County, Virginia, may truly be regarded as the mother of all seven of these West Virginia counties; and

Whereas, In addition to the historical connections between Frederick County, Virginia, and the seven counties in West Virginia, which are her children, there have always existed strong

familial ties between and among the inhabitants of those counties, as well as ties of commerce, business, religion, education, arts, society, politics, travel, recreation, and connections of every possible kind. There remain, as there have always been, feelings of deep affection for Frederick County and for her inhabitants by and among the citizens of West Virginia, and in particular by and among the citizens of those counties in West Virginia which may be regarded as the children of Frederick County. In 1862, when the government of Virginia, meeting in Wheeling, took up the question of the formation of a new state, Frederick County was among those counties which were regarded as having a natural place within the new state. So strong was the desire to have Frederick County join the new state that the opportunity for her to do that was specifically provided for by an Act of the Legislature; and

Whereas, The Act of the Legislature of Virginia, passed May 13, 1862, giving the consent of the State of Virginia to the formation of the new State of West Virginia, provided as follows:

That the consent of the legislature of Virginia be, and the same is hereby, given that the counties of Berkeley, Jefferson, and Frederick shall be included in and form part of the State of West Virginia, whenever the voters of said counties shall ratify and assent to said constitution, at an election held for the purpose, at such time and under such regulations as the commissioners, named in said schedule, may prescribe; and

Whereas, Although the citizens of the counties of Berkeley and Jefferson thereafter voted to join the new state, the citizens of Frederick County have not yet done so; and

Whereas, By its decision in the case of *State of Virginia v. State of West Virginia*, 78 U.S. 39, 20 L.Ed.67, 11 Wall. 39 (1870), the United States Supreme Court recognized that the opportunity for Frederick County, Virginia, to transfer to and join the new State of West Virginia, was lawfully and permanently reserved unto her by the actions of Virginia and by the Congress of the United States, to be exercised whenever the voters of Frederick County might vote to join the new State of West Virginia, to-wit:



“The State of Virginia, in the ordinance which originated the formation of the new State, recognized something peculiar in the condition of these two counties, and some others. It gave them the option of sending delegates to the constitutional convention and gave that convention the option to receive them. For some reason not developed in the legislative history of the matter these counties took no action on the subject. The convention, willing to accept them, and hoping they might still express their wish to come in, made provision in the new constitution that they might do so, and for their place in the legislative bodies, and in the judicial system, and inserted a general proposition for accession of territory to the new State. The State of Virginia, in expressing her satisfaction with the new State and its constitution, and her consent to its formation, by a special section, refers again to the counties of Berkeley, Jefferson, and Frederick, and enacts that whenever they shall, by a majority vote, assent to the constitution of the new State, they may become part thereof; and the legislature sends this statute to Congress with a request that it will admit the new State into the Union. Now, we have here, on two different occasions, the emphatic legislative proposition of Virginia that these counties might become part of West Virginia; and we have the Constitution of West Virginia agreeing to accept them and providing for their place in the new-born State. There was one condition, however, imposed by Virginia to her parting with them, and one condition made by West Virginia to her receiving them, and that was the same, namely, the assent of the majority of the votes of the counties to the transfer. It seems to us that here was an agreement between the old State and the new that these counties should become part of the latter, subject to that condition alone. Up to this time no vote had been taken in these counties; probably none could be taken under any but a hostile government. At all events, the bill alleges that none was taken on the proposition of May 1862, of the Virginia legislature. If an agreement means the mutual consent of the parties to a given proposition, this was an agreement between these States for the transfer of these counties on the condition named. The condition was one which could be ascertained or carried out at any time; and this was clearly the idea of Virginia when she declared that *whenever* the voters of said counties should ratify and consent to the Constitution they should become part of the

State; and her subsequent legislation making special provision for taking the vote on this subject, as shown by the acts of January 31st and February 4th, 1863, is in perfect accord with this idea, and shows her good faith in carrying into effect the agreement. But did Congress consent to this agreement? Unless it can be shown that the consent of Congress, under that clause of the Constitution which forbids agreements between States without it, can only be given in the form of an express and formal statement of every proposition of the agreement, and of its consent thereto, we must hold that the consent of that body was given to this agreement. The attention of Congress was called to the subject by the very short statute of the State of Virginia requesting the admission of the new State into the Union, consisting of but three sections, one of which was entirely devoted to giving consent that these two counties *and the county of Frederick* might accompany the others, if they desired to do so.”; and

Whereas, With Frederick County, Virginia, in mind, Article VI, Section 11 of the West Virginia Constitution provides the mechanism for Frederick County to become part of the State of West Virginia, providing as follows:

“Additional territory may be admitted into, and become part of this state, with the consent of the Legislature and a majority of the qualified voters of the state, voting on the question. And in such case provision shall be made by law for the representation thereof in the Senate and House of Delegates, in conformity with the principles set forth in this constitution. And the number of members of which each house of the Legislature is to consist, shall thereafter be increased by the representation assigned to such additional territory”; and

Whereas, Upon joining the State of West Virginia, the citizens of Frederick County would be immediately entitled to all of the rights secured and protected by the West Virginia Constitution to the citizens of West Virginia, including not only the rights of free speech, freedom of the press, religious freedom, the right of peaceful assembly, the right to due process of law, but also the right to keep and bear arms without interference by the government; and

Whereas, Upon joining the State of West Virginia, Frederick County, including the City of Winchester, contained therein, would be immediately entitled to at least six delegates in the West Virginia House of Delegates and two senators in the West Virginia Senate; and

Whereas, From the time of the admission of the State of West Virginia into the Union, the counties which are the children of Frederick County, and the citizens of those counties, have pined for reunion with their mother county and prayed that she might join them in the State of West Virginia; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the citizens of Frederick County, Virginia, consider becoming a part of the State of West Virginia; and; be it

*Further Resolved,* That on behalf of the citizens of West Virginia, the Legislature of West Virginia does hereby remind the citizens and government of Frederick County, Virginia, of the invitation that was extended more than a century and a half ago, inviting Frederick County, Virginia to join the new State of West Virginia; and, be it

*Further Resolved,* That on behalf of the citizens of West Virginia, the Legislature of West Virginia assures the citizens and government of Frederick County, Virginia that the invitation extended in 1862 still stands, and that it stands as it was made, with the sincere and earnest hope of all of West Virginia that the invitation will one day be accepted by the citizens of Frederick County; and, be it

*Further Resolved,* That the 158 years which have elapsed since this invitation was first extended have not diminished the feelings of deep affection in which Frederick County and her citizens are held by the citizens of West Virginia; and, be it

*Further Resolved,* That at such time as the citizens of Frederick County may desire for Frederick County to become part of the State of West Virginia, the citizens of the Mountain State will

welcome them with open arms and rejoice in the addition of Frederick County to the State of West Virginia; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Board of Supervisors of Frederick County, Virginia.

Which, under the rules, lies over one day.

Senator Palumbo offered the following resolution:

**Senate Concurrent Resolution 3**—Requesting the Division of Highways to name bridge number 20-9-6.19 (20A017), locally known as Tornado Bridge, carrying County Route 9 over the Coal River in Kanawha County, the “U. S. Army MSG Richard A. ‘Dick’ Smoot Memorial Bridge”.

Whereas, Richard A. Smoot was born June 28, 1948, in Crownhill, West Virginia, the son of Trilba Gay Smoot and Richard Smoot; and

Whereas, Following high school, Richard A. Smoot joined the United States Army, where he rose to the rank of Master Sergeant and enjoyed a long and successful career; and

Whereas, Master Sergeant Smoot, who was sometimes called by the nickname “Bones”, completed numerous training courses as a member of the special forces, earning many medals and badges. He completed air borne school, signal school, the free fall parachutist course, and combat lifesaving training. He was a qualified combat diver and earned the right to the Combat Infantryman Badge, Portuguese Diver Badge, the Russian Parachute Badge, the Master Parachute Badge, Special Forces Tab, and Special Operations Diving Supervisor Badge; and

Whereas, Master Sergeant Smoot, who served in Vietnam, Iraq, and Afghanistan, became a legend among the special forces community. He was awarded two Meritorious Service Medals, two Army Commendation Medals, two Army Achievement Medals, a Meritorious Unit Commendation, an Army Good Conduct Medal, and other medals and ribbons; and

Whereas, Although the service often took him far from his Tornado home, Master Sergeant Smoot was a devoted husband, father, and friend and was described as a rock to his immediate and extended family. Following honorable discharge from military service, Master Sergeant Smoot participated actively in his community and served as commander for American Legion Post 73; and

Whereas, Master Sergeant Richard A. Smoot died July 2, 2015, as a result of having been struck by a truck as he rode his motorcycle; and

Whereas, It is fitting that an enduring memorial be established to commemorate his many contributions to our nation, state, and community; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 20-9-6.19 (20A017), locally known as Tornado Bridge, carrying County Route 9 over the Coal River in Kanawha County, the “U. S. Army MSG Richard A. ‘Dick’ Smoot Memorial Bridge”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army MSG Richard A. ‘Dick’ Smoot 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.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills:

- Senate Bill 2:** Senator Romano;
- Senate Bill 3:** Senator Romano;
- Senate Bill 8:** Senator Romano;
- Senate Bill 21:** Senator Romano;
- Senate Bill 22:** Senator Romano;
- Senate Bill 27:** Senator Romano;
- Senate Bill 30:** Senator Romano;
- Senate Bill 34:** Senator Romano;
- Senate Bill 37:** Senators Lindsay and Romano;
- Senate Bill 52:** Senator Romano;
- Senate Bill 53:** Senator Romano;
- Senate Bill 54:** Senator Romano;
- Senate Bill 55:** Senator Romano;
- Senate Bill 57:** Senator Romano;
- Senate Bill 61:** Senator Romano;
- Senate Bill 63:** Senator Romano;
- Senate Bill 70:** Senator Romano;
- Senate Bill 74:** Senator Romano;
- Senate Bill 142:** Senator Lindsay;
- Senate Bill 151:** Senator Clements;
- Senate Bill 156:** Senators Baldwin and Cline;
- Senate Bill 158:** Senators Cline and Hamilton;

**Senate Bill 159:** Senator Cline;

**Senate Bill 160:** Senators Beach, Clements, Hamilton, and Stollings;

**Senate Bill 161:** Senator Cline;

**Senate Bill 162:** Senators Clements and Weld;

**Senate Bill 166:** Senator Cline;

**Senate Bill 167:** Senator Hamilton;

**Senate Bill 168:** Senators Clements and Weld;

**Senate Bill 169:** Senator Cline;

**Senate Bill 171:** Senators Cline and Tarr;

**Senate Bill 172:** Senator Cline;

**Senate Bill 173:** Senator Hamilton;

**Senate Bill 174:** Senator Lindsay;

**Senate Bill 176:** Senator Baldwin;

**Senate Bill 177:** Senators Clements and Cline;

**Senate Bill 178:** Senator Hamilton;

**Senate Bill 180:** Senator Cline;

**Senate Bill 181:** Senators Cline and Hamilton;

**Senate Bill 182:** Senator Cline;

**Senate Bill 184:** Senators Baldwin and Cline;

**Senate Bill 186:** Senator Hamilton;

**Senate Bill 187:** Senator Hamilton;

**Senate Bill 191:** Senators Baldwin and Cline;

**Senate Bill 197:** Senator Cline;

**Senate Bill 198:** Senator Hamilton;

**Senate Bill 200:** Senator Cline;

**Senate Bill 201:** Senators Hamilton and Lindsay;

**Senate Bill 204:** Senator Baldwin;

**Senate Bill 207:** Senator Cline;

**Senate Bill 211:** Senator Lindsay;

**Senate Bill 212:** Senator Lindsay;

**Senate Bill 217:** Senator Cline;

**Senate Bill 222:** Senator Cline;

**Senate Bill 223:** Senator Cline;

**Senate Bill 225:** Senator Cline;

**Senate Bill 228:** Senator Cline;

**Senate Bill 230:** Senator Cline;

**Senate Bill 231:** Senators Cline and Hamilton;

**Senate Bill 233:** Senator Hamilton;

**Senate Bill 235:** Senators Baldwin and Hamilton;

**Senate Bill 236:** Senators Baldwin and Stollings;

**Senate Bill 237:** Senators Beach, Lindsay, and Stollings;

**Senate Bill 238:** Senators Beach and Hamilton;

**Senate Bill 240:** Senators Hamilton and Lindsay;

**Senate Bill 243:** Senator Jeffries;



**Senate Bill 244:** Senators Beach, Jeffries, and Lindsay;

**Senate Bill 245:** Senator Lindsay;

**Senate Bill 246:** Senators Hamilton and Woelfel;

**Senate Bill 247:** Senator Woelfel;

**Senate Bill 249:** Senator Woelfel;

**Senate Bill 250:** Senators Hamilton and Woelfel;

**Senate Bill 255:** Senator Tarr;

**Senate Bill 258:** Senator Woelfel;

**Senate Bill 265:** Senator Woelfel;

**Senate Bill 293:** Senator Hamilton;

And,

**Senate Bill 306:** Senator Woelfel.

At the request of Senator Weld, and by unanimous consent, leaves of absence for the day were granted Senators Facemire, Mann, Romano, Takubo, and Unger.

On motion of Senator Weld, at 11:17 a.m., the Senate adjourned until Monday, January 13, 2020, at 11 a.m.

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MONDAY, JANUARY 13, 2020

The Senate met at 11:04 a.m.

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

Prayer was offered by Pastor Bo Burgess, Jordan Baptist Church, Gallipolis Ferry, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Roman W. Prezioso, Jr., a senator from the thirteenth district.

Pending the reading of the Journal of Friday, January 10, 2020,

At the request of Senator Azinger, 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.

Senator Takubo called attention to today being the birthday of the senator from Greenbrier and on behalf of the Senate extended felicitations and good wishes to Senator Baldwin.

The Senate then proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

**By Senators Clements and Trump:**

**Senate Bill 311**—A Bill to amend and reenact §62-4-16 of the Code of West Virginia, 1931, as amended, relating to court-ordered community service; and providing state and political subdivisions immunity from certain suits from individuals participating in court-ordered community service.

Referred to the Committee on the Judiciary.

**By Senators Weld, Stollings, Rucker, Roberts, Plymale, Maynard, and Azinger:**

**Senate Bill 312**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-6-29; to amend and reenact §30-30-16 of said code; to amend said code by adding thereto a new section, designated §30-30-30; and to amend and reenact §49-2-802 of said code, all relating to child protective caseworkers; classifications; registrations;

qualifications; grievances; and returning foster children back to this state.

Referred to the Select Committee on Children and Families; and then to the Committee on Health and Human Resources.

**By Senators Maynard, Clements, Smith, Sypolt, and Swope:**

**Senate Bill 313**—A Bill to repeal §30-2-1, §30-2-2, §30-2-3, §30-2-4, §30-2-5, §30-2-5a, §30-2-6, §30-2-7, §30-2-8, §30-3-9, §30-2-10, §30-2-11, §30-2-12, §30-2-13, §30-2-14, §30-2-15, and §30-2-16 of the Code of West Virginia, 1931, as amended; to repeal §30-6-1, §30-6-2, §30-6-3, §30-6-4, §30-6-5, §30-6-6, §30-6-7, §30-6-8, §30-6-9, §30-6-10, §30-6-11, §30-6-12, §30-6-13, §30-6-14, §30-6-15, §30-6-16, §30-6-17, §30-6-18, §30-6-19, §30-6-20, §30-6-21, §30-6-22, §30-6-22a, §30-6-23, §30-6-24, §30-6-25, §30-6-26, §30-6-27, §30-6-28, §30-6-29, §30-6-30, and §30-6-31 of said code; to repeal §30-9-1, §30-9-2, §30-9-3, §30-9-4, §30-9-5, §30-9-6, §30-9-7, §30-9-8, §30-9-9, §30-9-10, §30-9-11, §30-9-12, §30-9-13, §30-9-14, §30-9-15, §30-9-16, §30-9-17, §30-9-18, §30-9-19, §30-9-20, §30-9-21, §30-9-22, §30-9-23, §30-9-24, §30-9-25, §30-9-26, §30-9-27, §30-9-28, §30-9-29, §30-9-30, §30-9-31, §30-9-33, and §30-9-34 of said code; to repeal §30-12-1, §30-12-2, §30-12-3, §30-12-4, §30-12-5, §30-12-6, §30-12-7, §30-12-8, §30-12-9, §30-12-10, §30-12-11, §30-12-11a, §30-12-12, §30-12-13, and §30-12-14 of said code; to repeal §30-13-1, §30-13-2, §30-13-3, §30-13-4, §30-13-5, §30-13-6, §30-13-7, §30-13-8, §30-13-9, §30-13-10, §30-13-11, §30-13-12, §30-13-13, §30-13-13a, §30-13-14, §30-13-15, §30-13-16, §30-13-17, §30-13-18, §30-13-19, §30-13-20, §30-13-21, §30-13-22, §30-13-23, and §30-13-24 of said code; to repeal §30-13A-1, §30-13A-2, §30-13A-3, §30-13A-4, §30-13A-5, §30-13A-6, §30-13A-7, §30-13A-8, §30-13A-9, §30-13A-10, §30-13A-11, §30-13A-12, §30-13A-13, §30-13A-14, §30-13A-15, §30-13A-16, §30-13A-17, §30-13A-18, §30-13A-19, §30-13A-20, §30-13A-21, §30-13A-22, §30-13A-23, §30-13A-24, and §30-13A-25 of said code; to repeal §30-17-1, §30-17-2, §30-17-3, §30-17-4, §30-17-5, §30-17-6, §30-17-7, §30-17-8, §30-17-9, §30-17-10, §30-17-11, §30-17-12, §30-17-13, §30-17-14, §30-17-15, §30-17-16, §30-17-17, §30-17-18, and §30-

17-19 of said code; to repeal §30-18-1, §30-18-2, §30-18-3, §30-18-4, §30-18-5, §30-18-6, §30-18-7, §30-18-8, §30-18-9, §30-18-10, §30-18-11, §30-18-12, and §30-18-13 of said code; to repeal §30-19-1, §30-19-2, §30-19-3, §30-19-4, §30-19-5, §30-19-6, §30-19-7, §30-19-8, §30-19-9, §30-19-10, §30-19-11, §30-19-12, §30-19-13, §30-19-14, §30-19-15, §30-19-16, and §30-19-17 of said code; to repeal §30-22-1, §30-22-2, §30-22-3, §30-22-4, §30-22-5, §30-22-6, §30-22-7, §30-22-8, §30-22-9, §30-22-10, §30-22-11, §30-22-12, §30-22-13, §30-22-14, §30-22-15, §30-22-16, §30-22-17, §30-22-18, §30-22-19, §30-22-20, §30-22-21, §30-22-22, §30-22-23, §30-22-24, §30-22-25, §30-22-26, §30-22-27, and §30-22-28 of said code; to repeal §30-25-1, §30-25-2, §30-25-3, §30-25-4, §30-25-5, §30-25-6, §30-25-7, §30-25-8, §30-25-9, §30-25-10, §30-25-11, §30-25-12, §30-25-13, §30-25-14, §30-25-15, §30-25-16, §30-25-17, and §30-25-18 of said code; to repeal §30-27-1, §30-27-2, §30-27-3, §30-27-4, §30-27-5, §30-27-6, §30-27-7, §30-27-8, §30-27-8a, §30-27-8b, §30-27-9, §30-27-10, §30-27-11, §30-27-11a, §30-27-12, §30-27-13, §30-27-14, §30-27-15, §30-27-16, §30-27-17, §30-27-18, §30-27-19, §30-27-20, §30-27-21, §30-27-22, §30-27-23, and §30-27-24 of said code; to repeal §30-29-1, §30-29-2, §30-29-3, §30-29-4, §30-29-5, §30-29-6, §30-29-7, §30-29-8, §30-29-9, §30-29-10, §30-29-11, §30-29-12, and §30-29-13 of said code; to repeal §30-38-1, §30-38-2, §30-38-3, §30-38-4, §30-38-5, §30-38-6, §30-38-7, §30-38-8, §30-38-9, §30-38-10, §30-38-11, §30-38-12, §30-38-13, §30-38-14, §30-38-15, §30-38-16, §30-38-17, §30-38-18, and §30-38-19 of said code; to repeal §30-38A-1, §30-38A-2, §30-38A-3, §30-38A-4, §30-38A-5, §30-38A-6, §30-38A-7, §30-38A-8, §30-38A-9, §30-38A-10, §30-38A-11, §30-38A-12, §30-38A-13, §30-38A-14, §30-38A-15, §30-38A-16, and §30-38A-17 of said code; to repeal §30-39-1, §30-39-2, §30-39-3, §30-39-4, §30-39-5, §30-39-6, §30-39-7, §30-39-8, §30-39-9, §30-39-10, §30-39-11, §30-39-12, §30-39-13, §30-39-14, §30-39-15, §30-39-16, §30-39-17, §30-39-18, §30-39-19, §30-39-20, and §30-39-21 of said code; to repeal §30-40-1, §30-40-2, §30-40-3, §30-40-4, §30-40-5, §30-40-6, §30-40-7, §30-40-8, §30-40-9, §30-40-10, §30-40-11, §30-40-12, §30-40-13, §30-40-14, §30-40-15, §30-40-16, §30-40-17, §30-40-18, §30-40-19, §30-40-20, §30-40-21, §30-40-22, §30-40-23, §30-40-24, §30-40-25, §30-40-26, and §30-40-27 of said code; to amend and reenact

§30-1-5 and §30-1-19 of said code; to amend said code by adding thereto a new article, designated §30A-1-1, §30A-1-2, §30A-1-3, §30A-1-4, §30A-1-5, §30A-1-6, §30A-1-7, §30A-1-8, §30A-1-9, §30A-1-10, §30A-1-11, §30A-1-12, §30A-1-13, §30A-1-14, §30A-1-15, §30A-1-16, §30A-1-17, §30A-1-18, §30A-1-19, §30A-1-20, §30A-1-21, §30A-1-22, §30A-1-23, §30A-1-24, §30A-1-25, §30A-1-26, §30A-1-27, §30A-1-28, and §30A-1-29; to amend said code by adding thereto a new article, designated §30A-2-1, §30A-2-2, §30A-2-3, §30A-2-4, §30A-2-5, §30A-2-6, §30A-2-7, §30A-2-8, §30A-2-9, §30A-2-10, §30A-2-11, §30A-2-12, §30A-2-13, §30A-2-14, §30A-2-15, §30A-2-16, §30A-2-17, §30A-2-18, §30A-2-19, §30A-2-20, §30A-2-21, §30A-2-22, §30A-2-23, §30A-2-24, §30A-2-25, §30A-2-26, §30A-2-27, §30A-2-28, §30A-2-29, §30A-2-30, §30A-2-31, §30A-2-32, and §30A-2-33; to amend said code by adding thereto a new article, designated §30A-3-1, §30A-3-2, §30A-3-3, §30A-3-4, §30A-3-5, §30A-3-6, §30A-3-7, §30A-3-8, §30A-3-9, §30A-3-10, §30A-3-11, §30A-3-11a, §30A-3-12, §30A-3-13, and §30A-3-14; to amend said code by adding thereto a new article, designated §30A-4-1, §30A-4-2, §30A-4-3, §30A-4-4, §30A-4-5, §30A-4-6, §30A-4-7, §30A-4-8, §30A-4-9, §30A-4-10, §30A-4-11, §30A-4-12, §30A-4-13, §30A-4-13a, §30A-4-14, §30A-4-15, §30A-4-16, §30A-4-17, §30A-4-18, §30A-4-19, §30A-4-20, §30A-4-21, §30A-4-22, §30A-4-23, and §30A-4-24; to amend said code by adding thereto a new article, designated §30A-5-1, §30A-5-2, §30A-5-3, §30A-5-4, §30A-5-5, §30A-5-6, §30A-5-7, §30A-5-8, §30A-5-9, §30A-5-10, §30A-5-11, §30A-5-12, §30A-5-13, §30A-5-14, §30A-5-15, §30A-5-16, and §30A-5-17; to amend said code by adding thereto a new article, designated §30A-6-1, §30A-6-2, §30A-6-3, §30A-6-4, §30A-6-5, §30A-6-6, §30A-6-7, §30A-6-8, §30A-6-9, §30A-6-10, §30A-6-11, §30A-6-12, §30A-6-13, §30A-6-14, §30A-6-15, §30A-6-16, §30A-6-17, §30A-6-18, §30A-6-19, §30A-6-20, §30A-6-21, §30A-6-22, §30A-6-23, §30A-6-24, and §30A-6-25; to amend said code by adding thereto a new article, designated §30A-7-1, §30A-7-2, §30A-7-3, §30A-7-4, §30A-7-5, §30A-7-6, §30A-7-7, §30A-7-8, §30A-7-9, §30A-7-10, §30A-7-11, §30A-7-12, §30A-7-13, §30A-7-14, §30A-7-15, §30A-7-16, §30A-7-17, §30A-7-18, §30A-7-19, §30A-7-20, §30A-7-21, §30A-7-22, §30A-7-23, §30A-7-24, §30A-7-25, §30A-7-26, §30A-7-27, and

§30A-7-28; to amend said code by adding thereto a new article, designated §30A-8-1, §30A-8-2, §30A-8-3, §30A-8-4, §30A-8-5, §30A-8-6, §30A-8-7, §30A-8-8, §30A-8-9, §30A-8-10, §30A-8-11, §30A-8-12, §30A-8-13, §30A-8-14, §30A-8-15, §30A-8-16, §30A-8-17, §30A-8-18, and §30A-8-19; to amend said code by adding thereto a new article, designated §30A-9-1, §30A-9-2, §30A-9-3, §30A-9-4, §30A-9-5, §30A-9-6, §30A-9-7, §30A-9-8, §30A-9-9, §30A-9-10, §30A-9-11, §30A-9-12, §30A-9-13, §30A-9-14, §30A-9-15, §30A-9-16, §30A-9-17, and §30A-9-18; to amend said code by adding thereto a new article, designated §30A-10-1, §30A-10-2, §30A-10-3, §30A-10-4, §30A-10-5, §30A-10-6, §30A-10-7, §30A-10-8, §30A-10-9, §30A-10-10, §30A-10-11, §30A-10-12, §30A-10-13, §30A-10-14, §30A-10-15, §30A-10-16, §30A-10-17, §30A-10-18, §30A-10-19, §30A-10-20, §30A-10-21, §30A-10-22, §30A-10-22a, §30A-10-23, §30A-10-24, §30A-10-25, §30A-10-26, §30A-10-27, §30A-10-28, §30A-10-29, §30A-10-30, and §30A-10-31; to amend said code by adding thereto a new article, designated §30B-1-1, §30B-1-2, §30B-1-3, §30B-1-4, §30B-1-5, §30B-1-6, §30B-1-7, §30B-1-8, §30B-1-9, §30B-1-10, §30B-1-11, §30B-1-12, §30B-1-13, §30B-1-14, §30B-1-15, §30B-1-16, §30B-1-17, §30B-1-18, §30B-1-19, §30B-1-20, §30B-1-21, §30B-1-22, §30B-1-23, §30B-1-24, §30B-1-25, §30B-1-26, §30B-1-27, and §30B-1-28; to amend said code by adding thereto a new article, designated §30B-2-1, §30B-2-2, §30B-2-3, §30B-2-4, §30B-2-5, §30B-2-6, §30B-2-7, §30B-2-8, §30B-2-8a, §30B-2-8b, §30B-2-9, §30B-2-10, §30B-2-11, §30B-2-11a, §30B-2-12, §30B-2-13, §30B-2-14, §30B-2-15, §30B-2-16, §30B-2-17, §30B-2-18, §30B-2-19, §30B-2-20, §30B-2-21, §30B-2-22, §30B-2-23, and §30B-2-24; to amend said code by adding thereto a new article, designated §30B-3-1, §30B-3-2, §30B-3-3, §30B-3-4, §30B-3-5, §30B-3-6, §30B-3-7, §30B-3-8, §30B-3-9, §30B-3-10, §30B-3-11, §30B-3-12, and §30B-3-13; to amend said code by adding thereto a new article, designated §30B-4-1, §30B-4-2, §30B-4-3, §30B-4-4, §30B-4-5, §30B-4-6, §30B-4-7, §30B-4-8, §30B-4-9, §30B-4-10, §30B-4-11, §30B-4-12, and §30B-4-13; to amend said code by adding there to a new article, designated §30B-5-1, §30B-5-2, §30B-5-3, §30B-5-4, §30B-5-5, §30B-5-6, §30B-5-7, §30B-5-8, §30B-5-9, §30B-5-10, §30B-5-11, §30B-5-12, §30B-5-13, §30B-5-14, §30B-5-15, §30B-5-16, §30B-5-17, §30B-5-18, and §30B-5-

19; to amend said code by adding thereto a new article, designated §30B-6-1, §30B-6-2, §30B-6-3, §30B-6-4, §30B-6-5, §30B-6-6, §30B-6-7, §30B-6-8, §30B-6-9, §30B-6-10, §30B-6-11, §30B-6-12, §30B-6-13, §30B-6-14, §30B-6-15, §30B-6-16, and §30B-6-17; to amend said code by adding thereto a new article, designated §30B-7-1, §30B-7-2, §30B-7-3, §30B-7-4, §30B-7-5, §30B-7-6, §30B-7-7, §30B-7-8, §30B-7-9, §30B-7-10, §30B-7-11, §30B-7-12, §30B-7-13, §30B-7-14, §30B-7-15, §30B-7-16, §30B-7-17, §30B-7-18, §30B-7-19, §30B-7-20, §30B-7-21, §30B-7-22, §30B-7-23, §30B-7-24, §30B-7-25, §30B-7-26, and §30B-7-27; and to amend said code by adding thereto a new article, designated §30B-8-1, §30B-8-2, §30B-8-3, §30B-8-4, §30B-8-5, §30B-8-6, §30B-8-7, §30B-8-8, §30B-8-9, §30B-8-10, §30B-8-11, §30B-8-12, §30B-8-13, §30B-8-14, §30B-8-15, §30B-8-16, §30B-8-17, §30B-8-18, §30B-8-19, §30B-8-20, and §30B-8-21, all relating to reorganizing various boards and authorities for the licensing and oversight of trades, occupations, and professions; dividing current articles and practice acts from one chapter into three chapters, organized by occupational subject matter, education criteria, and other common requirements; repealing provisions relating to administrative licensing of attorneys; retaining articles for the licensing authorities for all medically related professions and occupations in Chapter 30; requiring any licensing board with knowledge of violations of the practice acts in any of the three chapters to report this information to the appropriate licensing authority; authorizing licensing authorities to combine administrative functions with any other licensing authority, regardless of the chapter of the code; placing articles for the licensing authorities for nonmedical occupations that require a minimum of a baccalaureate degree in a new Chapter 30A and making no substantive changes in these relocated articles; adding a new article conforming the authorities, duties, restrictions, and procedural requirements of these articles with those in the original Chapter 30; placing articles for the licensing authorities for nonmedical occupations that do not require a minimum of a baccalaureate degree in a new Chapter 30B and making no substantive changes in in these relocated articles; and adding a new article conforming the authorities, duties, restrictions, and

procedural requirements of these articles with those in the original Chapter 30.

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

**By Senator Cline:**

**Senate Bill 314**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-16-12a, relating to certain allergy medication; requiring insurance policies issued in the state to cover the cost of certain injectable allergy medication for those 18 years of age or younger.

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

**By Senators Smith, Clements, Cline, Jeffries, and Lindsay:**

**Senate Bill 315**—A Bill to amend and reenact §11-13A-3 and §11-13A-3a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §17-3-12; and to amend said code by adding thereto a new article, designated §17-30-1, §17-30-2, §17-30-3, §17-30-4, and §17-30-5, all relating to creating the Special Road Repair Program for the maintenance and repair of the state's roads and highways; creating a two percent on the severance of natural gas and oil, and coal and other mining activities be transferred to the Special Road Repair Fund; requiring a one-time transfer of \$200 million from the Rainy Day Fund; requiring a think tank be formed; requiring rulemaking; and creating a procedure for contracting road maintenance projects.

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

**By Senator Maynard:**

**Senate Bill 316**—A Bill to amend and reenact §22C-9-4 of the Code of West Virginia, 1931, as amended, relating to membership of oil and gas conservation commission; and revising the qualifications of one commission member who is appointed by the Governor.

Referred to the Committee on Government Organization.



**By Senator Cline:**

**Senate Bill 317**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-13B-1, §30-13B-2, §30-13B-3, §30-13B-4, §30-13B-5, §30-13B-6, §30-13B-7, §30-13B-8, §30-13B-9, §30-13B-10, §30-13B-11, and §30-13B-12, all relating to creating the Board for Professional Geologists; setting standards; setting forth powers and duties of the board; setting forth minimum qualifications; defining terms; and requiring rulemaking.

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

**By Senators Maynard, Clements, Smith, Sypolt, Tarr, and Swope:**

**Senate Bill 318**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3tt; to amend said code by adding thereto a new section, designated §8-12-20; and to amend said code by adding thereto a new section, designated §30-1-25, all relating to prohibiting the regulation and licensing of occupations by local governments; declaring state authority to regulate trades, occupations, and professions; prohibiting regulation of occupations by county commissions; prohibiting municipalities from enacting or enforcing laws regulating trades, occupations, and professions; and preserving the authority of local governments to regulate certain projects, construction, and modifications.

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

**By Senators Rucker, Azinger, Boley, Clements, Cline, Hamilton, Maynard, Palumbo, Pitsenberger, Roberts, Stollings, Sypolt, Tarr, and Unger:**

**Senate Bill 319**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5V-36, relating to providing that moneys in the West Virginia Emergency Medical Services Retirement Fund are exempt from any state or municipal tax, are not subject to execution, garnishment, attachment, or any other process whatsoever with the

exception that the benefits or contributions under the system shall be subject to “qualified domestic relations orders”, and are generally unassignable.

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

**By Senators Sypolt, Maynard, Rucker, and Tarr:**

**Senate Bill 320**—A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-38-1, §19-38-2, §19-38-3, §19-38-4, §19-38-5, §19-38-6, §19-38-7, and §19-38-8, all relating to agriculture; creating the West Virginia Farm Fresh Dairy Act; exempting certain sales from licensure and certification; providing definitions; providing conforming amendments; and providing for an effective date.

Referred to the Committee on Health and Human Resources.

**By Senator Trump:**

**Senate Bill 321**—A Bill to amend and reenact §11-10-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-15-18a of said code, all relating to the collection of tax and the priority of distribution of an estate or property in receivership and the liability of the fiduciary.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 322**—A Bill to amend and reenact §5A-3-10e of the Code of West Virginia, 1931, as amended, relating to prequalification of vendors for state contracts; allowing for prequalification agreements for the purchase of services; and removing obsolete terms.

Referred to the Committee on Government Organization.

Senators Smith, Azinger, Baldwin, Boley, Clements, Cline, Hardesty, Maynard, Roberts, Rucker, Swope, Sypolt, Tarr, Trump, and Weld offered the following resolution:

**Senate Concurrent Resolution 4**—Applying to and urging Congress to call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States to limit the terms of office that a person may be elected as a member of the United States House of Representatives, and to set a limit on the number of terms that a person may be elected as a member of the United States Senate.

Whereas, The Legislature of West Virginia hereby makes an application to Congress, as provided by Article V of the Constitution of the United States, to call a convention limited to proposing an amendment to the Constitution of the United States to set a limit on the number of terms that a person may be elected as a member of the United States House of Representatives, and to set a limit on the number of terms that a person may be elected as a member of the United States Senate; and

Whereas, This application shall be considered as covering the same subject matter as the applications from other states to Congress to call a convention to set a limit on the number of terms that a person may be elected to the House of Representatives of the Congress of the United States and the Senate of the United States; and this application shall be aggregated with same for the purpose of attaining the two thirds of states necessary to require Congress to call a limited convention on this subject, but shall not be aggregated with any other applications on any other subject; and

Whereas, This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two thirds of the several states have made applications on the same subject; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby urges Congress to call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States to call a convention limited to proposing an amendment to the Constitution of the United States

of America to set a limit on the number of terms that a person may be elected as a member of the United States House of Representatives or as a member of the United States Senate; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward copies of this resolution to the President and Secretary of the Senate of the United States and to the Speaker, Clerk, and Judiciary Committee Chairman of the House of Representatives of the Congress of the United States, and copies to the members of the said Senate and House of Representatives from this state; also to forward copies thereof to the presiding officers of each of the legislative houses in the several states, requesting their cooperation.

Which, under the rules, lies over one day.

Senator Clements offered the following resolution:

**Senate Resolution 6**—Recognizing the West Virginia Oil Marketers and Grocers Association (OMEGA) for their dedicated support of the Children’s Home Society of West Virginia.

Whereas, The West Virginia Oil Marketers and Grocers Association (OMEGA) was organized to promote and improve the business interests of those engaged in the petroleum marketing, retail grocery, and convenience store industries within the state of West Virginia. Most OMEGA members are home grown West Virginia businesses. The nearly 175 member companies employ over 2.5 percent of the state’s population—more than 50,000 residents; and

Whereas, The Children’s Home Society of West Virginia is a private, non-profit child welfare organization founded in 1896. They are licensed to provide child welfare and behavioral health services in West Virginia. Comprehensive child welfare, behavioral health, social casework, and advocacy services are provided to over 10,000 children each year from 13 primary locations throughout the state; and

Whereas, OMEGA members began raising money for Children's Home Society of West Virginia in 2011 with their first Taking It Home for Mother's Day Campaign. OMEGA members now sell flower emblems in their stores each year in the month leading up to Mother's Day; and

Whereas, OMEGA hosts an annual golf outing, the Jan Vineyard Children's Charity Golf Outing, to raise money for Children's Home Society of West Virginia. Members including Little General Stores, Par Mar Stores, ExxonMobil, and many others raise thousands of dollars for Children's Home Society of West Virginia at this event; and

Whereas, OMEGA raised more than \$128,000 in 2019 for the Children's Home Society of West Virginia, bringing their total to \$1 million dollars since 2011. The money raised helps Children's Home Society of West Virginia assist the more than 7,000 West Virginia children who are in need of adoption or are suffering a crisis in the family. Funds are used for the organization's assistance programs, which include: Emergency child shelters, foster care, adoption support, mentoring, early intervention, and numerous other family support programs; therefore, be it

*Resolved by the Senate:*

That the Senate hereby recognizes the West Virginia Oil Marketers and Grocers Association (OMEGA) for their dedicated support of the Children's Home Society of West Virginia; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Oil Marketers & Grocers Association (OMEGA) and the Children's Home Society of West Virginia.

Which, under the rules, lies over one day.

### **Petitions**

Senators Smith and Sypolt presented a petition from the We Stand United for Better Roads Committee and numerous Preston

County residents, requesting improvement of the road conditions in Preston County.

Referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 1**, Designating dogs adopted from animal shelters and rescues as WV official state dog.

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

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

**Senate Concurrent Resolution 2**, Requesting Frederick County, Virginia, consider becoming part of State of West Virginia.

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

At the request of Senator Trump, 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 3**, US Army MSG Richard A. "Dick" Smoot 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 tenth order of business.

**Com. Sub. for Senate Bill 94**, Providing persons with physical disabilities ability to vote by electronic absentee ballot.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Smith.

At the respective requests of Senators Tarr and Stollings, and by unanimous consent, the Senate stood in observance of a moment of silence in recognition of the passing of Mark Horwich, a member of the Clover Volunteer Fire Department, who was killed in a vehicle accident while responding to a fire call on Saturday, January 11, 2020, and Alex Perdue, a Boone County teenager, who was killed while riding a utility vehicle on Saturday, January 11, 2020.

The Senate proceeded to the thirteenth order of business.

Senator Carmichael (Mr. President) announced the replacement of Senator Clements on the Committee on Agriculture and Rural Development with Senator Pitsenbarger. Senator Carmichael (Mr. President) then announced Senator Pitsenbarger will serve as Vice Chair of the Committee on Agriculture and Rural Development. Senator Carmichael (Mr. President) next announced the replacement of Senator Pitsenbarger on the Committee on Pensions with Senator Clements.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions:

**Senate Bill 1:** Senator Ihlenfeld;

**Senate Bill 3:** Senator Ihlenfeld;

**Senate Bill 10:** Senator Roberts;

- Senate Bill 15:** Senator Roberts;
- Senate Bill 19:** Senator Roberts;
- Senate Bill 24:** Senator Roberts;
- Senate Bill 27:** Senator Ihlenfeld;
- Senate Bill 31:** Senator Ihlenfeld;
- Senate Bill 49:** Senator Roberts;
- Senate Bill 76:** Senator Roberts;
- Senate Bill 77:** Senator Ihlenfeld;
- Senate Bill 85:** Senator Ihlenfeld;
- Senate Bill 87:** Senator Ihlenfeld;
- Senate Bill 93:** Senator Ihlenfeld;
- Com. Sub. for Senate Bill 94:** Senators Ihlenfeld and Sypolt;
- Senate Bill 96:** Senator Rucker;
- Senate Bill 111:** Senator Ihlenfeld;
- Senate Bill 113:** Senator Ihlenfeld;
- Senate Bill 130:** Senator Ihlenfeld;
- Senate Bill 137:** Senator Roberts;
- Senate Bill 145:** Senator Roberts;
- Senate Bill 147:** Senator Roberts;
- Senate Bill 156:** Senator Ihlenfeld;
- Senate Bill 191:** Senator Ihlenfeld;
- Senate Bill 201:** Senators Ihlenfeld and Rucker;



- Senate Bill 212:** Senator Ihlenfeld;
- Senate Bill 217:** Senator Roberts;
- Senate Bill 220:** Senator Roberts;
- Senate Bill 231:** Senator Roberts;
- Senate Bill 238:** Senator Ihlenfeld;
- Senate Bill 246:** Senators Lindsay and Stollings;
- Senate Bill 247:** Senators Baldwin, Lindsay, and Stollings;
- Senate Bill 250:** Senator Stollings;
- Senate Bill 251:** Senators Baldwin, Lindsay, and Stollings;
- Senate Bill 252:** Senators Lindsay and Stollings;
- Senate Bill 253:** Senators Baldwin and Stollings;
- Senate Bill 255:** Senator Cline;
- Senate Bill 256:** Senator Cline;
- Senate Bill 258:** Senators Baldwin and Stollings;
- Senate Bill 261:** Senators Baldwin and Stollings;
- Senate Bill 262:** Senators Lindsay and Stollings;
- Senate Bill 265:** Senators Baldwin, Cline, and Stollings;
- Senate Bill 269:** Senator Rucker;
- Senate Bill 270:** Senators Lindsay, Palumbo, and Stollings;
- Senate Bill 274:** Senator Stollings;
- Senate Bill 275:** Senators Cline and Rucker;
- Senate Bill 276:** Senators Cline and Rucker;

**Senate Bill 277:** Senators Clements and Rucker;

**Senate Bill 283:** Senator Rucker;

**Senate Bill 284:** Senator Cline;

**Senate Bill 285:** Senators Cline and Roberts;

**Senate Bill 289:** Senator Baldwin;

**Senate Bill 291:** Senator Cline;

**Senate Bill 292:** Senator Ihlenfeld;

**Senate Bill 293:** Senators Clements, Cline, and Jeffries;

**Senate Bill 301:** Senator Cline;

**Senate Bill 302:** Senator Cline;

**Senate Bill 303:** Senator Cline;

**Senate Bill 304:** Senator Cline;

**Senate Bill 305:** Senator Roberts;

**Senate Bill 308:** Senator Ihlenfeld;

**Senate Bill 309:** Senators Clements and Cline;

**Senate Joint Resolution 5:** Senator Cline;

**Senate Concurrent Resolution 1:** Senator Baldwin;

**Senate Concurrent Resolution 2:** Senator Cline;

And,

**Senate Concurrent Resolution 3:** Senators Lindsay and Stollings.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:31 a.m., the Senate adjourned until tomorrow, Tuesday, January 14, 2020, at 11 a.m.

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## TUESDAY, JANUARY 14, 2020

The Senate met at 11:09 a.m.

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

Prayer was offered by the Reverend Dick Corbin, Director of Church Relations, Union Mission of West Virginia, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable John R. Unger II, a senator from the sixteenth district.

Pending the reading of the Journal of Monday, January 13, 2020,

At the request of Senator Tarr, 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 the following communications from various state agencies as required by the provisions of law:

Accountancy, Board of (§30-1-12)

Administration, Department of (State Building Commission Fund Monthly Activities Report) (§5-6-1)

Architects, Board of (§30-1-12)

Barbers and Cosmetologists, Board of (§30-1-12)

Children's Health Insurance Program (§5-16B-3)

Chiropractic Examiners, Board of (§30-1-12)

Counseling, Board of Examiners in (§30-1-12)

Forestry, Division of (Logging Sediment Control Act) (§19-1B-13)

Geological and Economic Survey (§29-2-6)

Hearing Aid Dealers Licensure Board (§30-1-12)

Insurance Commissioner, Offices of the (Office of the Consumer Advocate) (§33-2-16)

Landscape Architects, Board of (§30-1-12)

Legislative Rule-Making Review Committee (§29A-3-12)

Licensed Dietitians, Board of (§30-1-12)

Medical Imaging and Radiation Therapy Technology Board of Examiners (§30-1-12)

Miners' Health, Safety, and Training, Office of (§22A-1-4)

Motor Vehicles, Division of (Motorcycle Safety and Awareness Program Board) (§17B-1D-8)

Natural Resources, Division of (§20-1-7)

Personnel, Division of (§29-6-7)

Pharmacy, Board of (§30-1-12)

Physical Therapy, Board of (§30-1-12)

Professional Surveyors, Board of (§30-1-12)

Protective Services, Division of (Monthly Incident Report) (§15-2D-3)

Psychologists, Board of Examiners of (§30-1-12)

Purchasing Division (Comprehensive Procurement Program for Recycled Products) (§22-15A-21)

Real Estate Appraiser Licensing and Certification Board (§30-1-12)

Real Estate Commission (§30-1-12)

Registered Professional Nurses, Board of Examiners for (§30-1-12)

Respiratory Care, Board of (§30-1-12)

Ron Yost Personal Assistance Services Board (§18-10L-7)

Senior Services, Bureau of (§16-5P-14)

Social Work, Board of (§30-1-12)

Speech-Language Pathology and Audiology, Board of Examiners for (§30-1-12)

Treasury Investments, Board of (Comprehensive Annual Financial Report) (§12-6-6)

Veterinary Medicine, Board of (§30-1-12)

Water Development Authority (§22C-1-17)

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 35**, Limiting civil penalty for littering conviction to \$2,000.

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

**Com. Sub. for Senate Bill 35** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §22-15A-4 of the Code of West Virginia, 1931, as amended, relating to limiting the civil penalty for persons convicted of littering to an amount up to \$2,000.

**Senate Bill 46**, Providing certain persons be allowed to carry pepper spray in State Capitol Complex.

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

**Com. Sub. for Senate Bill 46** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-7-2 of said code, all relating to defining “pepper spray”; exempting pepper spray from definition of “deadly weapons”; providing that persons over 16 years of age may carry pepper spray for the purpose of self-defense; and providing that such persons may carry pepper spray in the State Capitol Complex.

And,

**Senate Bill 207**, Creating Prosecuting Attorney’s Detectives Act.

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

**Com. Sub. for Senate Bill 207** (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-4A-1, §7-4A-2, §7-4A-3, §7-4A-4, §7-4A-5, §7-4A-6, and §7-4A-7, all relating to creating the Prosecuting Attorney’s Detectives Act; providing a short title; making legislative findings; providing for law-enforcement titles; setting forth the duties and powers of prosecuting attorney’s detectives; providing for compensation of prosecuting attorney’s detectives; permitting prosecuting attorneys to hire detectives; establishing arrest power of prosecuting attorney’s detectives; and setting forth requirements for appointment as a prosecuting attorney’s detective.

With the recommendation that the three committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Tarr, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 140**, Changing rate at which certain judges are paid for mileage when traveling within state.

**Senate Bill 170**, Alleviating double taxation on foreign income at state level.

And,

**Senate Bill 310**, Updating certain terms used in WV Personal Income Tax Act.

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

Respectfully submitted,

Eric J. Tarr,  
*Vice Chair.*

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

[**CLERK'S NOTE**: Senate Bill 323 through Senate Bill 467 are recommended for introduction by the Legislative Rule-Making Review Committee.]

**By Senator Maynard:**

**Senate Bill 323**—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to rules for the general administration of records managements and preservation.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 324**—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to rules for retention and disposal scheduling.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 325**—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to rules for the management of records maintained by the records center.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 326**—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to exemptions from management services provided by the fleet management division.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 327**—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to financial services reporting.



Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 328**—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Public Defender Services to promulgate a legislative rule relating to payment of fees and reimbursement of expenses of court-appointed attorneys.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 329**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 330**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 331**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from hazardous waste treatment, storage, and disposal facilities.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 332**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a

legislative rule relating to emission standards for hazardous air pollutants.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 333**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of ozone season nitrogen oxides emissions.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 334**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to West Virginia surface mining reclamation rule.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 335**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to groundwater protection rules for coal mining operations.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 336**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the hazardous waste management system.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 337**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to voluntary remediation and redevelopment rule.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 338**—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Oil and Gas Conservation Commission to promulgate a legislative rule relating to rules of the commission.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 339**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to public water systems.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 340**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to fees for permits.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 341**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to vital statistics.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 342**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to emergency medical services.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 343**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to primary care center uncompensated care grants.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 344**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to primary care seed money grants.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 345**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—general provisions.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 346**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—growers/processors.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 347**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—laboratories.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 348**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—dispensaries.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 349**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—safe harbor letter.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 350**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to collection and exchange of data related to overdoses.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 351**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Department of Health and Human Resources to promulgate a legislative rule relating to minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults in West Virginia.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 352**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to qualifications for a provisional license to practice as a social worker within the Department of Health and Human Resources.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 353**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to pilot program for drug screening of applicants for cash assistance.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 354**—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Health Care Authority to promulgate a legislative rule relating to critical access hospitals.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 355**—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Commission to promulgate a legislative rule relating to State Fire Code.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 356**—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Commission to promulgate a legislative rule relating to State Building Code.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 357**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to Medicare supplement insurance.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 358**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to credit for reinsurance.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 359**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to pharmacy auditing entities and pharmacy benefit managers.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 360**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 361**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to payment of taxes by electronic funds transfer.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 362**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to consumers sales and service tax and use tax—drugs, durable medical goods, mobility-enhancing equipment and prosthetic devices per se exemption, and motor vehicles per se exemption.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 363**—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to exchange of information pursuant to written agreement.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 364**—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Highways to promulgate a legislative rule relating to use of state road rights-of-way and adjacent areas.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 365**—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Highways to promulgate a legislative rule relating to transportation of hazardous wastes upon the roads and highways.

Referred to the Committee on the Judiciary.



**By Senator Maynard:**

**Senate Bill 366**—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Highways to promulgate a legislative rule relating to small wireless facilities on Division of Highways rights-of-way.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 367**—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to safety and treatment programs.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 368**—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to state vehicle title, registration, and relicensing project of 2018.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 369**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Accountancy to promulgate a legislative rule relating to board rules and rules of professional conduct.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 370**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Acupuncture to promulgate a legislative rule relating to fees for the Board of Acupuncture.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 371**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Acupuncture to promulgate a legislative rule relating to auricular detoxification therapy certificate.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 372**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Acupuncture to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 373**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Acupuncture to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 374**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to animal disease control.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 375**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to Fresh Food Act.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 376**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to auctioneers.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 377**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to poultry rules for hatcheries, growers, and contractors pertaining to poultry disease control and eradication.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 378**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to grade “A” pasteurized milk.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 379**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia manufacture-grade milk.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 380**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to employment reference and inquiries and background checks.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 381**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia Spay-Neuter Assistance Program.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 382**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to industrial hemp.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 383**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to hemp products.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 384**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to captive cervid farming.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 385**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to farmers markets.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 386**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia-exempted dairy farms and milk and milk products processing rules.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 387**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Architects to promulgate a legislative rule relating to registration of architects.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 388**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Architects to promulgate a legislative rule relating to fees for registration of architects.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 389**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Chiropractic Examiners to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 390**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Chiropractic Examiners to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 391**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 392**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to rule for the West Virginia Board of Dental Examiners.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 393**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to dental advertising.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 394**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Licensed Dietitians to promulgate a legislative rule relating to licensure and renewal requirements.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 395**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Licensed Dietitians to promulgate a legislative rule

relating to application for waiver of initial licensing fees for certain individuals.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 396**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Election Commission to promulgate a legislative rule relating to corporate and membership organization political activity.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 397**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Election Commission to promulgate a legislative rule relating to regulation of campaign finance.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 398**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to applications for waiver of initial licensing fees for certain individuals.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 399**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 400**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Hearing Aid Dealers to promulgate a legislative rule

relating to application for waiver of initial licensing fees for certain individuals.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 401**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Hearing Aid Dealers to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 402**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Landscape Architects to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 403**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Massage Therapy Licensure Board to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 404**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Massage Therapy Licensure Board to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations.

Referred to the Committee on the Judiciary.



**By Senator Maynard:**

**Senate Bill 405**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Medical Imaging and Radiation Therapy Technology Board of Examiners to promulgate a legislative rule relating to West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 406**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to licensure, disciplinary and complaint procedures, continuing education, and physician assistants.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 407**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to waiver of initial licensing fees for certain initial licensure applicants.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 408**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Nursing Home Administrators Licensing Board to promulgate a legislative rule relating to nursing home administrators.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 409**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Occupational Therapy to promulgate a legislative rule relating to fees for services rendered by the board.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 410**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Occupational Therapy to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 411**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Occupational Therapy to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 412**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Optometry to promulgate a legislative rule relating to rules for the West Virginia Board of Optometry.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 413**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 414**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule

relating to waiver of initial licensing fees for certain initial licensure applicants.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 415**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 416**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to recordkeeping and automated data processing systems.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 417**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to Board of Pharmacy rules for registration of pharmacy technicians.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 418**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to Board of Pharmacy rules for immunizations administered by pharmacists and pharmacy interns.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 419**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing

the Board of Pharmacy to promulgate a legislative rule relating to Board of Pharmacy rules for centralized prescription processing.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 420**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to regulations governing pharmacy permits.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 421**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to regulations governing pharmacists.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 422**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 423**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Physical Therapy to promulgate a legislative rule relating to general provisions for physical therapists and physical therapist assistants.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 424**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Physical Therapy to promulgate a legislative rule

relating to fees for physical therapists and physical therapist assistants.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 425**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Physical Therapy to promulgate a legislative rule relating to general provisions for athletic trainers.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 426**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Physical Therapy to promulgate a legislative rule relating to fees for athletic trainers.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 427**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Physical Therapy to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 428**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Registration for Professional Engineers to promulgate a legislative rule relating to examination, licensure, and practice of professional engineers.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 429**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Professional Surveyors to promulgate a legislative

rule relating to examination and licensing of professional surveyors in West Virginia.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 430**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Psychologists to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations and application for waiver of initial licensing fees for certain individuals.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 431**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to requirements for licensure and certification.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 432**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Commission to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 433**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Commission to promulgate a legislative rule relating to consideration of prior criminal convictions in initial license eligibility determination.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 434**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to requirements for registration and licensure and conduct constituting professional misconduct.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 435**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to request for waiver of initial licensing fees for certain individuals.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 436**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Respiratory Care to promulgate a legislative rule relating to establishment of fees.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 437**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Respiratory Care to promulgate a legislative rule relating to student limited permit.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 438**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Respiratory Care to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 439**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Sanitarians to promulgate a legislative rule relating to waiver of initial application fees and criteria for initial licensure.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 440**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Social Work to promulgate a legislative rule relating to qualifications for the profession of social work.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 441**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Social Work to promulgate a legislative rule relating to fee schedule.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 442**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Speech-Language Pathology and Audiology to promulgate a legislative rule relating to licensure of speech-pathology and audiology.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 443**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Speech-Language Pathology and Audiology to promulgate a legislative rule relating to disciplinary and complaint procedures for speech-language pathology and audiology.



Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 444**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Auditor to promulgate a legislative rule relating to local government purchasing card program.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 445**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Conservation Committee to promulgate a legislative rule relating to State Conservation Committee Grant Program.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 446**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to organization and operation and licensing of veterinarians.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 447**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to registration of veterinary technicians.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 448**—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to schedule of fees.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 449**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Commerce to promulgate a legislative rule relating to small business innovation research and small business technology transfer matching funds program.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 450**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to supervision of plumbing work.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 451**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to regulation of heating, ventilating, and cooling work.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 452**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Forestry to promulgate a legislative rule relating to sediment control during commercial timber-harvesting operations—licensing.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 453**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Forestry to promulgate a legislative rule relating to

sediment control during commercial timber-harvesting operations—logger certification.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 454**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to substance abuse screening, standards, and procedures.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 455**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to rules governing the certification, recertification, and training of EMT-miners and the certification of EMT-M instructors.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 456**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to commercial whitewater outfitters.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 457**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to transporting and selling wildlife pelts and parts.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 458**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to boating rule.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 459**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to special boating rule.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 460**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to special requirements concerning boating.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 461**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to public use of campgrounds in West Virginia State Parks and State Forests and campsites in State Rail Trails under the Division of Natural Resources.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 462**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to special projects and grants for West Virginia State Parks, State Forests, and State Rail Trails under the Division of Natural Resources.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 463**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to defining the terms used in all hunting and trapping.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 464**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to prohibitions when hunting and trapping.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 465**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to special fishing rule.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 466**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to catching and selling bait fish.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 467**—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to falconry.

Referred to the Committee on the Judiciary.

Senator Carmichael (Mr. President) offered the following resolution:

**Senate Resolution 7**—Designating January 15, 2020, as Tourism Day at the Legislature.

Whereas, West Virginia’s scenic beauty, four seasons, and unmatched outdoor recreation set the stage for a first-class tourism product that is well-positioned for long-term growth and development; and

Whereas, The tourism industry in West Virginia has celebrated tremendous gains over the past two years with the launch of the new Almost Heaven campaign, including 9.9 percent growth in traveler spending; and

Whereas, Growth in West Virginia’s tourism industry is outpacing the national growth rate by 58 percent; and

Whereas, Tourism represents a significant economic impact for both state and local economies, including \$4.6 billion in traveler spending and \$534.5 million in state and local tax revenue; and

Whereas, The tourism industry supports more than 45,000 jobs annually in West Virginia; and

Whereas, Tourism’s overall impact is supported by thousands of tourism-related businesses that host visitors each year, creating first-class experiences for travelers and helping local economies flourish; and

Whereas, The West Virginia Tourism Office has significantly increased its marketing efforts both in state and out of state, resulting in over 1.6 billion campaign impressions; and

Whereas, These collective efforts of the West Virginia Tourism Office and tourism industry partners across the state help to showcase the Mountain State as a world-class travel and tourism destination; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates January 15, 2020, as Tourism Day at the Legislature; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Tourism Commission.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 1**, Designating dogs adopted from animal shelters and rescues as WV official state dog.

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

At the request of Senator Weld, 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.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Weld regarding the adoption of Senate Concurrent Resolution 1 were ordered printed in the Appendix to the Journal.

**Senate Concurrent Resolution 4**, Urging Congress call convention to propose amendment on congressional term limits.

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

**Senate Resolution 6**, Recognizing OMEGA for support of Children's Home Society of WV.

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

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

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Clements regarding the adoption of Senate Resolution 6 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 11:23 a.m., the Senate recessed to present Senate Resolution 6.

The Senate reconvened at 11:30 a.m. and proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 94**, Providing persons with physical disabilities ability to vote by electronic absentee ballot.

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

On motion of Senator Trump, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On pages seven through eleven, by striking out all of section four and inserting in lieu thereof a new section, designated section four, to read as follows:

**§3-3-4. Assistance to voter in voting an ~~absent voter's~~ absentee ballot by personal appearance; penalties.**

(a) Any registered voter who requires assistance to vote by reason of blindness, physical disability, advanced age, or inability to read and write may be given assistance by a person of the voter's choice: *Provided*, That the assistance may not be given by the voter's present or former employer or agent of that employer, by



the officer or agent of a labor union of which the voter is a past or present member, or by a candidate on the ballot.

(b) Any voter who requests assistance in voting an ~~absent voter's~~ absentee ballot but who is determined by the official designated to supervise and conduct absentee voting not to be qualified for assistance under the provisions of this section and §3-1-34 of this code may vote a ~~challenged absent voter's~~ provisional absentee ballot with the assistance of any person authorized to render assistance pursuant to this section. The official designated to supervise and conduct absentee voting shall, in this case, challenge the ~~absent voter's~~ absentee ballot on the basis of his or her determination that the voter is not qualified for assistance.

(c) Any one or more of the election commissioners or poll clerks in the precinct to which an ~~absent voter's~~ absentee ballot has been sent may challenge the ballot on the ~~ground~~ grounds that the voter received assistance in voting ~~it~~ the ballot when in his or their opinion: (1) The person who received the assistance in voting the ~~absent voter's~~ absentee ballot did not require assistance; or (2) the person who provided the assistance in voting did not make an affidavit as required by this section. The election commissioner or poll clerk or commissioners or poll clerks making a challenge shall enter the challenge and reason for the challenge on the form and in the manner prescribed or authorized by this article.

(d) Before entering the voting booth or compartment, the person who intends to provide a voter assistance in voting by personal appearance shall make an affidavit, the form of which is to be prescribed by the Secretary of State, that he or she will not in any manner request, ~~or~~ seek to persuade, or induce the voter to vote any particular ticket or for any particular candidate or for or against any public question; ~~and~~ that he or she will not keep or make any memorandum or entry of anything occurring within the voting booth or compartment; and that he or she will not, directly or indirectly, reveal to any person the name of any candidate voted for by the voter, ~~or~~ which ticket ~~he or she had~~ the voter voted, ~~or~~ how ~~he or she had~~ the voter voted on any public question, or anything occurring within the voting booth, ~~or~~ compartment, or voting

machine booth, except when required, pursuant to law, ~~to give testimony as to the matter~~ in a judicial proceeding.

(e) In accordance with instructions issued by the Secretary of State, the official designated to supervise and conduct absentee voting shall ~~provide~~ complete a form entitled “List of Assisted Voters”, ~~prescribed by the Secretary of State~~ which list is to be divided into two parts, as follows:

(1) Part A is to be entitled “Unchallenged Assisted Voters”; and Part B is to be entitled “Challenged Assisted Voters”.

(2) Under Part A, the official designated to supervise and conduct absentee voting shall enter the name of each voter receiving unchallenged assistance in voting an ~~absent voter’s~~ absentee ballot, the address of the voter assisted, the nature of the disability which qualified the voter for assistance in voting an ~~absent voter’s~~ absentee ballot, the name of the person providing the voter with assistance in voting an ~~absent voter’s~~ absentee ballot, the fact that the person rendering the assistance in voting made and subscribed the ~~oath~~ affidavit required by this section, and the signature of the official designated to supervise and conduct absentee voting, certifying to the fact that he or she had determined that the voter who received assistance in voting an ~~absent voter’s~~ absentee ballot was qualified to receive the assistance under the provisions of this section.

(3) Under Part B, the official designated to supervise and conduct absentee voting shall enter the name of each voter receiving challenged assistance in voting, the address of the voter receiving challenged assistance, the reason for the challenge, and the name of the person providing the challenged voter with assistance in voting. At the close of the period provided for voting an ~~absent voter’s~~ absentee ballot by personal appearance, the official designated to supervise and conduct absentee voting shall make and subscribe to an oath on the list that the list is correct in all particulars.

(4) If no voter has been assisted in voting an ~~absent voter’s~~ absentee ballot as provided in this section, the official designated

to supervise and conduct absentee voting shall make and subscribe to an oath of that fact on the list.

(5) The “List of Assisted Voters” is to be available for public inspection in the office of the official designated to supervise and conduct absentee voting during regular business hours throughout the period provided for voting an ~~absent voter’s~~ absentee ballot by personal appearance and, unless otherwise directed by the Secretary of State, the official shall transmit the list, together with the affidavits, applications, and ~~absent voters’~~ absentee ballots, to the precincts on election day.

(f) Following the election, the affidavits required by this section from persons providing assistance in voting, together with the “List of Assisted Voters”, are to be returned by the election commissioners to the clerk of the county commission, along with the election supplies, records, and returns. ~~who~~ The clerk shall make the oaths and the “List of Assisted Voters” available for public inspection and ~~who~~ shall preserve the oaths and list for 22 months or, if under order of the court, until their destruction or other disposition is authorized or directed by the court.

(g) Any person making an affidavit required under the provisions of this section who knowingly swears falsely in the affidavit or any person who counsels or advises, aids, or abets another in the commission of false swearing under this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or confined in jail for a period of not more than one year, or both fined and confined.

(h) Any person who provides a voter assistance in voting an ~~absent voter’s~~ absentee ballot in the office of the official designated to supervise and conduct absentee voting who is not qualified or permitted by this section to provide assistance is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or confined in jail for a period of not more than one year, or both fined and confined.

(i) Any official designated to supervise and conduct absentee voting, election commissioner, or poll clerk who authorizes or

allows a voter to receive or to have received unchallenged assistance in voting an ~~absent voter's~~ absentee ballot when the voter is known to the official designated to supervise and conduct absentee voting or election commissioner or poll clerk not to be or have been authorized by the provisions of this section to receive or to have received assistance in voting is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or confined in jail for a period of not more than one year, or both fined and confined.

~~(j) The term "physical disability" as used in this section means blindness or a degree of blindness as will prevent the voter from seeing the names on the ballot or amputation of both hands or a disability of both hands that neither can be used to make cross marks on the absent voter's ballot.;~~

On page thirteen, section five, line seventy-two, after the words "*et seq.*," by inserting the words "the Uniformed and Overseas Citizens Absentee Voting Act of 1986.";

And,

On pages sixteen and seventeen, by striking out all of section six, and inserting in lieu thereof a new section, designated section six, to read as follows:

**§3-3-6. Assistance to voter in voting an ~~absent voter's~~ absentee ballot by mail.**

(a) No voter shall receive any assistance in voting an ~~absent voter's~~ absentee ballot by mail unless he or she shall make a declaration at the time he or she makes application for an ~~absent voter's~~ absentee ballot that because of blindness, physical disability, advanced age, or inability to read or write he or she requires assistance in voting an ~~absent voter's~~ absentee ballot.

(b) Upon receipt of an ~~absent voter's~~ absentee ballot by mail, the voter who requires assistance in voting such ballot and who has indicated he or she requires such assistance and the reasons therefor on the application may select any eligible person to assist him or her in voting.

(c) The person providing assistance in voting an ~~absent voter's~~ absentee ballot by mail shall make an affidavit on a form as may be prescribed by the Secretary of State, that he or she will not in any manner request, ~~or~~ seek to persuade, or induce the voter to vote any particular ticket or for any particular candidate or for or against any public question; ~~and~~ that he or she will not keep or make any memorandum or entry of anything occurring within the voting booth or compartment; and that he or she will not, directly or indirectly, reveal to any person the name of any candidate voted for by the voter, ~~or~~ which ticket ~~he~~ the voter had voted, or how ~~he~~ the voter had voted on any public question, or anything occurring within the voting booth, ~~or~~ compartment, or voting machine booth, except when required, pursuant to law, ~~to give testimony as to such matter~~ in a judicial proceeding.

(d) The term "assistance in voting", as used in this section, ~~shall mean~~ means assistance in physically marking the official ~~absent voter's~~ absentee ballot for a voter or reading or directing the voter's attention to any part of the official ~~absent voter's~~ absentee ballot.

The bill (Com. Sub. for S. B. 94), as amended, was then ordered to engrossment and third reading.

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senator Rucker.

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

The Senate next proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were removed as co-sponsors of the following bills:

**Senate Bill 40:** Senator Maynard;

**Senate Bill 79:** Senator Baldwin;

**Senate Bill 218:** Senator Maynard;

**Senate Bill 221:** Senator Maynard;

**Senate Bill 222:** Senator Cline;

And,

**Senate Bill 228:** Senator Cline.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolution:

**Senate Bill 16:** Senator Rucker;

**Senate Bill 96:** Senators Azinger, Maynard, and Roberts;

**Senate Bill 106:** Senator Rucker;

**Senate Bill 180:** Senator Rucker;

**Senate Bill 209:** Senator Maynard;

**Senate Bill 265:** Senator Roberts;

**Senate Bill 311:** Senators Cline, Hamilton, and Woelfel;

**Senate Bill 312:** Senators Cline, Hamilton, Jeffries, and Woelfel;

**Senate Bill 315:** Senators Roberts, Sypolt, and Trump;

**Senate Bill 318:** Senator Trump;

**Senate Bill 319:** Senators Baldwin, Jeffries, and Woelfel;

**Senate Bill 320:** Senators Cline and Hamilton;

And,

**Senate Resolution 6:** Senators Baldwin, Cline, Hamilton, Jeffries, Palumbo, Rucker, and Stollings.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:40 a.m., the Senate adjourned until tomorrow, Wednesday, January 15, 2020, at 11 a.m.

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## WEDNESDAY, JANUARY 15, 2020

The Senate met at 11:09 a.m.

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

Prayer was offered by Rabbi Victor H. Urecki, B'nai Jacob Synagogue, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Robert H. Plymale, a senator from the fifth district.

Pending the reading of the Journal of Tuesday, January 14, 2020,

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

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

The Senate then proceeded to the fourth order of business.

Senator 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 16**, Creating Protect Our Right to Unite Act.

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

**Com. Sub. for Senate Bill 16** (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §1-7-1, §1-7-2, §1-7-3, and §1-7-4, all relating generally to protecting an individual's constitutional right to privacy in association; creating the Protect Our Right to Unite Act; declaring legislative purpose; defining terms; providing that a public agency may not require a nonprofit entity to disclose the entity's donor or membership information, subject to certain exceptions; providing that donor or membership information obtained by a public agency may not be released, subject to certain exceptions; providing that membership and donor information is exempt from the disclosure requirements of the state's Freedom of Information Act; permitting disclosure of records when donor or membership information is redacted; permitting compliance with a lawful court order; providing that an individual has a private cause of action to enjoin unlawful disclosure of donor or membership information and to recover actual damages; providing for the payment of attorney's fees and costs in certain circumstances; and providing for treble damages in certain circumstances.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 42**, Permitting faith-based electives in classroom drug prevention programs.



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

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 225**, Authorizing municipalities to enact Adopt-A-Street programs.

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

**Com. Sub. for Senate Bill 225** (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-12-20, relating to empowering municipalities to enact Adopt-A-Street programs; and establishing eligibility criteria.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

**By Senators Pitsenbarger, Hamilton, Sypolt, Azinger, Boley, Clements, Cline, Roberts, Romano, Swope, and Tarr:**

**Senate Bill 468**—A Bill to amend and reenact §20-2-30 of the Code of West Virginia, 1931, as amended, relating to eligibility for license or permit application and unlawful acts when applying for a license or permit.

Referred to the Committee on Natural Resources.

**By Senators Hamilton, Sypolt, and Prezioso:**

**Senate Bill 469**—A Bill to amend and reenact §20-2-5a of the Code of West Virginia, 1931, as amended, relating to increasing the replacement costs required of a person causing injury or death of game or protected species; providing additional replacement costs for antlered deer; and requiring revocation of hunting and fishing licenses for conviction of described offenses.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

**By Senators Cline, Hamilton, Pitsenbarger, Sypolt, Roberts, Azinger, and Palumbo:**

**Senate Bill 470**—A Bill to amend and reenact §20-2-5g of the Code of West Virginia, 1931, as amended, relating to the use of a crossbow to hunt.

Referred to the Committee on Natural Resources.

**By Senator Maynard:**

**Senate Bill 471**—A Bill to amend and reenact §61-3-13 of the Code of West Virginia, 1931, as amended, relating to larceny; and providing for valuation of stolen scrap copper or copper wire.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 472**—A Bill to amend and reenact §62-11A-1a of the Code of West Virginia, 1931, as amended, relating to work release; and providing for sentenced persons in state correctional

facilities to perform tasks such as cleaning up streams, state parks, and highways.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 473**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2P-1, relating to requiring physicians to notify parents when prescribing contraceptives to minors; and providing definitions.

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

**By Senator Maynard:**

**Senate Bill 474**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-22e, relating to requiring public schools to notify parents when dispensing contraceptives to minors; and providing a definition.

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

**By Senator Maynard:**

**Senate Bill 475**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3tt, relating to requiring posting of the Ten Commandments in every courthouse.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 476**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-9a, relating to requiring schools in the state to teach cursive writing.

Referred to the Committee on Education.

**By Senator Maynard (By Request):**

**Senate Bill 477**—A Bill to amend and reenact §8-29A-3 of the Code of West Virginia, 1931, as amended, relating to prohibiting

county airport authorities from making or adopting rules prohibiting possession of firearms in public, nonsecure areas.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 478**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-29-1, §11-29-2, §11-29-3, §11-29-4, and §11-29-5, all relating to creating the West Virginia Motorsports Entertainment Complex Investment Act.

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

**By Senator Maynard:**

**Senate Bill 479**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-3-2a, relating to registration of military surplus vehicles.

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

**By Senator Maynard:**

**Senate Bill 480**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2P-1, §16-2P-2, §16-2P-3, §16-2P-4, §16-2P-5, §16-2P-6, §16-2P-7, and §16-2P-8, all relating to enacting the West Virginia Human Life Protection Act; making abortion and attempted abortion felony offenses except in cases where abortion is necessary in order to prevent a serious health risk to the unborn child's mother; providing that a woman who receives an abortion will not be held criminally culpable or civilly liable for receiving the abortion; making legislative findings; and defining terms.

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

**By Senator Maynard:**

**Senate Bill 481**—A Bill to amend and reenact §20-5-2 of the Code of West Virginia, 1931, as amended, relating to allowing primitive camping on state property.

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

**By Senator Maynard (By Request):**

**Senate Bill 482**—A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to removing the condition requiring any person over 21 years of age must possess a valid permit to possess a concealed handgun in a motor vehicle in a parking lot, traffic circle, or other areas of vehicular ingress and egress to a public school.

Referred to the Committee on the Judiciary.

**By Senator Maynard (By Request):**

**Senate Bill 483**—A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to criminal acts at the State Capitol; and eliminating the prohibition against carrying firearms on the grounds of the State Capitol Complex.

Referred to the Committee on the Judiciary.

**By Senator Lindsay:**

**Senate Bill 484**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-4-22; and to amend and reenact §49-2-906 of said code, all relating to requiring that free feminine hygiene products be provided to female prisoners in state correctional facilities and female juveniles in juvenile detention; and defining a term.

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

**By Senator Clements:**

**Senate Bill 485**—A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended; and to amend and reenact §62-12-12 of said code, all relating to the Board of Parole; raising the salary for the chairperson; raising the salaries for members; creating and setting the salary for the vice chairperson; transferring the board to the Division of Corrections and Rehabilitation for purposes of administrative and other support; removing the residency requirements pertaining to counties and

congressional districts; removing the work substitution or qualification to serve on the board; specifying the powers and duties of the chairperson; setting forth the process for selecting a vice chairperson; specifying the powers and duties of the vice chairperson; clarifying how a vacancy occurs on the board; creating a temporary or substitute board member list; and clarifying how moneys for the board should be appropriated.

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

**By Senators Cline, Sypolt, Prezioso, Hamilton, and Palumbo:**

**Senate Bill 486**—A Bill to amend and reenact §20-5-2 of the Code of West Virginia, 1931, as amended, relating to the powers of the director with respect to the Section of Parks and Recreation payment for retail licensee purchases from the Alcohol Beverage Control Commissioner.

Referred to the Committee on Natural Resources.

**By Senators Sypolt, Hamilton, and Azinger:**

**Senate Bill 487**—A Bill amend and reenact §20-1-7 of the Code of West Virginia, 1931, as amended, relating to an exception to the requirement that all Division of Natural Resources payments be deposited in a bank within 24 hours.

Referred to the Committee on Natural Resources.

**By Senator Maynard:**

**Senate Bill 488**—A Bill to amend and reenact §22C-9-4 of the Code of West Virginia, 1931, as amended, relating to membership of Oil and Gas Conservation Commission; revising qualifications of a certain appointed member; and making technical changes.

Referred to the Committee on Government Organization.

**By Senators Maynard, Clements, Smith, Sypolt, Tarr, and Swope:**

**Senate Bill 489**—A Bill to repeal §21-11-1, §21-11-2, §21-11-3, §21-11-4, §21-11-5, §21-11-6, §21-11-7, §21-11-8, §21-11-9,

§21-11-10, §21-11-10a, §21-11-11, §21-11-12, §21-11-13, §21-11-14, §21-11-15, §21-11-16, §21-11-17, §21-11-18, and §21-11-20 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §30-11-1, §30-11-2, §30-11-3, §30-11-4, §30-11-5, §30-11-6, §30-11-7, §30-11-8, §30-11-9, §30-11-10, §30-11-10a, §30-11-11, §30-11-12, §30-11-13, §30-11-14, §30-11-15, §30-11-16, §30-11-17, §30-11-18, and §30-11-19, all relating to moving provisions relating to the licensing of contractors to Chapter 30 of this code; updating archaic language; correcting cross-references; and making no substantive changes to any of these sections.

Referred to the Committee on Government Organization.

**By Senators Sypolt, Smith, Rucker, Beach, and Baldwin:**

**Senate Bill 490**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3B-7, relating to the protection of animal and crop facilities; providing definitions; describing prohibited acts; listing criminal penalties; establishing liability in double the amount of damages caused; and allowing injunctive relief and listing the terms thereof.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on the Judiciary.

**By Senators Sypolt, Smith, Rucker, Beach, and Baldwin:**

**Senate Bill 491**—A Bill to amend and reenact §19-16-1, §19-16-2, §19-16-3, §19-16-4, §19-16-5, and §19-16-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §19-16-3b and §19-16-9, all relating to the Seed Certification Program within the Department of Agriculture; defining terms; adding flower seed requirements; adding labeling requirements for seed; authorizing legislative rules for penalties; requiring quarterly tonnage fees for seed; requiring record retention; authorizing relabeling; providing labeling requirements; authorizing inspections of seed conditioning facilities; and providing for penalties for labeling deficiencies.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on Government Organization.

**By Senators Sypolt, Cline, Ihlenfeld, Maynard, Pitsenbarger, and Stollings:**

**Senate Bill 492**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-59-1, §16-59-2, §16-59-3, §16-59-4, §16-59-5, §16-59-6, §16-59-7, §16-59-8, §16-59-9, §16-59-10, §16-59-11, §16-59-12, §16-59-13, §16-59-14, and §16-59-15, all relating to enacting the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact; entering into the compact with all jurisdictions also enacting the compact; stating purpose of compact; defining terms; identifying member states as home states; retaining authority of member state to require license under circumstances not covered by compact; setting conditions for home state's license to authorize practice in a remote state under the compact; requiring member states to recognize licenses issued by another member state under certain conditions; setting requirements for individuals to exercise privilege to practice; setting scope of practice; making individuals practicing in remote states subject to that state's laws; authorizing remote states to take action against individual's privilege to practice within that state under certain circumstances; providing effect of restrictions on license on compact privileges; setting conditions of practicing in remote state under compact terms; defining relationship of compact with Emergency Management Assistance Compact; setting terms and requirements for certification of veterans, certain service members, and their spouses; recognizing exclusive power of home states to impose adverse action against license issued by home state; providing consequences for compact participation if individual's license is subject to adverse action by home state; requiring member states to report adverse actions against licenses; authorizing states to take action against individual's privilege to practice within that state; requiring home state EMS authority investigate and take appropriate action based on reported conduct in remote state; authorizing alternative programs in lieu of adverse action; authorizing member state's EMS authority to issue subpoenas;



authorizing member state's EMS authority to issue certain cease and desist orders; establishing Interstate Commission for EMS Personnel Practice; providing venue; maintaining state sovereign immunity; providing for membership; providing for voting; requiring annual meetings; requiring meetings to be public; providing exceptions; authorizing commission prescribe bylaws and/or rules to govern conduct; granting certain powers to commission; providing for financing for the commission; making validity of annual assessment against state contingent upon funds being appropriated by the Legislature or otherwise being made available; providing for qualified immunity of certain persons; requiring commission defend certain persons for actions arising out of actions occurring within the scope of duties related to the commission; requiring commission indemnify and hold harmless certain persons under certain circumstances; providing for development and maintenance of coordinated database and reporting system; requiring member states provide certain information to coordinated database; requiring notification by coordinated database administrator of adverse action taken against individual in member state; authorizing member state to designate information not to be shared with the public without express permission of contributing state; providing for removal of information from database when required to be expunged; authorizing rulemaking commission; providing scope of rulemaking; providing procedures for rulemaking; authorizing emergency rulemaking by the commission; providing that commission rules are not binding on the State of West Virginia until they have been authorized as legislative rules; providing timeline and procedure for proposing legislative rules; authorizing emergency rulemaking; directing state government to enforce compact and take necessary actions to effectuate its purposes and intent; directing courts take judicial notice of compact and rules promulgated pursuant to compact; providing procedures for the commission to follow if member state has defaulted; authorizing member state be terminated from the compact under certain conditions; setting terms of termination; authorizing appeal; authorizing mediation and binding dispute resolution between commission and member state; authorizing enforcement of the compact by the commission; authorizing legal action; establishing

venue; providing for venue in West Virginia; providing implementation date for the compact; making any state joining after implementation subject to rules as they exist when the compact is adopted; authorizing member state withdraw from the compact; maintaining member state authority to enter into licensure or cooperative agreements with nonmember state; authorizing amendment of the compact; providing for liberal construction; providing for severability of the compact if it is found to violate Constitution of member state; directing Emergency Medical Services Advisory Council review decisions of the commission; and authorizing Emergency Medical Services Advisory Council make recommendation to Legislature for withdrawal from the compact.

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

**By Senator Rucker:**

**Senate Bill 493**—A Bill to amend and reenact §8-15-17 of the Code of West Virginia, 1931, as amended, relating to firefighters by increasing the age limit of an honorably discharged veteran of the United States armed forces or National Guard to 40 years of age for an application for original appointment.

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

**By Senator Rucker:**

**Senate Bill 494**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-22A-28a, relating to allowing a police or fire department that did not initially join the West Virginia Municipal Police and Firefighters Retirement System an opportunity to do so.

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

**By Senator Clements:**

**Senate Bill 495**—A Bill to amend and reenact §17A-10-3c of the Code of West Virginia, 1931, as amended, relating to

registration fees for alternative fuel vehicles by modifying the fee for a vehicle operating a combination of electricity and petrochemical fuels.

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

**By Senators Hamilton, Ihlenfeld, Jeffries, Pitsenbarger, Stollings, and Woelfel:**

**Senate Bill 496**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-1C-1, §21-1C-2, §21-1C-3, §21-1C-4, and §21-1C-5, all relating to prohibiting the employment of unauthorized employees in the construction industry; requiring employers to verify eligibility for employment with the federal government; duties of the attorney general; and penalties.

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

**By Senators Hamilton, Azinger, Jeffries, Pitsenbarger, Smith, and Stollings:**

**Senate Bill 497**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-22-26, relating to outdoor advertising regulated by the Commissioner of Highways; and providing exemption to licensing requirement for a person to place signs, displays, or devices advertising events to be held at locations other than where the event will be held.

Referred to the Committee on Transportation and Infrastructure.

**By Senators Hamilton, Stollings, and Smith:**

**Senate Bill 498**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-1-9, relating to creating the New Worker Relocation Incentive Program; providing an incentive for workers to move to West Virginia; establishing conditions for the incentive; defining terms; and requiring rulemaking.

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

**By Senators Maynard, Clements, Smith, Sypolt, and Swope:**

**Senate Bill 499**—A Bill to amend and reenact §17A-6-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-23-8 of said code; to amend said code by adding thereto a new section, designated §21-1-6; to amend and reenact §21-2-9 of said code; to amend and reenact §21-5-5c of said code; to amend and reenact §21-14-6 of said code; to amend and reenact §21-16-7 of said code; to amend and reenact §29-22-8 of said code; to amend and reenact §29-22A-7 of said code; to amend and reenact §29-22B-502 of said code; to amend and reenact §29-22C-15 of said code; to amend and reenact §29-22D-10 of said code; to amend and reenact §29-25-13 of said code; to amend and reenact §31-17A-5 of said code; to amend and reenact §32A-2-8 of said code; and to amend and reenact §33-13C-3 and §33-13C-4 of said code, all relating to the use of post-criminal conduct in professional and occupational initial licensure decisionmaking; creating a rational nexus requirement between prior criminal conduct and initial licensure decisionmaking; providing criteria for commissioners or commissions as licensing authorities to determine whether a criminal conviction bears a rational nexus to an occupation; removing offenses described as one of moral turpitude as a basis for license denial unless the underlying crime bears a rational nexus to the occupation or profession requiring licensure; limiting licensure disqualification; and authorizing persons to petition licensure commissioners or commissions as to whether a person's criminal records precludes licensure.

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

**By Senators Hamilton, Pitsenbarger, and Sypolt:**

**Senate Bill 500**—A Bill to amend and reenact §20-2-42w of the Code of West Virginia, 1931, as amended, relating to Class Y special crossbow hunting permit requirements and application.

Referred to the Committee on Natural Resources.

**By Senators Hamilton, Pitsenbarger, Sypolt, and Prezioso:**

**Senate Bill 501**—A Bill to amend and reenact §20-5-3 of the Code of West Virginia, 1931, as amended, relating to the North Bend Rail Trail, Greenbrier River Rail, and the Elk River Trail.

Referred to the Committee on Natural Resources.

**By Senators Ihlenfeld, Hardesty, Jeffries, Lindsay, Palumbo, Stollings, and Woelfel:**

**Senate Bill 502**—A Bill to amend and reenact §60A-4-401 of the Code of West Virginia, 1931, as amended, relating to methamphetamine; and amending criminal penalty.

Referred to the Committee on the Judiciary.

**By Senators Sypolt, Cline, Maynard, Pitsenbarger, Stollings, and Jeffries:**

**Senate Bill 503**—A Bill to amend and reenact §29-3B-4 and §29-3B-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §29-3C-4 of said code; and to amend and reenact §29-3D-2 and §29-3D-6 of said code, all relating to removing the use of post-criminal conduct in professional and occupational initial licensure or certification in decisionmaking; creating a rational nexus requirement between prior criminal conduct and initial licensure or certification in decisionmaking; providing criteria for the state Fire Marshal as licensing or certification authority to determine whether a criminal conviction has a rational nexus to an occupation; limiting licensure disqualification; authorizing persons to petition the state Fire Marshal as to whether a person's criminal records precludes licensure; and reducing the number of necessary hours as a qualification for licensure.

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

**By Senator Woelfel:**

**Senate Bill 504**—A Bill to amend and reenact §15-9B-1, §15-9B-2, and §15-9B-4 of the Code of West Virginia, 1931, as amended, all relating to providing for the timely and efficient

collection, submission, testing, retention, and disposition of forensic evidence in sexual assault cases; transferring some duties of the Division of Justice and Community Services to the Division of Administrative Services; requiring sexual assault forensic examination kits collected by health care providers to be directly submitted to the West Virginia State Police Forensic Laboratory; establishing procedures; defining terms; establishing misdemeanor penalties; and granting rule-making authority.

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

**By Senator Weld:**

**Senate Bill 505**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-18-30, relating to urban renewal acquisition of, and disposition of, certain property.

Referred to the Committee on Economic Development; and then to the Committee on Government Organization.

Senator Rucker offered the following resolution:

**Senate Concurrent Resolution 5**—Requesting the Joint Committee on Government and Finance study adjustments needed to help achieve higher levels of effectiveness and fairness within the public school system; to ensure that students are internationally competitive and truly prepared for the future; and to ensure public school students are prepared for the future success of self, state, and country.

Whereas, We are now competing and living in a global community, and this new reality can be a benefit; and

Whereas, Our public school students no longer compete only with peers in their state or even our country; and

Whereas, Our nation's students are now also competing against students in countries all over the world; and

Whereas, As changes make our world much smaller, we must do everything we can to prepare our students for this new reality; and

Whereas, With collective effort and support, our students can achieve any goal placed before them, including being abundantly prepared to compete in the global economy; and

Whereas, The Every Student Succeeds Act was a bipartisan legislative effort signed into law in December 2015, replacing the No Child Left Behind Act; and

Whereas, The Every Student Succeeds Act provides the states an opportunity to further shape school systems in a way that will best prepare our public school students for the future; and

Whereas, In the recent past, we have seen that by states' leading policy discussions around public education, positive results in increasing student learning outcomes and preparedness can be achieved; and

Whereas, A suitable school system is effective and fair in how it prepares students within the constructs of that particular system; and

Whereas, An increase in these two variables will lead to better overall preparedness of all our public school students; and

Whereas, For the purpose of the preceding two clauses, fairness is defined by how equitably funding resources are allocated per pupil based on need, with a minimal annual baseline funding amount of \$9,585 per pupil when adjusted for the comparative wage index as this is the lowest recorded amount of funding allocated per student in a public school system that has achieved international competitiveness within the past decade; and

Whereas, An effective school system can be defined in different ways; and

Whereas, The National Conference of State Legislatures convened a bipartisan working group of 28 veteran education-

policy legislators from around the country which recently issued a report titled, *No Time to Lose: How to Build a World-Class Education System State by State*; and

Whereas, The report released findings on effective school systems around the world and, after an 18-month period of labor, the group concluded that there were some recurring components and several repeated overarching factors in these effective systems; and

Whereas, According to the report, an effective public education system is one:

(1) In which “children come to school ready to learn with extra support given to struggling students so all have an opportunity to achieve high standards”;

(2) That includes “a world-class teaching profession who supports a world-class instructional system, where every student has access to highly effective teachers and is expected to succeed”;

(3) That includes “a highly effective, intellectually rigorous system of career and technical education available to those preferring an applied education”; and

(4) That is characterized by “individual reforms that are connected and aligned as parts of a clearly planned and carefully designed comprehensive system”; and

Whereas, For the purpose of the preceding clause:

(1) An “effective school system” is defined as a public school system that sets high student learning outcomes, including academic standards, and then implements changes to achieve those high standards within the system;

(2) “High standards” is defined as standards that are internationally competitive; and



(3) “Internationally competitive” can be defined as a public school system globally ranked amongst the top ten with respect to the Program for International Student Assessment; and

Whereas, The Legislature believes that with proper support, our children can be amongst the most internationally competitive students; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance study adjustments needed to help achieve higher levels of effectiveness and fairness within the public school system; to ensure that students are internationally competitive and truly prepared for the future; and to ensure public school students are prepared for the future success of self, state, and country; and, be it

*Further Resolved,* That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2021, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

*Further Resolved,* That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Which, under the rules, lies over one day.

Senators Romano, Facemire, Baldwin, Beach, Hardesty, Ihlenfeld, Jeffries, and Lindsay offered the following resolution:

**Senate Concurrent Resolution 6**—Requesting the Division of Highways name bridge number 17-9-0.35 (17A053), locally known as Wilsonburg T-beam Bridge, carrying County Route 9 over Limestone Run in Harrison County, the “Walter E. Swiger, Jr., Memorial Bridge”.

Whereas, Walter E. Swiger, Jr., was a lifelong resident of Harrison County, a graduate of Victory High School and West Virginia Business College; and

Whereas, Walter E. Swiger, Jr., retired after 43 years in petroleum marketing, having operated his own business; and

Whereas, Walter E. Swiger, Jr., was appointed to the Harrison County Solid Waste Authority in 1990 by the Harrison County Commission and served as chairman of the authority; and

Whereas, Walter E. Swiger, Jr., was chosen as the Volunteer of the Year by the Association of West Virginia Solid Waste Authority during their 12th annual conference in the fall of 2000; and

Whereas, Walter E. Swiger, Jr., was an outstanding community leader with many years of service in various organizations, serving the local emergency planning committee, Clarksburg Lions Club, Central West Virginia Community Action Association, and others; and

Whereas, As chairman, Walter E. Swiger, Jr., worked to help develop a recycling ordinance for the county, established a recycling hotline, and was recognized in several issues of the Solid Waste Reporter for his leadership in “one of the top integrated waste management programs in West Virginia”; and

Whereas, Walter E. Swiger, Jr., worked with county education leaders through the solid waste authorities’ efforts as Partner in Education with 10 county schools; and

Whereas, Walter E. Swiger, Jr., passed away on November 5, 2015; and

Whereas, It is fitting that an enduring memorial be established to commemorate Walter E. Swiger, Jr., and his contributions to his community and state; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 17-9-0.35 (17A053), locally known as Wilsonburg T-beam Bridge, carrying County Route 9 over Limestone Run in Harrison County, the “Walter E. Swiger, Jr., Memorial Bridge”; and, be it

*Further Resolved*, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the “Walter E. Swiger, Jr., 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 Romano and Swope offered the following resolution:

**Senate Resolution 8**—Designating January 16, 2020, as Aviation Day at the Legislature.

Whereas, The history of aviation in West Virginia is nearing its 100-year anniversary; and

Whereas, Airports have played, and continue to play, a critical role in the state’s economic development as well as its response to natural disasters, medical emergencies, and search and rescue operations; and

Whereas, Affordable, reliable, and safe air service is integral to our communities, citizens, businesses, and state; and

Whereas, Growth in air service in West Virginia equates to increased economic development and vital funding for improvements to West Virginia’s airports and creates increased access to our state; and

Whereas, West Virginia airports, with strategic commercial air service, provide convenience to our state’s 1.8 million residents and the hundreds of thousands of visitors to our state annually; and

Whereas, General aviation airports open our state's rural landscape to countless companies to conduct important business activities and often serve as hubs for community activities; and

Whereas, Studies of the economic impact of West Virginia's airports have shown that these facilities contribute more than \$2.5 billion to the state's economy; and

Whereas, The West Virginia Aeronautics Commission, charged with promoting and expanding aviation in our state, is an agency of the West Virginia Department of Transportation; and

Whereas, The West Virginia Airport Managers Association represents commercial and general aviation airports and industry partners throughout the Mountain State; and

Whereas, West Virginia has 24 airports in the National Plan of Integrated Airport Systems: Seven commercial airports and 17 general aviation airports; and

Whereas, West Virginia has been a host to aircraft industries for more than 90 years, from the opening of a Fokker Aircraft plant in Marshall County in 1928, to advanced aviation and aerospace facilities now located and growing throughout the state, providing nearly 1,500 direct jobs in North Central West Virginia alone; and

Whereas, The State of West Virginia recognizes the critical role that aviation has played in our past and will play in our future; and

Whereas, Our state is committed to continue, through both private and public means, to expanding commercial air service, aerospace industries, and general aviation; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates January 16, 2020, as Aviation Day at the Legislature; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Aeronautics Commission and the West Virginia Airport Managers Association.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Resolution 7**, Designating January 15, 2020, as Tourism Day at Legislature.

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

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 Takubo, at 11:25 a.m., the Senate recessed to present Senate Resolution 7.

The Senate reconvened at 11:30 a.m. and proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 94**, Providing persons with physical disabilities ability to vote by electronic absentee ballot.

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

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 94 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 94) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sybolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

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. 94) 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 tenth order of business.

**Com. Sub. for Senate Bill 35,** Limiting civil penalty for littering conviction to \$2,000.

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

**Com. Sub. for Senate Bill 46,** Defining “pepper spray” and exempting from definition of “deadly weapons”.

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

**Senate Bill 140**, Changing rate at which certain judges are paid for mileage when traveling within state.

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

**Senate Bill 170**, Alleviating double taxation on foreign income at state level.

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

**Com. Sub. for Senate Bill 207**, Creating Prosecuting Attorney's Detectives Act.

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

**Senate Bill 310**, Updating certain terms used in WV Personal Income Tax Act.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Weld and Roberts.

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

At the request of Senator Stollings, unanimous consent being granted, the Senate returned to the eleventh order of business and the introduction of guests.

The Senate again proceeded to the twelfth order of business.

Remarks were made by Senators Lindsay, Woelfel, and Blair.

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

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions:

**Senate Bill 1:** Senator Lindsay;

**Senate Bill 4:** Senator Lindsay;

**Senate Bill 16:** Senator Maynard;

**Senate Bill 37:** Senator Roberts;

**Senate Bill 96:** Senator Sypolt;

**Senate Bill 257:** Senator Roberts;

**Senate Bill 265:** Senator Plymale;

**Senate Bill 270:** Senator Plymale;

**Senate Bill 272:** Senator Plymale;

**Senate Bill 281:** Senator Plymale;

**Senate Bill 285:** Senator Plymale;

**Senate Bill 312:** Senator Palumbo;

**Senate Bill 320:** Senator Jeffries;

**Senate Bill 492:** Senator Hamilton;

**Senate Bill 496:** Senator Baldwin;

**Senate Bill 497:** Senator Baldwin;

**Senate Bill 498:** Senator Baldwin;



**Senate Bill 501:** Senator Baldwin;

**Senate Bill 502:** Senators Baldwin and Hamilton;

**Senate Bill 503:** Senators Baldwin and Hamilton;

**Senate Bill 504:** Senators Baldwin and Hamilton;

**Senate Concurrent Resolution 4:** Senator Jeffries;

**Senate Resolution 7:** Senators Baldwin, Cline, Hamilton, Palumbo, Roberts, Rucker, and Stollings;

And,

**Senate Resolution 8:** Senators Baldwin and Hamilton.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:02 p.m., the Senate adjourned until tomorrow, Thursday, January 16, 2020, at 11 a.m.

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## THURSDAY, JANUARY 16, 2020

The Senate met at 11:10 a.m.

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

Prayer was offered by Chuck Kinder, Lay Pastor, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Corey Palumbo, a senator from the seventeenth district.

Pending the reading of the Journal of Wednesday, January 15, 2020,

At the request of Senator Pitsenbarger, 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 the following communications from various state agencies as required by the provisions of law:

Health and Human Resources, Department of (Youth Services)  
(§49-2-1006)

Motor Vehicles, Division of (Motor Vehicle Alcohol Test and Lock Program) (§17C-5A-3a)

Motor Vehicles, Division of (Safety and Treatment Program)  
(§17C-5A-3)

Treasurer, Office of the (Debt Capacity) (§12-6A-6)

The Senate 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 3039**—A Bill to amend and reenact §48-9-206 and §48-9-402 of the Code of West Virginia, 1931, as amended, all relating to a court's consideration of the expression of a preference by a child in certain child custody matters; and removing language giving priority to the preference of a 14-year-old.

Referred to the Committee on the Judiciary.

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

**Eng. Com. Sub. for House Bill 4004**—A Bill to amend and reenact §15-9-4 of the Code of West Virginia, 1931, as amended;

and to amend said code by adding thereto a new article, designated §15-9C-1, §15-9C-2, §15-9C-3, §15-9C-4, and §15-9C-5, all relating to creating the West Virginia Sentencing Commission; establishing the commission as a standing subcommittee of the Governor's Committee on Crime, Delinquency and Correction; authorizing the commission to seek and use funding and grants; setting forth legislative findings; setting forth the purpose of the commission; establishing composition and membership of commission; setting forth the powers and duties of the commission; setting forth objectives for the commission; directing commission provide annual assessment and recommendations to the Legislature; and authorizing the commission to make additional recommendations to the Legislature.

Referred to the Committee on the Judiciary.

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

**Eng. House Bill 4007**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2P-1, relating to providing reasonable medical care to a child born alive during an abortion.

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

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

**Eng. House Bill 4022**—A Bill to amend and reenact §18B-1B-5 of the Code of West Virginia, 1931, as amended, clarifying the qualifications of the Chancellor of the Higher Education Policy Commission, retitling the Vice Chancellor for Health Sciences, and abolishing the statutory position of Vice Chancellor for State Colleges.

Referred to the Committee on Education.

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 4103**—A Bill to amend and reenact §16-5T-2 of the Code of West Virginia, 1931, as amended, relating to office of drug control policy.

Referred to the Committee on Health and Human Resources.

The Senate proceeded to the fourth order of business.

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

Your Committee on Pensions has had under consideration

**Senate Bill 31**, Providing 11-month window for PERS members to purchase certain credited service.

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 Finance.

Respectfully submitted,

Michael T. Azinger,  
*Chair.*

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

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 125**, Prohibiting victim from being subjected to certain physical examinations for sexual offenses.

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

**Com. Sub. for Senate Bill 125** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-8B-11 of the Code of West Virginia, 1931, as amended, relating generally to evidence in prosecution for sexual offenses; prohibiting a victim from being subjected to certain physical examinations; providing that a victim’s refusal to undergo certain physical examinations does not preclude admission of evidence regarding other physical examinations; and defining the term “sexual offense”.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 138**, Incentives for consolidating local governments.

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

**Com. Sub. for Senate Bill 138** (originating in the Committee on Government Organization)—A Bill to amend and reenact §7-11B-3, §7-11B-4, and §7-11B-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §7A-2-4 of said code; and to amend said code by adding thereto a new section, designated §7A-2-5, all relating to incentives for consolidating local governments; amending the definitions of certain terms to include municipalities that successfully consolidated; granting additional powers to governing bodies of municipalities that successfully consolidated; authorizing municipalities that successfully consolidate additional powers related to creation of a development or redevelopment district; allowing consolidation of local

governments to include public school districts, library districts, and fire districts; creating certain incentives for municipalities that consolidate; creating certain incentives for counties that consolidate; and creating certain incentives for municipalities and counties that form metro governments by consolidation.

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

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

The bill (Com. Sub. for S. B. 138), under the original double committee reference, was then referred to the Committee on Finance.

Senator Cline, from the Committee on Interstate Cooperation, submitted the following report, which was received:

Your Committee on Interstate Cooperation has had under consideration

**Senate Bill 197**, Enacting Recognition of Emergency Medical Services Personnel Licensure Interstate Compact.

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 the Judiciary.

Respectfully submitted,

Sue Cline,  
*Chair.*

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

Senator Roberts, from the Committee on the Workforce, submitted the following report, which was received:

Your Committee on the Workforce has had under consideration

**Senate Bill 217**, Requiring DHHR collaborate with Workforce Development Board and WV Division of Personnel for job placement.

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

**Com. Sub. for Senate Bill 217** (originating in the Committee on the Workforce)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-8-2a, relating to requiring the Department of Health and Human Resources to collaborate with the Workforce Development Board, the West Virginia Division of Personnel, and the West Virginia Department of Education for purposes of job placement.

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

Respectfully submitted,

Rollan A. Roberts,  
*Chair.*

At the request of Senator Tarr, as vice chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on the Workforce.

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 323, 324, 325, 326, 327, and 328**, Dept of Administration rule for records management and preservation.

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

**Com. Sub. for Senate Bill 323** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-2-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating generally to authorizing certain agencies of the Department of Administration to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee; authorizing the Department of Administration to promulgate a legislative rule relating to rules for the general administration of records management and preservation; authorizing the Department of Administration to promulgate a legislative rule relating to retention and disposal scheduling; authorizing the Department of Administration to promulgate a legislative rule relating to management of records maintained by the records center; authorizing the Department of Administration to promulgate a legislative rule relating to exemptions from management services provided by the fleet management division; authorizing the Department of Administration to promulgate a legislative rule relating to financial services reporting; and authorizing Public Defender Services to promulgate a legislative rule relating to payment of fees and reimbursement of expenses of court-appointed attorneys.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

**By Senator Maynard:**

**Senate Bill 506**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2J-1, §5B-2J-2, and §5B-2J-3, all relating to creating the Office of



Outdoor Recreation; requiring the Secretary of the Department of Commerce to appoint an administrator of the office; establishing the office's purposes and responsibilities; permitting the appointment of staff; requiring the administrator to appoint an advisory board; and establishing the responsibilities of the advisory board.

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

**By Senators Clements, Hardesty, Jeffries, Lindsay, Pitsenbarger, Romano, and Rucker:**

**Senate Bill 507**—A Bill to amend and reenact §49-4-722 of the Code of West Virginia, 1931, as amended, relating to persons 18 years of age or older in the custody of the Bureau of Juvenile Services; and providing that such individuals who commit a criminal offense while in the custody of the bureau, shall not be kept within sight or sound of adult inmates.

Referred to the Committee on the Judiciary.

**By Senators Clements, Hardesty, Jeffries, Lindsay, Pitsenbarger, and Rucker:**

**Senate Bill 508**—A Bill to amend and reenact §29-12-5a of the Code of West Virginia, 1931, as amended, relating to removing the specific mandate of the Board of Risk and Insurance Management to purchase liability insurance for the Division of Corrections and Rehabilitation and its employees.

Referred to the Committee on Banking and Insurance.

**By Senator Trump:**

**Senate Bill 509**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-9-105, relating to venue for custodial allocation actions independent of divorce.

Referred to the Committee on the Judiciary.

**By Senators Palumbo, Beach, Jeffries, Lindsay, Plymale, Prezioso, Takubo, Weld, and Woelfel:**

**Senate Bill 510**—A Bill to amend and reenact §31-18E-9 of the Code of West Virginia, 1931, as amended, relating to making permanent the right of first refusal land reuse agencies and municipal land banks have on tax-delinquent properties; expanding the circumstances when the right of first refusal may be used; clarifying provisions related to the right of first refusal; and authorizing land reuse agencies and municipal land banks to reject adjacent property owner's request to purchase property in certain circumstances.

Referred to the Committee on Economic Development.

**By Senator Jeffries:**

**Senate Bill 511**—A Bill to amend and reenact §47-26-1, §47-26-2, and §47-26-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §47-26-2a, all relating to the regulation of pawnbrokers; removing an exception for certain transactions from the report required of all pawnbrokers; requiring all pawnbrokers to be equipped with certain surveillance equipment and signage effective January 1, 2021; prohibiting pawnbrokers from doing business with certain persons; prohibiting pawnbrokers from purchasing certain items or transacting with certain items from anyone; creating misdemeanor offenses for certain violations; and increasing the penalties for existing criminal offenses related to pawnbrokers.

Referred to the Committee on the Judiciary.

**By Senator Jeffries:**

**Senate Bill 512**—A Bill to amend and reenact §61-1-9 of the Code of West Virginia, 1931, as amended, relating to increasing the misdemeanor penalty for impersonation of a law-enforcement officer or official to include the possibility of confinement in jail.

Referred to the Committee on the Judiciary.

**By Senator Jeffries:**

**Senate Bill 513**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6O-1, §46A-6O-2, §46A-6O-3, §46A-6O-4, §46A-6O-5, and §46A-6O-6, all relating to automatic purchase renewal offers and continuous service offers; stating legislative intent; defining terms; setting notice and disclosure requirements for automatic purchase renewal offers and continuous service offers; providing that a business may not charge the consumer for an automatic renewal or continuous services without first obtaining the consumer's affirmative consent; providing acknowledgement requirements; providing that a business shall disclose how to cancel the automatic renewal or continuous service before the consumer pays if the offer includes a free gift or trial; providing that a business shall provide certain mechanism for cancellation of the automatic renewal or continuous offer in the acknowledgement; requiring a business to provide contact information to the consumer; providing means for terminating the automatic renewal or continuous service offer online; providing notice requirements in the case of material changes in the terms of the automatic renewal or continuous service; providing that a business shall provide to the consumer a reminder of the recurring charge and information on how the consumer may cancel at least 30 days prior to the charge in the case of automatic renewal or continuous service offers of certain frequency; providing a period of application; providing that goods, wares, merchandise, or products shall be deemed an unconditional gift to the consumer when the business sends any goods, wares, merchandise, or products to a consumer without first obtaining the consumer's affirmative consent under a continuous service agreement or automatic renewal of a purchase; providing a civil cause of action; providing statutory penalties; providing that no action may be brought until written notice is provided by the consumer, or his or her representative, to the business; providing written notice requirements; providing mailing requirements; providing the business an opportunity to cure the alleged violation; providing for expiration of the cure offer and cure period; providing a period for the business to remit payment, if any, as specified in the accepted cure offer; providing that a claim may be brought for failure of the business to timely effect the

accepted cure offer; providing that the written notice is a jurisdictional prerequisite to bringing a cause of action; providing the court discretion to award plaintiff costs of the action, including reasonable attorney's fees; providing that plaintiff is not entitled to costs and attorney's fees under certain circumstances; providing a statute of limitations; providing that the statute of limitations shall be tolled; and stating exemptions.

Referred to the Committee on the Judiciary.

**By Senator Tarr:**

**Senate Bill 514**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-9-1, §5B-9-2, §5B-9-3, §5B-9-4, §5B-9-5, §5B-9-6, §5B-9-7, and §5B-9-8, all relating to the West Virginia FinTech Regulatory Sandbox Program; defining terms; establishing requirements for participants to temporarily test innovative financial products or services on a limited basis without otherwise being licensed or authorized to act under the laws of the state; establishing scope of the ability to operate without otherwise being licensed or authorized to act with respect to approved financial products or services; providing consumer protections; establishing time limitations on the ability to operate without otherwise being licensed or authorized to act with respect to approved financial products or services; and providing reporting requirements.

Referred to the Committee on Economic Development.

**By Senators Rucker, Azinger, Cline, Maynard, Roberts, Swope, and Sypolt:**

**Senate Bill 515**—A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-9A-10a; and to amend said code by adding thereto a new article, designated §18-31-1, §18-31-2, §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7, §18-31-8, and §18-31-9, all relating to the Education Savings Account Act; creating compulsory school attendance exemption for education savings account (ESA) students; requiring the Department of Education to annually make a projection of the amount required to fund ESAs and make a request for an

appropriation in that amount; requiring the Legislature to appropriate the amount requested; requiring the Department of Education to pay to the West Virginia State Treasurer's Office the amount appropriated; requiring the total amount of funds annually deposited in an ESA to be 90 percent of the prior year's statewide average net state aid allotted per pupil based on net enrollment adjusted for state aid purposes; limiting use of ESA funds to certain qualifying expenses; allowing a parent to apply to the Treasurer to establish an ESA for an eligible student; establishing household income limit as a condition of qualifying for the ESA program; setting forth conditions under which the Treasurer is required to approve applications; requiring Treasurer to annually renew a student's ESA after making certain verifications; setting forth certain duties, obligations, and authority of the Treasurer; creating a Parent Review Committee to assist the Treasurer in determining whether questionable expenditures meet the requirements to be considered qualifying expenses, to provide recommendations to the Treasurer about how to implement, administer, and improve the ESA program, and for other purposes; setting forth eligibility requirements for service providers; requiring provision to an education service provider that has enrolled an ESA student with a complete copy of the student's school records, while complying with the Family Educational Rights and Privacy Act of 1974; and addressing legal proceedings.

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

**By Senators Roberts, Hamilton, and Prezioso:**

**Senate Bill 516**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-1-15, relating to procurement of architect-engineer services by the West Virginia Division of Natural Resources; and exempting the agency from certain existing procurement requirements.

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

**By Senators Hamilton and Prezioso:**

**Senate Bill 517**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-5A-1, §20-5A-2, §20-5A-3, §20-5A-4, §20-5A-5, and §20-5A-6,

all relating to the creation of the State Parks and Recreation Endowment Fund; establishing a Board of Trustees for the State Parks and Recreation Endowment Fund; designating sources of funds for the State Parks and Recreation Endowment Fund; establishing how and for what purpose expenditures may be made from the State Parks and Recreation Endowment Fund; and relating to other administrative matters of the State Parks and Recreation Endowment Fund.

Referred to the Committee on Natural Resources; and then to the Committee on Finance.

**By Senator Hamilton:**

**Senate Bill 518**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-10-5a, relating to requiring one-year residency within the district or county prior to appointment to fill a vacancy to a seat in the Legislature.

Referred to the Committee on the Judiciary.

**By Senators Clements, Hardesty, Jeffries, Lindsay, Pitsenbarger, Romano, and Rucker:**

**Senate Bill 519**—A Bill to amend and reenact §62-8-1 of the Code of West Virginia, 1931, as amended, relating to prohibiting bodily intrusion by an inmate upon any person at any correctional facility; and defining “bodily intrusion”.

Referred to the Committee on the Judiciary.

**By Senator Swope:**

**Senate Bill 520**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2J-1 and §5B-2J-2; and to amend said code by adding thereto a new article, designated §11-13BB-1, §11-13BB-2, §11-13BB-3, §11-13BB-4, §11-13BB-5, §11-13BB-6, §11-13BB-7, §11-13BB-8, and §11-13BB-9, all relating to creating the Natural Gas Liquids Economic Development Act of 2020; providing a short title; making legislative findings and declarations; defining terms; authorizing the Tax Commissioner to promulgate rules; providing

a tax credit for production, transportation, storage, use, and consumption of natural gas liquids, including related facilities; providing for carry forward of unused credits; providing for recapture of credits; providing for report to Legislature on tax credits applied; and providing for an effective date.

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

**By Senators Tarr, Swope, and Sypolt:**

**Senate Bill 521**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-9A-1, §5-9A-2, §5-9A-3, and §5-9A-4, all relating to job creation and economic incentives; making findings and stating its purpose; creating the Tax and Economic Incentives Review Committee; establishing who may serve on the committee; establishing the committee's powers; providing for the review of all tax and economic incentives every five years; providing guidelines for the review of incentives; requiring reports; and defining terms.

Referred to the Committee on Economic Development; and then to the Committee on Government Organization.

**By Senators Trump and Weld:**

**Senate Bill 522**—A Bill to amend and reenact §14-2A-3 and §14-2A-14 of the Code of West Virginia, 1931, as amended, all relating to compensation awards to victims of crimes; providing for an altered definition of an “allowable expense”; establishing conditions to satisfy reporting requirements for juvenile abuse and neglect cases; providing for expanded benefits for juvenile victims of abuse and neglect cases; and establishing agency authority to file an application on behalf of a minor child for expanded benefits for juvenile victims of abuse and neglect cases.

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

Senator Carmichael (Mr. President) offered the following resolution:

**Senate Concurrent Resolution 7**—Requesting the Division of Highways name bridge number 27-40-6.15 (27A120), locally known as Upper Nine-mile Bridge 6.15, carrying County Route 40 over Upper Nine-mile Creek in Mason County, the “U.S. Army PFC Clifford O. Eckard Memorial Bridge”.

Whereas, Clifford O. Eckard was born April 13, 1911, in Southside, Mason County, West Virginia; and

Whereas, Clifford O. Eckard enlisted in the Army to serve his country and state during World War II; and

Whereas, PFC Clifford O. Eckard was assigned to the 82nd Airborne Division, H.Q.C.O. 319th Glider FA BN during his time of service during World War II; and

Whereas, PFC Clifford O. Eckard passed away on June 7, 1988, as a World War II veteran who bravely defended his country and state during World War II; and

Whereas, It is fitting that an enduring memorial be established to commemorate PFC Clifford O. Eckard and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 27-40-6.15 (27A120), locally known as Upper Nine-mile Bridge 6.15, carrying County Route 40 over Upper Nine-mile Creek in Mason County, the “U.S. Army PFC Clifford O. Eckard Memorial Bridge”; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U.S. Army PFC Clifford O. Eckard 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.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 5**, Requesting Joint Committee on Government and Finance study ways to achieve higher levels of effectiveness and fairness in public school system.

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

**Senate Concurrent Resolution 6**, Walter E. Swiger, Jr., 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 Resolution 8**, Designating January 16, 2020, as Aviation Day.

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, reference to a committee dispensed with, and adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Romano regarding the adoption of Senate Resolution 8 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 11:26 a.m., the Senate recessed to present Senate Resolution 8.

The Senate reconvened at 11:31 a.m. and proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 35**, Limiting civil penalty for littering conviction to \$2,000.

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 46**, Defining “pepper spray” and exempting from definition of “deadly weapons”.

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

**Senate Bill 140**, Changing rate at which certain judges are paid for mileage when traveling within state.

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

**Senate Bill 170**, Alleviating double taxation on foreign income at state level.

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 207**, Creating Prosecuting Attorney’s Detectives Act.

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

**Senate Bill 310**, Updating certain terms used in WV Personal Income Tax Act.

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

The Senate proceeded to the tenth order of business.

**Com. Sub. for Senate Bill 16**, Creating Protect Our Right to Unite Act.

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

**Senate Bill 42**, Permitting faith-based electives in classroom drug prevention programs.

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

**Com. Sub. for Senate Bill 225**, Empowering municipalities to enact Adopt-A-Street programs.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Lindsay, Baldwin, Smith, Facemire, Tarr, Romano, and Takubo.

Thereafter, at the request of Senator Beach, and by unanimous consent, the remarks by Senators Lindsay and Baldwin were ordered printed in the Appendix to the Journal.

At the request of Senator Trump, unanimous consent being granted, the remarks by Senators Smith, Facemire, Tarr, Romano, and Takubo were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were removed as co-sponsors of the following bills:

**Senate Bill 291:** Senator Cline;

And,

**Senate Bill 470:** Senator Palumbo.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions:

**Senate Bill 60:** Senator Baldwin;

- Senate Bill 70:** Senator Jeffries;  
**Senate Bill 75:** Senator Jeffries;  
**Senate Bill 96:** Senator Smith;  
**Senate Bill 146:** Senator Smith;  
**Senate Bill 159:** Senator Smith;  
**Senate Bill 174:** Senator Jeffries;  
**Senate Bill 181:** Senator Jeffries;  
**Senate Bill 246:** Senator Ihlenfeld;  
**Senate Bill 247:** Senator Jeffries;  
**Senate Bill 248:** Senator Ihlenfeld;  
**Senate Bill 255:** Senator Smith;  
**Senate Bill 274:** Senator Smith;  
**Senate Bill 315:** Senator Ihlenfeld;  
**Senate Bill 468:** Senator Woelfel;  
**Senate Bill 469:** Senators Jeffries and Woelfel;  
**Senate Bill 471:** Senator Swope;  
**Senate Bill 472:** Senator Stollings;  
**Senate Bill 473:** Senator Cline;  
**Senate Bill 474:** Senator Cline;  
**Senate Bill 475:** Senator Cline;  
**Senate Bill 476:** Senator Cline;  
**Senate Bill 477:** Senator Cline;

**Senate Bill 478:** Senator Roberts;

**Senate Bill 482:** Senators Cline and Roberts;

**Senate Bill 483:** Senator Cline;

**Senate Bill 484:** Senators Stollings and Woelfel;

**Senate Bill 486:** Senator Stollings;

**Senate Bill 489:** Senator Cline;

**Senate Bill 490:** Senator Jeffries;

**Senate Bill 491:** Senator Jeffries;

**Senate Bill 493:** Senator Cline;

**Senate Bill 494:** Senator Cline;

**Senate Bill 496:** Senator Lindsay;

**Senate Bill 498:** Senator Woelfel;

**Senate Bill 499:** Senators Cline, Roberts, and Stollings;

**Senate Bill 500:** Senator Cline;

**Senate Bill 501:** Senator Woelfel;

**Senate Bill 503:** Senators Lindsay, Palumbo, and Woelfel;

**Senate Bill 504:** Senators Ihlenfeld, Lindsay, and Stollings;

**Senate Bill 505:** Senator Cline;

**Senate Concurrent Resolution 5:** Senator Cline;

**Senate Concurrent Resolution 6:** Senators Stollings and Swope;

And,

**Senate Resolution 8:** Senators Cline, Ihlenfeld, Lindsay, Palumbo, and Stollings.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:15 p.m., the Senate adjourned until tomorrow, Friday, January 17, 2020, at 11 a.m.

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## FRIDAY, JANUARY 17, 2020

The Senate met at 11:05 a.m.

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

Prayer was offered by Pastor Jeff Davenport, First Baptist Church of Hurricane, Hurricane, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Robert D. Beach, a senator from the thirteenth district.

Pending the reading of the Journal of Thursday, January 16, 2020,

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

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

The Senate then proceeded to the fourth order of business.

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 96**, Prohibiting municipalities from limiting persons' rights to possess certain weapons.

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

**Com. Sub. for Senate Bill 96** (originating in the Committee on Government Organization)—A Bill to amend and reenact §8-12-5a of the Code of West Virginia, 1931, as amended, relating to prohibiting municipalities from limiting the rights of persons to purchase, possess, transfer, own, carry, transport, sell, or store deadly weapons or pepper spray in any manner inconsistent with or in conflict with state law; adding definitions; removing authority of municipalities to prohibit possession of deadly weapons or pepper spray in area where temporary event is held; and restricting the award of reasonable attorney's fees and costs to petitioners seeking redress under this law to only those that prevail.

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,

Mark R. Maynard,  
*Chair.*

The bill (Com. Sub. for S. B. 96), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 187**, Relating generally to in-state tuition rates for certain persons.

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

**Com. Sub. for Senate Bill 187** (originating in the Committee on Education)—A Bill to amend and reenact §18B-10-1a of the Code of West Virginia, 1931, as amended, relating generally to in-state residency tuition rates; providing that nonresident members of a reserve unit in West Virginia qualify as residents for purposes of determining tuition rates; removing the requirement that members of the National Guard participate in the National Guard Education Services Program; and providing that current members of the United States armed forces who reside in West Virginia qualify as residents for purposes of determining tuition rates.

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

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*

The bill (Com. Sub. for S. B. 187), under the original double committee reference, was then referred to the Committee on Finance.

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 192**, Relating to WV Secondary School Activities Commission audits.

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

**Com. Sub. for Senate Bill 192** (originating in the Committee on Education)—A Bill to amend and reenact §18-2-25 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Secondary School Activities Commission; requiring Legislative Auditor to conduct a performance audit of the commission; authorizing the inspection of records and examination of personnel;



permitting subsequent performance audits to be conducted at reasonable and prudent intervals; and removing redundant wording.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*

Senator Swope, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

**Senate Bill 265**, Authorizing DEP to develop Reclamation of Abandoned and Dilapidated Properties Program.

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

**Com. Sub. for Senate Bill 265** (originating in the Committee on Economic Development)—A Bill to amend and reenact §22-15A-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §22-15A-30; and to amend and reenact §22-16-12 of said code, all relating to authorizing the Department of Environmental Protection to develop the Reclamation of Abandoned and Dilapidated Properties Program to reclaim abandoned and dilapidated structures in order to improve West Virginia communities and to open new parcels for development; creating special revenue fund; providing a statement of legislative findings and purpose; and permitting the payment of excess money from the Solid Waste Facility Closure Cost Assistance Fund into the Reclamation of Abandoned and Dilapidated Properties Program Fund.

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

Respectfully submitted,

Chandler Swope,  
*Chair.*

The bill (Com. Sub. for S. B. 265), under the original double committee reference, was then referred to the Committee on Finance.

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 297**, Requiring Board of Education create home economics course.

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

**Com. Sub. for Senate Bill 297** (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7e, relating to requiring the State Board of Education to develop a program of instruction in home economics, or specific subjects within home economics, that may be integrated into the curriculum for students in secondary schools.

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

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*

At the request of Senator Tarr, as vice chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Education.

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 307**, Correcting code citation relating to certain tax liens.

And,

**Senate Bill 322**, Relating to prequalifications for state contract vendors.

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

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

**By Senator Plymale:**

**Senate Bill 523**—A Bill to amend and reenact §8-22A-28 of the Code of West Virginia, 1931, as amended, relating to municipal subdivision participation in Social Security; and extending the deadline for opting to extend Social Security coverage.

Referred to the Committee on Pensions.

**By Senator Jeffries:**

**Senate Bill 524**—A Bill to amend and reenact §20-1-17 of the Code of West Virginia, 1931, as amended, relating to prohibiting the Natural Resources Commission from establishing a bag limit for antlered deer at three or more.

Referred to the Committee on Natural Resources.

**By Senators Tarr and Swope:**

**Senate Bill 525**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-1-9, relating to requiring the Secretary of Commerce to present certain information to the Joint Committee on Government and Finance during the 2020 legislative interim sessions.

Referred to the Committee on Economic Development; and then to the Committee on Government Organization.

**By Senator Takubo:**

**Senate Bill 526**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-28, relating to requiring the Secretary of the Department of Health and Human Resources to seek a waiver within the Supplemental Nutrition Assistance Program to conduct a pilot project seeking to exclude sweetened beverages and energy drinks from the Supplemental Assistance Program; requiring the secretary to conduct an evaluation to determine the effects of the program; and requiring the secretary to report to the Legislative Oversight Commission on Health and Human Resources Accountability concerning progress made toward seeking the waiver by December 31, 2020.

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

**By Senator Jeffries:**

**Senate Bill 527**—A Bill to amend and reenact §31-15-3 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Economic Development Authority; creating a small business and minority populations economic and workforce

development taskforce to assist the Director of the Economic Development Authority in developing and implementing a procedure to address employment, labor force participation, and economic development problems of small business and low income and minority populations of West Virginia; and developing a pilot project that can be used as a model to promote the growth and development of small business to increase employment and labor force participation across West Virginia.

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

**By Senators Swope, Azinger, Rucker, and Trump:**

**Senate Bill 528**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5I-1, §21-5I-2, §21-5I-3, §21-5I-4, §21-5I-5, and §21-5I-6, all relating to the Uniform Worker Classification Act; and clarifying definition of “independent contractor”.

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 529**—A Bill to amend and reenact §14-2-13a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §14-2A-14a, all relating to establishing limitations on claims and benefits; establishing a two-year time limit for a claimant to file a claim for unjust arrest, conviction, or imprisonment; providing that damages may be reduced upon clear evidence the claimant’s actions contributed to unjust arrest, conviction, or imprisonment; and establishing a 10-year limitation on eligibility to receive benefits under certain conditions.

Referred to the Committee on the Judiciary.

**By Senator Blair:**

**Senate Bill 530**—A Bill to amend and reenact §11-15-9 and §11-15-9p of the Code of West Virginia, 1931, as amended, all relating to taxation of aircraft; exempting aircraft sold in this state and removed within 60 days from sales tax; providing for

conditions for exemption; providing an exemption from the consumers sales and service tax for purchases of certain services and tangible personal property sold for the repair, remodeling, and maintenance of aircraft; specifying a method for claiming exemption; and establishing the effective date for the changes to the section.

Referred to the Committee on Finance.

**By Senator Blair:**

**Senate Bill 531**—A Bill to amend and reenact §22-15-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §22-16-4 of said code, all relating to shifting funding from the Landfill Closure Assistance Fund to local solid waste authorities; providing for an additional fee; setting out purpose of the additional fee; establishing an effective date for the additional fee; and providing for alteration of a fee.

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

**By Senators Azinger, Hamilton, Ihlenfeld, Plymale, and Tarr:**

**Senate Bill 532**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-22-28a, relating to the distribution of the assets remaining in a municipal policemen's or firemen's pension and relief fund upon the death of the last remaining retiree or beneficiary receiving benefits under the fund.

Referred to the Committee on Pensions.

**By Senator Jeffries:**

**Senate Bill 533**—A Bill to amend and reenact §20-2B-7 of the Code of West Virginia, 1931, as amended, relating to authorizing lifetime hunting, fishing, and trapping licenses for foster or adoptive children who have not reached the second year of their placement to be the same cost as resident children who have not reached their second birthday.

Referred to the Committee on Natural Resources.

**By Senators Trump and Blair:**

**Senate Bill 534**—A Bill to amend and reenact §21A-1A-17 of the Code of West Virginia, 1931, as amended, relating to employees serving the Legislature on a temporary basis, or in support of the legislative session, are not exempt from workers' compensation coverage.

Referred to the Committee on the Judiciary.

Senator Jeffries offered the following resolution:

**Senate Resolution 9**—Designating January 20, 2020, as Down Syndrome Awareness Day.

Whereas, There are 1 in 700 babies born with Down syndrome each year; and

Whereas, Individuals with Down syndrome, like all others, have the right to live, work, and fully participate in their communities in order to attain their goals and dreams; and

Whereas, Individuals with Down syndrome have the right to a free and appropriate public education alongside their peers without disabilities so they can learn and develop to their fullest potential; and

Whereas, Individuals with Down syndrome have the right to an equal opportunity to live full, productive lives as valued community members in the neighborhoods of their choice; and

Whereas, Individuals with Down syndrome have the right to receive the support they need to exercise self-determination, achieve independence, and become productive employees; and

Whereas, The Down Syndrome Network of West Virginia has become a statewide organization to enhance the lives of individuals with Down syndrome and to increase awareness and acceptance of individuals with Down syndrome; and

Whereas, The purpose of Down Syndrome Awareness Day is to increase the awareness and understanding of our legislators,

administrators, policymakers, and the public about the issues that are important to individuals with Down syndrome; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates January 20, 2020, as Down Syndrome Awareness Day; and, be it

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

Which, under the rules, lies over one day.

### **Petitions**

Senator Smith presented petitions from Elizabeth King and numerous West Virginia residents, requesting repair work be made to Stevensburg and Goff Hill roads in Preston County.

Referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 7**, US Army PFC Clifford O. Eckard 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 35**, Limiting civil penalty for littering conviction to \$2,000.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton,



Hardesty, Ihlenfeld, Jeffries, Lindsay, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Mann, Maroney, and Unger—3.

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. 35) 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 46**, Defining “pepper spray” and exempting from definition of “deadly weapons”.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Mann, Maroney, and Unger—3.

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. 46) 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 140**, Changing rate at which certain judges are paid for mileage when traveling within state.

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

Pending discussion,

The question being “Shall Engrossed Senate Bill 140 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Mann, Maroney, and Unger—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 140) 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 170**, Alleviating double taxation on foreign income at state level.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Mann, Maroney, and Unger—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 170) 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 207**, Creating Prosecuting Attorney's Detectives 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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Mann, Maroney, and Unger—3.

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. 207) 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 310**, Updating certain terms used in WV Personal Income Tax 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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith,

Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Mann, Maroney, and Unger—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 310) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2020.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Mann, Maroney, and Unger—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 310) takes effect July 1, 2020.

*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 16**, Creating Protect Our Right to Unite Act.

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

**Senate Bill 42**, Permitting faith-based electives in classroom drug prevention programs.

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 225**, Empowering municipalities to enact Adopt-A-Street programs.

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.

**Com. Sub. for Senate Bill 125**, Prohibiting victim from being subjected to certain physical examinations for sexual offenses.

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

**Com. Sub. for Senate Bill 217**, Requiring DHHR collaborate with Workforce Development Board and WV Division of Personnel for job placement.

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

**Com. Sub. for Senate Bill 323**, Authorizing Department of Administration promulgate legislative rules.

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

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

The Senate then proceeded to the twelfth order of business.

At the request of Senator Weld, unanimous consent being granted, the provisions of Rule 8 of the Rules of the Senate which states in part "Every member desiring to speak shall stand in his or her own place . . ." were suspended in order to permit Senator Blair to give remarks this session while seated.

Remarks were made by Senators Blair and Stollings.

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

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were removed as co-sponsors of the following bill and resolution:

**Senate Bill 508:** Senators Hardesty, Jeffries, and Lindsay;

And,

**Senate Concurrent Resolution 4:** Senator Jeffries.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolution:

**Senate Bill 1:** Senator Jeffries;

**Senate Bill 26:** Senator Romano;

**Senate Bill 51:** Senator Romano;

**Com. Sub. for Senate Bill 125:** Senators Ihlenfeld and Woelfel;

**Senate Bill 156:** Senator Woelfel;

**Senate Bill 176:** Senator Woelfel;

**Senate Bill 191:** Senator Woelfel;

**Senate Bill 201:** Senator Woelfel;

**Senate Bill 235:** Senator Woelfel;

**Senate Bill 236:** Senator Woelfel;

**Senate Bill 244:** Senator Woelfel;

**Com. Sub. for Senate Bill 265:** Senators Hamilton and Jeffries;

**Senate Bill 284:** Senator Maynard;

**Senate Bill 501:** Senator Jeffries;

**Senate Bill 504:** Senator Jeffries;

**Senate Bill 507:** Senators Baldwin, Cline, Stollings, and Woelfel;

**Senate Bill 508:** Senator Cline;

**Senate Bill 509:** Senator Hamilton;

**Senate Bill 510:** Senators Cline, Hamilton, and Stollings;

**Senate Bill 512:** Senators Baldwin, Hamilton, and Stollings;

**Senate Bill 513:** Senators Baldwin and Cline;

**Senate Bill 516:** Senator Cline;

**Senate Bill 517:** Senators Beach and Stollings;

**Senate Bill 519:** Senators Cline and Woelfel;

**Senate Bill 520:** Senator Cline;

**Senate Bill 521:** Senator Cline;

And,

**Senate Concurrent Resolution 7:** Senators Beach and Stollings.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Takubo, at 11:49 a.m., the Senate adjourned until Monday, January 20, 2020, at 11 a.m.

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## MONDAY, JANUARY 20, 2020

The Senate met at 11:09 a.m.

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

Prayer was offered by Pastor Deborah Thomas, Nondenominational Fellowship Pentecostal Ministries, Charleston, West Virginia, who then proceeded in the singing of “We Shall Overcome”.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable William J. Ihlenfeld II, a senator from the first district.

Pending the reading of the Journal of Friday, January 17, 2020,

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

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

The Senate then proceeded to the third order of business.

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

**Eng. Com. Sub. for House Bill 2602**—A Bill to amend and reenact §61-3-18 of the Code of West Virginia, 1931, as amended, relating to receiving or transferring stolen property; providing that to knowingly possess stolen goods is an element of the offense of receiving or transferring stolen property; and providing an exception for certain purchasers of scrap metal.

Referred to the Committee on the Judiciary.



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

**Eng. Com. Sub. for House Bill 2679**—A Bill to amend and reenact §17B-2-1 of the Code of West Virginia, 1931, as amended, relating to state issued identification cards; and permitting the issuance of a state issued identification card without a photo on the card, based upon certification that taking a photograph would violate religion tenet or religious belief.

Referred to the Committee on Transportation and Infrastructure.

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

**Eng. Com. Sub. for House Bill 2696**—A Bill to amend and reenact §14-1-20 and §14-1-21 of the Code of West Virginia, 1931, as amended, all relating to creating an additional index system for state-owned lands; providing that the county courts submit a list of lands the state obtained to the Auditor; providing that the Auditor create an index system; providing that the Auditor create a standard naming system; and providing for rule-making authority relating to the index system.

Referred to the Committee on Government Organization.

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 2922**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-407a, relating to authorizing a court to require participation and successful completion of a drug court program or drug treatment program in order for a defendant, pleading or being found guilty of possession of a controlled substance which is or contains a controlled substance listed in §60A-2-204 of this code, other than marijuana, or a controlled substance listed in §60A-2-

206, §60A-2-208, or §60A-2-210 containing an opioid or opiate to qualify for a final order of discharge and dismissal.

Referred to the Committee on the Judiciary.

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

**Eng. Com. Sub. for House Bill 2924**—A Bill to amend and reenact §5B-2I-4 of the Code of West Virginia, 1931, as amended, relating to permitting the West Virginia Tourism Office to contract with the Division of Highways to sell advertising space on the WV511 website to promote in-state tourism and to raise capital for technological improvements to the website; permitting 50 percent of the funds from such sale to be deposited into the Tourism Promotion Fund; and permitting 50 percent of the fund from such sale be remitted to the Division of Highways pursuant to the contract.

Referred to the Committee on Government Organization.

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

**Eng. Com. Sub. for House Bill 4042**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-1-12, relating to requiring agencies exempt from some or all of state purchasing requirements to adopt procedural rules establishing their purchasing procedures.

Referred to the Committee on Government Organization.

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills and joint resolution were considered introduced, read by their titles, and referred to the appropriate committees:

**By Senator Smith:**

**Senate Bill 535**—A Bill to amend and reenact §22C-9-3 and §22C-9-4 of the Code of West Virginia, 1931, as amended, all relating to eliminating the requirement that oil and gas operators file applications for variance and exceptions from certain deep well spacing requirements; withdrawing the authority of the Oil and Gas Conservation Commission to regulate the spacing of deep wells other than in the context of an application for drilling units or pooling of interests related to drilling units filed pursuant to §22C-9-7 of said code, which will allow exploration and production companies to implement evidence-based best practices for spacing of deep wells; and updating and clarifying language.

Referred to the Committee on the Judiciary.

**By Senator Ihlenfeld:**

**Senate Bill 536**—A Bill to amend and reenact §3-8-15 of the Code of West Virginia, 1931, as amended, relating to disclosure of fundraising contributions during a legislative session; and requiring disclosure of fundraising contributions by caucus campaign committees.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 537**—A Bill to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating generally to hunting, trapping, and fishing licensing; and permitting nonresident landowners and certain of their family members to hunt, trap, and fish on the nonresident landowner's land without obtaining a license.

Referred to the Committee on Natural Resources.

**By Senator Maynard:**

**Senate Bill 538**—A Bill to repeal §11-19-1, §11-19-2, §11-19-4, §11-19-4a, §11-19-4b, §11-19-5, §11-19-5a, §11-19-5b, §11-19-5c, §11-19-7a, §11-19-9, §11-19-10, §11-19-11, and §11-19-12 of the Code of West Virginia, 1931, as amended, relating to repealing of excise tax imposed on soft drinks.

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

**By Senator Maynard:**

**Senate Bill 539**—A Bill to amend and reenact §8-29A-3 of the Code of West Virginia, 1931, as amended, relating to providing that county airport authorities may not prohibit the carry or possession of firearms by those lawful to carry or possess firearms in all public, nonsecure areas of an airport.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 540**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-5i, relating to authorizing the boards of education to create a dashboard to display certain information; permitting that parents or students may access the dashboard; permitting for rule-making authority; and establishing an effective date.

Referred to the Committee on Education.

**By Senator Baldwin:**

**Senate Bill 541**—A Bill to amend and reenact §18-8-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-8A-5, all relating to creating a homeless education coordinator in counties designated by the state board as an urban county.

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

**By Senator Beach:**

**Senate Bill 542**—A Bill to amend and reenact §18-2-1 of the Code of West Virginia, 1931, as amended, relating to prohibiting political activities by members of the state Board of Education.

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

**By Senator Jeffries:**

**Senate Bill 543**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §11-1-16 and §16-1-16a, all relating to social determinants of health; establishing the Minority Health Advisory Team, including its composition and duties; authorizing a Community Health Equity Initiative Demonstration Project; authorizing the Commissioner of the Bureau for Public Health to establish a Community Health Equity Initiative Demonstration Project; establishing eligibility requirements; providing for the administration of the demonstration project; establishing requirements for a demonstration project plan and the selection of communities for participation; establishing reporting requirements; and establishing the date on which the demonstration project terminates.

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

**By Senator Ihlenfeld:**

**Senate Bill 544**—A Bill to amend and reenact §30-5-7 of the Code of West Virginia, 1931, as amended, relating to authorizing pharmacists and pharmacy interns to administer vaccines.

Referred to the Committee on Health and Human Resources.

**By Senator Tarr:**

**Senate Bill 545**—A Bill to amend and reenact §23-2C-16 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to transfer moneys from the Insurance Commission Fund, also known as the Commissioner's Operating Fund, into the Workers' Compensation Old Fund to reduce any deficit balance of the Old Fund.

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

**By Senator Beach:**

**Senate Bill 546**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-

16-7g; to amend said code by adding thereto a new section, designated §9-5-28; to amend said code by adding thereto a new section, designated §33-15-4u; to amend said code by adding thereto a new section, designated §33-16-3ff; to amend said code by adding thereto a new section, designated §33-24-7u; to amend said code by adding thereto a new section, designated §33-25-8r; and to amend said code by adding thereto a new section, designated §33-25A-8u, all relating to requiring Medicaid and insurance coverage for treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute onset neuropsychiatric syndrome and other autoimmune encephalopathies, including, but not limited to, intravenous immunoglobulin therapy, plasmapheresis, and other therapies and medications consistent with evidence-based treatment guidelines such as those published in the Journal of Child and Adolescent Psychopharmacology and nationally recognized expert consensus guidelines.

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

**By Senator Trump:**

**Senate Bill 547**—A Bill to amend and reenact §21-3E-16 of the Code of West Virginia, 1931, as amended, relating to employer testing, notice, termination, and forfeiture of unemployment compensation benefits.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 548**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-1F-1, §30-1F-2, §30-1F-3, §30-1F-4, §30-1F-5, §30-1F-6, §30-1F-7, §30-1F-8, §30-1F-9, §30-1F-10, §30-1F-11, and §30-1F-12, all relating to occupational licensing or government certification; and requiring recognition for qualified applicants from other states.

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

**By Senator Maynard:**

**Senate Bill 549**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-3D-1, §16-3D-2, §16-3D-3, §16-3D-4, §16-3D-5, and §16-3D-6, all relating to informed consent for vaccinations; providing a short title; defining terms; prohibiting discrimination against patients for declining or delaying vaccines; establishing prohibited activities; creating rights for patients; and establishing monetary penalties and revocation of licensure for violations.

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

**By Senator Rucker:**

**Senate Joint Resolution 6**—Proposing an amendment to the Constitution of the State of West Virginia, amending section two, article XII thereof, relating to supervision of free schools; clarifying that the general supervisory authority of the State Board of Education is subject to legislative enactments; allowing the board to promulgate rules; requiring rules to be submitted to the Legislature for its review and approval, amendment, or rejection; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

Senators Prezioso, Beach, Sypolt, Smith, Clements, and Maroney offered the following resolution:

**Senate Resolution 10**—Designating January 21, 2020, as West Virginia University Day.

Whereas, West Virginia University is the state's first and largest land-grant university, which has been dedicated to serving the citizens of West Virginia for more than 150 years; and

Whereas, West Virginia University offers students the perks and programs of a major research institution at a price below the national average; and

Whereas, West Virginia University offers more than 370 majors at the bachelor's, master's, doctoral, and professional levels—including everything from accounting to forensics; and

Whereas, The West Virginia University Extension Service, the primary outreach arm of West Virginia University, is the “front porch” of the land-grant institution with an office in each of the state's 55 counties; and

Whereas, West Virginia University Extension Service agents and specialists deliver trusted research and innovative solutions to the citizens of West Virginia in the areas of youth development, agriculture, and family and community development; and

Whereas, West Virginia University Extension Service's 4-H Youth Development Program—the state's largest youth organization—has given more than 73,000 youths the opportunity to expand their horizons through hands-on, pioneering programming and camping experiences, such as inventing robots, discovering the world, nurturing healthy lifestyles, and exploring computer science as part of the 4-H National Youth Science Day challenge; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates January 21, 2020, as West Virginia University Day; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the President of West Virginia University, E. Gordon Gee, and to the West Virginia University Extension Service.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Resolution 9**, Designating January 20, 2020, as Down Syndrome Awareness Day.



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

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

Thereafter, at the request of Senator Weld, and by unanimous consent, the remarks by Senator Jeffries regarding the adoption of Senate Resolution 9 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 11:27 a.m., the Senate recessed to present Senate Resolution 9.

The Senate reconvened at 11:32 a.m. and proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 16**, Creating Protect Our Right to Unite 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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (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. 16) 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 42**, Permitting faith-based electives in classroom drug prevention programs.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (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. 42) 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 225**, Empowering municipalities to enact Adopt-A-Street programs.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (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. 225) passed with its title.

*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 125**, Prohibiting victim from being subjected to certain physical examinations for sexual offenses.

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 217**, Requiring DHHR collaborate with Workforce Development Board and WV Division of Personnel for job placement.

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 323**, Authorizing Department of Administration promulgate legislative rules.

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.

**Com. Sub. for Senate Bill 192**, Relating to WV Secondary School Activities Commission audits.

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

**Com. Sub. for Senate Bill 297**, Requiring Board of Education create home economics course.

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

**Senate Bill 307**, Correcting code citation relating to certain tax liens.

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

And,

**Senate Bill 322**, Relating to prequalifications for state contract vendors.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Swope, Lindsay, Hamilton, Roberts, and Clements.

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

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were removed as co-sponsors of the following bills:

**Senate Bill 222**: Senator Maynard;

**Senate Bill 228**: Senator Maynard;

And,

**Senate Bill 312**: Senator Azinger.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions:

**Senate Bill 1**: Senator Woelfel;

**Senate Bill 18:** Senator Woelfel;

**Senate Bill 21:** Senator Woelfel;

**Senate Bill 22:** Senator Woelfel;

**Senate Bill 27:** Senator Woelfel;

**Senate Bill 55:** Senator Woelfel;

**Senate Bill 60:** Senator Woelfel;

**Senate Bill 66:** Senator Romano;

**Senate Bill 67:** Senator Romano;

**Senate Bill 68:** Senator Romano;

**Senate Bill 69:** Senator Romano;

**Senate Bill 81:** Senator Romano;

**Senate Bill 82:** Senator Woelfel;

**Senate Bill 85:** Senator Woelfel;

**Senate Bill 87:** Senator Woelfel;

**Senate Bill 93:** Senator Woelfel;

**Senate Bill 102:** Senator Woelfel;

**Senate Bill 152:** Senator Rucker;

**Senate Bill 173:** Senator Rucker;

**Senate Bill 181:** Senator Rucker;

**Com. Sub. for Senate Bill 187:** Senators Baldwin and Pitsenbarger;

**Senate Bill 238:** Senator Woelfel;

**Senate Bill 305:** Senator Clements;

**Senate Bill 311:** Senators Baldwin and Maynard;

**Senate Bill 472:** Senator Clements;

**Senate Bill 484:** Senator Beach;

**Senate Bill 495:** Senator Beach;

**Senate Bill 507:** Senator Beach;

**Senate Bill 519:** Senator Beach;

**Senate Bill 523:** Senator Stollings;

**Senate Bill 526:** Senators Baldwin, Cline, Rucker, and Stollings;

**Senate Bill 527:** Senators Baldwin, Palumbo, and Stollings;

**Senate Bill 528:** Senator Cline;

**Senate Bill 530:** Senator Rucker;

**Senate Bill 531:** Senator Cline;

**Senate Bill 532:** Senators Jeffries and Stollings;

**Senate Bill 533:** Senators Baldwin, Beach, and Stollings;

**Senate Bill 534:** Senator Hamilton;

**Senate Concurrent Resolution 6:** Senator Woelfel;

And,

**Senate Resolution 9:** Senators Baldwin, Hamilton, Lindsay, Roberts, and Stollings.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:53 a.m., the Senate adjourned until tomorrow, Tuesday, January 21, 2020, at 11 a.m.

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## TUESDAY, JANUARY 21, 2020

The Senate met at 11:14 a.m.

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

Prayer was offered by the Reverend Tom Bias, Retired United Methodist Clergy, Madison, West Virginia.

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

Pending the reading of the Journal of Monday, January 20, 2020,

At the request of Senator Sypolt, 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 the following communication from a state agency as required by the provisions of law:

Medicine, Board of (§30-1-12)

The Senate 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 4010**—A Bill to amend and reenact §29-22C-2, §29-22C-3, §29-22C-4, §29-22C-6, §29-22C-13, §29-22C-14, §29-22C-15, §29-22C-16, §29-22C-17, §29-22C-18, §29-22C-19, §29-22C-29, and §29-22C-31 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-25-2, §29-25-3, §29-25-8, §29-25-12, §29-25-13, §29-25-14, §29-25-15, §29-25-16, §29-25-17, §29-25-18, §29-25-22, §29-25-25, and §29-25-27 of

said code, all relating to changing the licensing requirement for certain casino employees from a licensure to a registration; and granting emergency rule-making authority.

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

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

**Eng. Com. Sub. for House Bill 4091**—A Bill to amend and reenact §22-6A-7 of the Code of West Virginia, 1931, as amended, relating to allowing for expedited oil and gas well permitting for certain wells under the Natural Gas Horizontal Well Control Act upon payment of applicable expedited fees; allowing expedited oil and gas well permit modifications under the same Act upon the payment of applicable expedited fees; permitting one half of any residual fees to be deposited in the Oil and Gas Operations Permit and Processing Fund; permitting one half of any residual fees to be deposited in the Oil and Gas Reclamation Fund; providing for the daily pro rata refund of the horizontal well expedited fee if the permit is not approved between day 45 and day 60 after the submission of a permit application; providing for the daily pro rata refund of the modification fees between day 20 and day 30 after the submission of a permit modification application; providing for a maximum cap amount of \$1 million for all residual fees from this article to be deposited in the Oil and Gas Operations Permit and Processing Fund; and providing that any balance in the Oil and Gas Reclamation Fund at the end of a fiscal year remain in the special revenue account and not be remitted to the General Revenue Fund.

Referred to the Committee on Energy, Industry, and Mining.

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 144**, Creating misdemeanor penalty for making materially false statement in course of misdemeanor investigation.

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

**Com. Sub. for Senate Bill 144** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-5-17 of the Code of West Virginia, 1931, as amended, relating to precluding the charge of making a materially false statement in the investigation of a misdemeanor offense serving as the basis for a secured bond or pre-trial incarceration.

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 311**, Relating to court-ordered community service.

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

**Com. Sub. for Senate Bill 311** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §62-4-16 of the Code of West Virginia, 1931, as amended, relating to court-ordered community service; designating supervisor of person sentenced to court-ordered community service; and providing state and political subdivisions immunity from certain suits from individuals participating in court-ordered community service.

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 321**, Relating to collection of tax and priority of distribution of estate or property in receivership.

And reports the same back with the recommendation that it 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 Concurrent Resolution 4**, Urging Congress call convention to propose amendment on congressional term limits.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills and joint resolutions were considered introduced, read by their titles, and referred to the appropriate committees:

**By Senators Maynard and Cline:**

**Senate Bill 550**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5j; and to amend and reenact §20-2-16 of said code, all relating to hunting; permitting the use of leashed dogs to track mortally wounded deer or bear; and setting forth how dogs caught chasing deer are to be handled.

Referred to the Committee on Natural Resources.

**By Senators Smith, Clements, Jeffries, and Sybolt:**

**Senate Bill 551**—A Bill to amend and reenact §8-12-17 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §24-2-4g, all relating generally to the Water and Wastewater Investment and Infrastructure Improvement Act to encourage investment in water and wastewater utilities; describing and expanding permissible uses for proceeds of a sale or lease of a municipal utility; making legislative findings on the valuation of utility assets in the context of certain utility acquisitions and the combination or allocation of water and wastewater revenue requirements; making legislative findings on the valuation of utility assets in the context of an acquisition; establishing a range within which a post-acquisition rate base addition is to be established; providing for ancillary approvals; specifying preliminary agreements and commitments not requiring prior approval; authorizing the Public Service Commission to combine water and wastewater revenue requirements or allocate a portion of wastewater revenue requirement to water customers where a utility provides both water and wastewater service and where the combination or allocation is reasonable and results in water and wastewater rates that are just and reasonable and based primarily on the cost of providing service; and setting forth defined terms.

Referred to the Committee on Government Organization.

**By Senators Maynard and Cline:**

**Senate Bill 552**—A Bill to amend and reenact §22C-1-6 of the Code of West Virginia, 1931, as amended, relating to requiring contracts of \$25,000 or more to be competitively bid.

Referred to the Committee on Government Organization.

**By Senators Roberts, Boley, Clements, Cline, Hamilton, Maynard, Pitsenbarger, Smith, Sypolt, and Tarr:**

**Senate Bill 553**—A Bill to amend and reenact §61-3-24 of the Code of West Virginia, 1931, as amended, relating to crimes against property; and specifying that theft of rental equipment services is theft of services.

Referred to the Committee on the Judiciary.

**By Senators Smith, Clements, Pitsenbarger, Roberts, and Trump:**

**Senate Bill 554**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-4-9b, relating to the termination, expiration, or cancellation of oil or natural gas leases; providing a requirement for a lessee to execute and deliver to the lessor, within a specified time and without cost, a recordable release for terminated, expired, or cancelled oil or natural gas leases; providing for a procedure by which a lessor may serve notice to a lessee, if a lessee fails to timely provide the release; providing requirements for the content of the notice; requiring a lessee to timely notify the lessor in writing of a dispute regarding the termination, expiration, or cancellation of the oil and natural gas lease; providing for an affidavit of termination, expiration, or cancellation with specified contents; providing a requirement that county clerks accept and record said affidavit; and providing that with proper notification by the lessor, and in the absence of a dispute by the lessee, an affidavit of termination, expiration, or cancellation, upon recordation by a county clerk, creates a rebuttable presumption of termination and cancellation of the oil or natural gas lease for certain interests and renders the recorded oil or natural gas lease as insufficient notice of the recorded lease.

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

**By Senator Takubo:**

**Senate Bill 555**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-60-1, §16-60-2, §16-60-3, §16-60-4, §16-60-5, §16-60-6, §16-60-

7, §16-60-8, §16-60-9, §16-60-10, §16-60-11, §16-60-12, §16-60-13, §16-60-14, §16-60-15, and §16-60-16, all relating to enacting the Solemn Covenant of the States to Award Prizes for Curing Diseases Compact; and providing for its creation and operation.

Referred to the Committee on Health and Human Resources.

**By Senators Prezioso, Baldwin, Beach, Ihlenfeld, Plymale, Romano, and Stollings:**

**Senate Bill 556**—A Bill to amend and reenact §6B-2-5 of the Code of West Virginia, 1931, as amended, relating to prohibiting members of the Legislature and part-time public officials from having an interest in public contracts under certain circumstances; requiring certain disclosures; and requiring the Ethics Commission to conduct oversight and make a public statement in certain circumstances.

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

**By Senators Prezioso, Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Palumbo, Plymale, Romano, Stollings, Unger, and Woelfel:**

**Senate Bill 557**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-18f, relating to establishing vocational-technical programs in middle schools.

Referred to the Committee on Education.

**By Senators Takubo, Cline, Maroney, Rucker, and Stollings:**

**Senate Bill 558**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2J-1, §5B-2J-2, §5B-2J-3, §5B-2J-4, and §5B-2J-5, all relating to the study of the health care workforce and sustainability; setting forth legislative findings; defining terms; directing the Department of Commerce to research, survey, study, and issue a report; setting forth the contents of the research, survey, study, and report; and deeming any documentary material, data, or other writing made or

received by the department for the purpose of conducting the research, survey, study, or report to be confidential trade secrets which are exempt from disclosure.

Referred to the Committee on the Workforce.

**By Senators Prezioso, Baldwin, Beach, Hardesty, Ihlenfeld, Jeffries, and Romano:**

**Senate Bill 559**—A Bill to amend and reenact §5-16-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5-16-6, all relating to authorizing small private employers to buy-in to PEIA; mandating that PEIA provide coverage to the employees of small, private employers and their dependents; providing that coverage for employees of a small employer is voluntary for both the employer and the employee; prohibiting refusal of coverage on the basis of past or future health care costs or claim experience; prohibiting administrative costs attributable to coverage to be paid by the state; and providing that participation does not create an employer-employee relationship with the state.

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

**By Senators Takubo and Maroney:**

**Senate Bill 560**—A Bill to repeal §30-7D-1, §30-7D-2, §30-7D-3, §30-7D-4, §30-7D-5, §30-7D-6, §30-7D-7, §30-7D-8, §30-7D-9, §30-7D-10, §30-7D-11, §30-7D-12, and §30-7D-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §16-5AA-1, §16-5AA-2, §16-5AA-3, §16-5AA-4, §16-5AA-5, §16-5AA-6, §16-5AA-7, §16-5AA-8, §16-5AA-9, and §16-5AA-10, all relating to permitting a nursing home to use trained individuals to administer medication under the direction of a registered professional nurse; defining terms; authorizing approved medication assistive personnel (AMAP) to administer medication in nursing homes; providing certain exemptions from chapter 30 licensing requirements; establishing requirements for training curricula and national medication aide certification examination procedures; establishing eligibility criteria; establishing procedures by which

AMAP must administer medication; requiring nursing homes using AMAP to establish an administrative monitoring system; permitting a registered professional nurse to withdraw authorization for AMAP to administer medications in certain circumstances; allowing certain fees to be collected; providing limits on administration of medication by AMAP; providing that use of AMAP in nursing homes is permissive; and repealing a pilot program designed to monitor the practice of unlicensed personnel administering medication in a nursing home setting.

Referred to the Committee on Health and Human Resources.

**By Senators Prezioso, Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Palumbo, Plymale, Romano, Stollings, Unger, and Woelfel:**

**Senate Bill 561**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-1c; and to amend said code by adding thereto a new section, designated §33-16-1c, all relating to accident and sickness insurance coverage; requiring access to coverage of individuals with preexisting conditions; and applicability of the provisions.

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

**By Senator Trump:**

**Senate Bill 562**—A Bill to amend and reenact §61-11-26 and §61-11-26a of the Code of West Virginia, 1931, as amended, all relating generally to expungement of certain criminal convictions; allowing a person seeking expungement of convictions in multiple counties to file the petition in his or her county of residence; clarifying that prosecuting attorneys in any county of conviction wherein expungement is sought be provided notice of petition; eliminating the requirement that the chief law-enforcement officer or head of a municipal law-enforcement agency where the offense for which expungement is sought be given notice where such agency was not the arresting agency; clarifying that Commissioner of Corrections be served with a copy of the petition for expungement if the petitioner was confined or imprisoned for the offense for which expungement is sought; clarifying that

petitioner's burden of proof as to convictions for which expungement is sought are the only convictions against him or her in the state; defining "expungement"; and directing that upon the granting of an order of expungement all public records other than those under court seal are moved and destroyed.

Referred to the Committee on the Judiciary.

**By Senator Jeffries:**

**Senate Bill 563**—A Bill to amend and reenact §8-10-2b of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-3-3c of said code; and to amend and reenact §62-4-17 of said code, all relating to eliminating the ability of a person's driver's license to be suspended for the failure to pay court fines and costs.

Referred to the Committee on the Judiciary.

**By Senator Azinger:**

**Senate Bill 564**—A Bill to amend and reenact §48-13-801 of the Code of West Virginia, 1931, as amended, relating to tax exemption for child due support.

Referred to the Committee on Finance.

**By Senator Maynard:**

**Senate Bill 565**—A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-28-2 and §18-28-6 of said code, all relating to giving private schools the option of making vaccinations required for enrollment.

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

**By Senators Prezioso, Baldwin, Beach, Ihlenfeld, Jeffries, Lindsay, Palumbo, Plymale, Romano, and Stollings:**

**Senate Bill 566**—A Bill to amend and reenact §3-8-5c of the Code of West Virginia, 1931, as amended, relating to modifying limits on political contributions.

Referred to the Committee on the Judiciary.



**By Senators Prezioso, Baldwin, Beach, Ihlenfeld, Jeffries, Lindsay, Romano, and Stollings:**

**Senate Bill 567**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-11-1, §9-11-2, §9-11-3, §9-11-4, and §9-11-5, all relating to the wholesale importation of prescription drugs.

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

**By Senators Prezioso, Baldwin, Ihlenfeld, Jeffries, Lindsay, Palumbo, and Romano:**

**Senate Bill 568**—A Bill to amend and reenact §6B-2-5 of the Code of West Virginia, 1931, as amended, relating increasing the period for which an elected official may not appear in a representative capacity before the governmental entity on which they served.

Referred to the Committee on the Judiciary.

**By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]:**

**Senate Bill 569**—A Bill expiring funds to the balance of the Department of Health and Human Resources, Division of Human Services – Medical Services Program Fund, fund 5084, organization 0511, in the amount of \$3,000,000 from the Department of Administration, Premium Tax Savings Fund, fund 2367, fiscal year 2020, organization 0218; in the amount of \$2,000,000 from the Department of Health and Human Resources, Division of Health – Hospital Services Revenue Account Special Fund – Capital Improvement, Renovation and Operations, fund 5156, fiscal year 2020, organization 0506; and in the amount of \$360,000 from the Department of Health and Human Resources – Division of Human Services – Marriage Education Fund, fund 5490, fiscal year 2020, organization 0511, by supplementing and amending chapter 31, Acts of the Legislature, regular session, 2019, known as the Budget Bill.

Referred to the Committee on Finance.

**By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]:**

**Senate Bill 570**—A Bill expiring funds to the balance of the Department of Health and Human Resources – Division of Human Services – Medical Services Program Fund, fund 5084, organization 0511, in the amount of \$36,202,960, from the State Excess Lottery Revenue Fund – Division of Human Services, fund 5365, fiscal year 2020, organization 0511, by supplementing and amending chapter 31, Acts of the Legislature, regular session 2019, known as the Budget Bill.

Referred to the Committee on Finance.

**By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]:**

**Senate Bill 571**—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2020, in the amount of \$30,658,000 from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund, and making a supplementary appropriation of public moneys out of the Treasury from the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2020, to the Department of Administration – Public Defender Services, fund 0226, fiscal year 2020, organization 0221; to the Department of Health and Human Resources – Division of Human Services, fund 0403, fiscal year 2020, organization 0511, and to the Department of Veterans' Assistance – Department of Veterans' Assistance, fund 0456, fiscal year 2020, organization 0613.

Referred to the Committee on Finance.

**By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]:**

**Senate Bill 572**—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2020, in the amount of \$18,294,868 from the balance of moneys remaining as an unappropriated balance in the Lottery Net Profits, and making a supplementary appropriation of public moneys out of the Treasury from the unappropriated surplus

balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2020, to the Department of Health and Human Resources – Division of Health – Central Office, fund 0407, fiscal year 2020, organization 0506, to the Department of Health and Human Resources – Consolidated Medical Services Fund, fund 0525, fiscal year 2020, organization 0506, and to the Department of Health and Human Resources – Division of Human Services, fund 0403, fiscal year 2020, organization 0511.

Referred to the Committee on Finance.

**By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]:**

**Senate Bill 573**—A Bill supplementing, amending, and increasing the appropriations of public moneys out of the Treasury for claims against the state by making supplementary appropriations from the unappropriated balance in the State Fund, General Revenue, special revenue funds and state road funds for the fiscal year ending June 30, 2020.

Referred to the Committee on Finance.

**By Senator Maynard:**

**Senate Bill 574**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-2F-1, relating to public and private financing of road construction projects.

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

**By Senator Trump:**

**Senate Joint Resolution 7**—Proposing an amendment to the Constitution of the State of West Virginia, amending section one, article V thereof, relating to providing that courts have no authority by mandamus, prohibition, contempt, or otherwise to interfere with the proceedings of the Legislature; and providing a summarized statement of the purpose of such proposed amendment.

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

**By Senators Carmichael (Mr. President), Tarr, Azinger, Swope, Rucker, and Takubo:**

**Senate Joint Resolution 8**—Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof, by adding thereto a new section, designated section one-d, relating to the manufacturing growth amendment; defining terms; prohibiting the reclassification of tangible manufacturing inventory, machinery, and equipment personal property for ad valorem taxation purposes; exempting new tangible manufacturing machinery and equipment personal property from ad valorem property taxation; providing phased-in reduction of taxation of tangible manufacturing inventory, machinery, and equipment personal property until fully exempted; providing phased-in increases of annual appropriations and annual appropriations into perpetuity of replacement revenues for proportional distribution to levying bodies; empowering the Legislature to enact general law to carry out the provisions of this amendment; establishing primacy of section; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such amendment.

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

**Senators Blair and Trump:**

**Senate Joint Resolution 9**—Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof, by adding thereto a new section, designated section one-d, relating to legislative authority related to ad valorem taxation and assessment of tangible personal property; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

Senator Tarr offered the following resolution:

**Senate Resolution 11**—Designating January 22, 2020, as Disability Advocacy Day at the Legislature.

Whereas, There are over 400,000 West Virginians with disabilities; and

Whereas, People with disabilities have the right to live, work, and fully participate in their communities to realize their dreams; and

Whereas, People with disabilities have the right to receive the support they need to exercise self-determination, achieve independence, and become productive employees in the workplace; and

Whereas, West Virginia cannot afford to segregate its citizens with disabilities, thereby impairing their ability to be productive members of society; and

Whereas, West Virginia's citizens with disabilities have banded together in a collective group, called the Fair Shake Network, to help bring their concerns to the forefront of public awareness; and

Whereas, The Fair Shake Network has developed a statewide network concerned with all types of disabilities and all age groups, providing opportunities for people to learn from each other and take action together; and

Whereas, The member organizations such as: Appalachian Center for Independent Living; West Virginia Developmental Disabilities Council; West Virginia Statewide Independent Living Council; West Virginia Division of Rehabilitation Services; WV Autism Training Center; West Virginia Parent Training & Information; Disability Rights of West Virginia; West Virginia University Center for Excellence in Disabilities; West Virginia State Rehabilitation Council; Open Doors, Inc.; National Association of Social Workers, WV Chapter; WV Olmstead Office; Mountain State Parents CAN; WV Association of the Deaf; Central West Virginia Action Network; Mountain State Centers for Independent Living, Job Squad; Northern West Virginia Center for

Independent Living; The Arc of WV; People First of WV; and Aging and Disability Resource Network, have joined together to help increase public awareness of issues involving the many concerns of West Virginians with disabilities through the Fair Shake Network; and

Whereas, The purpose of Disability Advocacy Day is to increase the awareness and understanding of legislators, administrators, policymakers, and the public of the policy issues that are important to people with disabilities; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates January 22, 2020, as Disability Advocacy 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 the Fair Shake Network.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Resolution 10**, Designating January 21, 2020, as West Virginia University Day.

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

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

Thereafter, at the request of Senator Prezioso, and by unanimous consent, the remarks by Senator Stollings regarding the adoption of Senate Resolution 10 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 11:32 a.m., the Senate recessed to present Senate Resolution 10.

The Senate reconvened at 11:39 a.m. and proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 125**, Prohibiting victim from being subjected to certain physical examinations for sexual offenses.

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

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 125 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Clements—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 125) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Clements—1.

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. 125) 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 217**, Requiring DHHR collaborate with Workforce Development Board and WV Division of Personnel for job placement.

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: Azinger, Baldwin, Beach, Blair, Boley, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Clements—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 217) 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 323**, Authorizing Department of Administration promulgate legislative rules.

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: Azinger, Baldwin, Beach, Blair, Boley, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith,



Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Clements—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 323) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Clements—1.

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. 323) 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 192**, Relating to WV Secondary School Activities Commission audits.

On second reading, coming up in regular order, was reported by the Clerk.

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

**Com. Sub. for Senate Bill 297**, Requiring Board of Education create home economics course.

On second reading, coming up in regular order, was reported by the Clerk.

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

**Senate Bill 307**, Correcting code citation relating to certain tax liens.

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

**Senate Bill 322**, Relating to prequalifications for state contract vendors.

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 eleventh order of business and the introduction of guests.

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senators Roberts, Maynard, Romano, Blair, Hardesty, Tarr, Facemire, and Takubo.

Thereafter, at the request of Senator Beach, and by unanimous consent, the remarks by Senators Romano and Hardesty were ordered printed in the Appendix to the Journal.

At the request of Senator Takubo, unanimous consent being granted, the remarks by Senators Roberts and Tarr were ordered printed in the Appendix to the Journal.

At the request of Senator Trump, and by unanimous consent, the remarks by Senators Blair and Facemire were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions:

**Senate Bill 4:** Senator Smith;

**Senate Bill 5:** Senator Smith;

**Senate Bill 8:** Senator Smith;

**Senate Bill 15:** Senator Smith;

**Senate Bill 19:** Senator Smith;

**Senate Bill 39:** Senator Romano;

**Senate Bill 56:** Senator Romano;

**Senate Bill 62:** Senator Romano;

**Com. Sub. for Senate Bill 96:** Senator Hamilton;

**Senate Bill 136:** Senator Romano;

**Senate Bill 137:** Senator Romano;

**Senate Bill 142:** Senators Pitsenbarger and Romano;

**Senate Bill 149:** Senator Romano;

**Senate Bill 160:** Senator Pitsenbarger;

**Senate Bill 171:** Senator Smith;

**Senate Bill 230:** Senators Baldwin and Lindsay;

**Senate Bill 279:** Senator Baldwin;

**Senate Bill 291:** Senator Woelfel;

**Senate Bill 487:** Senator Rucker;

**Senate Bill 490:** Senator Pitsenbarger;

**Senate Bill 501:** Senator Stollings;

**Senate Bill 511:** Senator Lindsay;

**Senate Bill 512:** Senator Lindsay;

**Senate Bill 513:** Senator Lindsay;

**Senate Bill 518:** Senator Lindsay;

**Senate Bill 524:** Senator Lindsay;

**Senate Bill 533:** Senator Lindsay;

**Senate Bill 536:** Senators Baldwin and Romano;

**Senate Bill 538:** Senator Cline;

**Senate Bill 539:** Senator Cline;

**Senate Bill 540:** Senator Hamilton;

**Senate Bill 541:** Senators Romano and Stollings;

**Senate Bill 543:** Senator Baldwin;

**Senate Bill 544:** Senators Romano and Stollings;

**Senate Bill 546:** Senator Romano;

**Senate Bill 547:** Senator Plymale;

**Senate Joint Resolution 6:** Senators Blair, Maynard, Smith, Swope, Sypolt, Takubo, and Tarr;

**Senate Concurrent Resolution 7:** Senators Lindsay and Smith;

And,

**Senate Resolution 10:** Senators Baldwin, Cline, Hamilton, Plymale, Romano, Rucker, and Stollings.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:30 p.m., the Senate adjourned until tomorrow, Wednesday, January 22, 2020, at 11 a.m.

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## WEDNESDAY, JANUARY 22, 2020

The Senate met at 11:14 a.m.

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

Prayer was offered by Pastor Don Biram, Emmanuel Baptist Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Ron Stollings, a senator from the seventh district.

Pending the reading of the Journal of Tuesday, January 21, 2020,

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

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

The Senate then proceeded to the third order of business.

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

**Eng. Com. Sub. for House Bill 4017**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-6b, relating to establishing country roads accountability and transparency; directing the State Auditor

to develop and maintain a searchable website of funding actions and expenditures relating state and public roads; setting forth the minimum content to be contained in the website; directing the Commissioner of Highways to provide information and data to the State Auditor; and requiring an annual update to the Joint Committee on Government and Finance.

Referred to the Committee on Transportation and Infrastructure.

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

**Eng. Com. Sub. for House Bill 4020**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3tt; to amend said code by adding thereto a new section, designated §8-12-20; and to amend said code by adding thereto a new section, designated §30-1-25, all relating to prohibiting the regulation and licensing of occupations by local governments; declaring state authority to regulate trades, occupations, and professions; prohibiting regulation of occupations by county commissions; prohibiting municipalities from enacting or enforcing laws regulating trades, occupations, and professions; and preserving the authority of local governments to regulate certain projects, construction, and modifications.

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

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

**Eng. House Bill 4062**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated, §33-51-11, relating to reducing the cost of prescription drugs; and requiring certain compensation received from a pharmaceutical manufacturer, developer or labeler to be used for benefit of covered persons.

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

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

**Eng. Com. Sub. for House Bill 4108**—A Bill to amend and reenact §16-2D-11 of the Code of West Virginia, 1931, as amended; relating to the process for certificate of need exemptions.

Referred to the Committee on Health and Human Resources.

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

**Eng. House Bill 4130**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §5-22-1a, relating to competitive bidding for government construction contracts arising out of declared states of emergency; allowing contacts for construction projects to be procured through competitive bidding on an open-ended basis as to quantity or by unit pricing on estimated quantities; allowing the establishment of multiple award construction contracts; eliminating need for emergency construction contract to specify the exact location of construction involved in the solicitation for bids; making the requirement that the entity to whom the contract is awarded furnish payment or performance bonds discretionary; and making the award of such contracts subject to other competitive bidding requirements of said code.

Referred to the Committee on Government Organization.

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 4141**—A Bill to amend and reenact §5A-2-33 of the Code of West Virginia, 1931, as amended, relating to requiring the Department of Administration to publish its

comprehensive annual financial report by the end of December of the calendar year in which the fiscal year reported upon ended.

Referred to the Committee on Government Organization.

The Senate proceeded to the fourth order of business.

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

Your Committee on Military has had under consideration

**Senate Bill 8**, Exempting certain armed forces veterans from payment of fees for license to carry deadly weapon.

**Senate Bill 114**, Providing continued eligibility for developmental disability services to dependents of military members.

**Senate Bill 203**, Allowing certain deductions from personal income tax refunds.

And,

**Senate Bill 289**, Creating Green Alert Plan.

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,

Ryan W. Weld,  
*Chair.*

At the request of Senator Tarr, as vice chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee references of Senate Bills 8, 114, and 289 contained in the foregoing report from the Committee on Military.

Senate Bill 203, under the original double committee reference, was then referred to the Committee on Finance.



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

Your Committee on Military has had under consideration

**Senate Bill 30**, Extending expiration of driver's licenses for active military members' spouses.

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 Transportation and Infrastructure.

Respectfully submitted,

Ryan W. Weld,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on Transportation and Infrastructure.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 77**, Establishing tax credit for certain physicians who locate to practice in WV.

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 Finance.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

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

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

Your Committee on Natural Resources has had under consideration

**Senate Bill 160**, Creating Voluntary WVU Rifle Team Check-Off Program on hunting and fishing licenses.

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

**Com. Sub. for Senate Bill 160** (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 §20-2-33c, relating to West Virginia University Rifle Team electronic application donation program; including solicitation for voluntary donation to West Virginia University Rifle Team on application for hunting or fishing electronic license; providing opportunity to designate donation in any amount; creating special account; establishing funding sources; specifying terms for expenditures; authorizing disbursements and administrative fee; and requiring annual reports.

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

Respectfully submitted,

Bill Hamilton,  
*Chair.*

The bill (Com. Sub. for S. B. 160), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Bill 171**, Exempting certain automobiles 25 years or older from personal property taxation.

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 Finance.

Respectfully submitted,

Chandler Swope,  
*Vice Chair.*

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

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 303**, Enacting Students' Right to Know Act.

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

**Com. Sub. for Senate Bill 303** (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-10P-1, §18-10P-2, §18-10P-3, §18-10P-4, §18-10P-5, and §18-10P-6, all relating to enacting the Students' Right-to-Know Act; declaring purpose of helping high school students make more informed decisions about their futures and ensuring they are adequately aware of the cost and benefits of certificate programs, vocational programs, two-year college, four-year college, and other alternative career paths; requiring the State Board of Education to collect and disseminate certain career landscape information; allowing the State Board of Education to execute a memorandum of understanding with any department, agency, or division for

information required to be collected; requiring any department, agency, or division that possesses certain required information to provide that information to the State Board of Education annually; and establishing an effective date.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Patricia Puertas Rucker,  
*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 357, 358, 359, 360, 361, 362, and 363**, Insurance Commission rule relating to Medicare supplement insurance.

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

**Com. Sub. for Senate Bill 357** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-7-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating generally to authorizing certain agencies of the Department of Revenue to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee; authorizing the Insurance Commissioner to promulgate a legislative rule relating to Medicare supplement insurance; authorizing the Insurance Commissioner to promulgate a legislative rule relating to credit for reinsurance; authorizing the Insurance Commissioner to promulgate a legislative rule relating to pharmacy auditing entities and pharmacy benefit managers; authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing; authorizing the State Tax Department to promulgate a legislative rule relating to payment of taxes by electronic funds transfer; authorizing the State Tax Department to promulgate a legislative rule relating to consumers

sales and service tax and use tax—drugs, durable medical goods, mobility-enhancing equipment, and prosthetic devices per se exemption, motor vehicles per se exemption; and authorizing the State Tax Department to promulgate a legislative rule relating to exchange of information pursuant to written agreement.

And,

**Senate Bills 364, 365, 366, 367, and 368**, DOH rule relating to use of state road rights-of-way.

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

**Com. Sub. for Senate Bill 364** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-8-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating generally to authorizing certain agencies of the Department of Transportation to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Division of Highways to promulgate a legislative rule relating to use of state road rights-of-way and adjacent areas; authorizing the Division of Highways to promulgate a legislative rule relating to transportation of hazardous wastes upon the roads and highways; authorizing the Division of Highways to promulgate a legislative rule relating to small wireless facilities on Division of Highways rights-of-way; authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to a safety and treatment program; and authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to State Vehicle Title, Registration, and Relicensing Project of 2018.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

Your Committee on Natural Resources has had under consideration

**Senate Bill 468**, Relating to eligibility for license or permit application.

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

Respectfully submitted,

Bill Hamilton,  
*Chair.*

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

Your Committee on Natural Resources has had under consideration

**Senate Bill 469**, Increasing replacement costs for game and protected species.

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

**Com. Sub. for Senate Bill 469** (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-2-5a of the Code of West Virginia, 1931, as amended, relating to replacement costs required of person causing injury or death of game or protected species; increasing replacement costs; and requiring revocation of hunting and fishing licenses for persons convicted of described offenses.

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,

Bill Hamilton,  
*Chair.*

The bill (Com. Sub. for S. B. 469), under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on Natural Resources has had under consideration

**Senate Bill 470**, Relating to use of crossbow to hunt.

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

**Com. Sub. for Senate Bill 470** (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-2-5g of the Code of West Virginia, 1931, as amended, relating to use of a crossbow to hunt; decreasing length of crossbow; and specifying measurement method.

**Senate Bill 487**, Providing exception that all DNR payments be deposited within 24 hours.

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

**Com. Sub. for Senate Bill 487** (originating in the Committee on Natural Resources)—A Bill amend and reenact §20-1-7 of the Code of West Virginia, 1931, as amended, relating to additional powers, duties, and services of Director of Division of Natural Resources; and creating exception to requirement that Division of Natural Resources payments be deposited in bank within 24 hours.

**Senate Bill 500**, Relating to Class Y special crossbow hunting permit.

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

**Com. Sub. for Senate Bill 500** (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-2-42w of the Code of West Virginia, 1931, as amended, relating to Class Y special crossbow hunting permit application requirements; removing requirement for applicant to provide written release authorizing examination of all medical records regarding qualifying disability; and removing language that completed permit form constitutes Class Y permit.

And,

**Senate Bill 501**, Relating to North Bend Rail Trail, Greenbrier River Trail, and Elk River Trail.

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

**Com. Sub. for Senate Bill 501** (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-5-3 of the Code of West Virginia, 1931, as amended, relating to purposes and duties of Section of Parks and Recreation of Division of Natural Resources; clarifying location of Greenbrier River Trail; clarifying location of North Bend Rail Trail; and adding protection, operation, and maintenance of Elk River Trail as duty of Section of Parks and Recreation.

With the recommendation that the four committee substitutes do pass.

Respectfully submitted,

Bill Hamilton,  
*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 509**, Relating to custodial allocation actions independent of divorce.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Concurrent Resolution 3**, US Army MSG Richard A. “Dick” Smoot Memorial Bridge.

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

Respectfully submitted,

Chandler Swope,  
*Vice Chair.*

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

**By Senator Maynard:**

**Senate Bill 575**—A Bill to amend and reenact §49-4-201 and §49-4-202 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §49-4-206, all relating to allowing the governing entity of a local fire department to designate the premises of its fire department as a safe-surrender site to accept physical custody of a child who is 30

days old or younger from a parent or individual who has lawful custody of the child.

Referred to the Committee on Health and Human Resources.

**By Senator Maynard:**

**Senate Bill 576**—A Bill to repeal §5A-8-6 and §5A-8-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5A-8-3, §5A-8-4, §5A-8-5, §5A-8-7, §5A-8-9, §5A-8-10, §5A-8-11, §5A-8-13, §5A-8-14, and §5A-8-17 of said code, all relating to records management of public records; defining terms; dissolving the formal advisory committee; updating the authority of the administrator; allowing for records of historical value; updating the authority of agency heads related to records management; providing for electronic storage and electronic formats for records; repealing the requirement that administrator must store agencies' essential records; removing the requirement that administrator notify agencies of essential records destruction; providing that administrator may approve request by agencies to destroy their essential records; and making technical changes.

Referred to the Committee on Government Organization.

**By Senators Prezioso, Baldwin, Beach, Hardesty, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, and Stollings:**

**Senate Bill 577**—A Bill to amend and reenact §5-16-7 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §33-16-3ff; and to amend said code by adding thereto a new section, designated §33-24-7u, all relating to insurance coverage for insulin.

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

**By Senators Roberts and Cline:**

**Senate Bill 578**—A Bill to amend and reenact §11-13-2o of the Code of West Virginia, 1931, as amended, relating to adjusting the calculation of business and occupation tax on the business of generating or producing or selling electricity from solar energy facilities; and clarifying that rate of tax for generating units

utilizing solar photovoltaic methods shall equal eight percent of official capacity of the unit for the taxable period beginning January 1, 2020.

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

**By Senator Sypolt:**

**Senate Bill 579**—A Bill to amend and reenact §7-1-3cc of the Code of West Virginia, 1931, as amended; and to amend and reenact §24-6-6b of said code, all relating to the authority of county commissions to establish enhanced emergency telephone systems and change the fee charged to consumers from the telephone service to the electric service, and to the wireless enhanced 911 fee; eliminating portions of the wireless enhanced 911 fee that are disbursed to state agencies; establishing the public safety wireless fee; and providing for the collection and disbursement of the public safety wireless fee.

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

**By Senator Rucker:**

**Senate Bill 580**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-9-101, §49-9-102, §49-9-103, §49-9-104, §49-9-105, §49-9-106, §49-9-107, §49-9-108, §49-9-109, and §49-9-110, all relating to the Foster Care Ombudsman Program; continuing the foster care ombudsman; providing authority to the ombudsman; permitting access to foster care children; providing access to certain records; providing the ombudsman with subpoena authority; requiring government entities to cooperate with the ombudsman; requiring investigations to remain confidential; providing the ombudsman with a limitation of liability; setting forth criminal penalties; and providing funding for the ombudsman.

Referred to the Select Committee on Children and Families; and then to the Committee on Finance.

**By Senators Prezioso, Baldwin, Beach, Ihlenfeld, Jeffries, Lindsay, Palumbo, Plymale, Romano, Stollings, and Woelfel:**

**Senate Bill 581**—A Bill to amend and reenact §3-8-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §3-8-8a, all relating to requiring certain disclosures of election expenditures; clarifying when contributions are required to be disclosed; creating exceptions; clarifying that certain federal entities must make certain state disclosures; requiring disclosure of covered transfers; stating legislative findings; defining terms; providing requirements for disclosure of donations related to the transfer of certain sums of money related to campaign-related disbursements; requiring certain disclosures be made within 48 hours; specifying information required in the disclosures; clarifying the relationship between covered transfers and other regulated areas of election expenditures; creating a misdemeanor offense; and authorizing rulemaking.

Referred to the Committee on the Judiciary.

**By Senators Prezioso, Baldwin, Beach, Hardesty, Ihlenfeld, Jeffries, Palumbo, Plymale, Romano, and Stollings:**

**Senate Bill 582**—A Bill to amend and reenact §33-51-3 and §33-51-9 of the Code of West Virginia, 1931, as amended, all relating to pharmacy benefit managers; prohibiting certain conduct; requiring the reporting of certain information to the Insurance Commissioner; and requiring pharmacy benefit managers contracting with Medicaid managed care organizations to comply with §33-51-9 of said code.

Referred to the Committee on Health and Human Resources.

**By Senator Rucker:**

**Senate Bill 583**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-1o, relating to creating a program to further the development of renewable energy resources and renewable energy facilities for solar energy by modifying the powers and duties of the Public Service Commission; providing for legislative findings and declarations; providing for definitions; providing for an application

process and program for multiyear comprehensive renewable energy facilities for electric utilities, as defined, to plan, design, construct, purchase, own, and operate renewable energy-generating facilities, energy-storage resources, or both; providing for commission review and approval of said programs; allowing cost recovery for said programs; providing for requirements for said programs; providing for application requirements and contents in lieu of applications for certificates of public convenience and necessity; providing for public notice at the direction of the commission for anticipated rates and rate increases in interested counties; providing for a hearing on applications within 90 days of notice; defining circumstances when a hearing can be waived for lack of opposition; defining a time period of 150 days within which the commission shall issue a final order after the application date; requiring the commission to find the programs as in the public interest; requiring the commission, after notice and hearing, to approve applications and allow cost recovery for just and reasonable expenditures; establishing accounting methods, practices, rates of return, calculations, dates, and procedures relevant for cost recovery; requiring a utility to place in effect commission-approved rates that include cost recovery with certain defined items; defining “concurrent cost recovery”; requiring yearly application filings by the utility with the commission regarding cost recovery; providing for an effective date on passage; and providing for a sunset date.

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

**By Senator Rucker:**

**Senate Bill 584**—A Bill amend and reenact §3-7-6 and §3-7-7 of the Code of West Virginia, 1931, as amended, all relating to the contests of county, district, and municipal elections; establishing jurisdiction for said election contests with the circuit courts; setting forth procedures for election contests; establishing three-judge circuit courts as initial tribunals for hearing election contest proceedings; providing for appeals of such proceedings to the Supreme Court of Appeals; and establishing the authority of the Supreme Court of Appeals to establish rules and procedures for the

conduct of county, district, and municipal election contest proceedings before the courts of the state.

Referred to the Committee on the Judiciary.

**By Senator Rucker:**

**Senate Bill 585**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2P-1, §16-2P-2, §16-2P-3, §16-2P-4, §16-2P-5, §16-2P-6, §16-2P-7, §16-2P-8, §16-2P-9, §16-2P-10, §16-2P-11, and §16-2P-12, all relating to the Human Life Non-Discrimination Act; providing for a short title; providing for legislative findings and purpose; providing for definitions; providing for criteria under which an abortion may not be performed; providing for certain exceptions under which an abortion may be performed with the prohibited circumstances; providing for forms the Commissioner of the Bureau for Public Health must create; providing for 15 days for a physician to file a report with the Commissioner of the Bureau for Public Health; providing the required content of the forms the physician must file; providing for 30 days from the effective date for the Commissioner of the Bureau for Public Health to create the forms necessary for physicians to file reports; providing for privacy of the maternal patient by redacting name or other identifying information on the required reporting forms to the commissioner; providing for criminal penalties against physicians; providing for a ban on criminal penalties extending to the maternal patient; providing for professional sanctions against physicians; providing for civil penalties against physicians; providing for the Attorney General to file legal action to enforce this article; providing for the West Virginia Board of Medicine to file legal action on own enforcement of provisions of this article; providing for construction; providing for severability; providing for a right of intervention by action of the Legislature for a member to intervene in any legal action where the constitutionality of this article is challenged; and providing for an effective date.

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

**By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]:**

**Senate Bill 586**—A Bill to amend and reenact §5F-1-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §5F-2-1 of said code; to amend and reenact §15-5-3 of said code; to amend and reenact §15A-1-2 and §15A-1-3 of said code; and to amend said code by adding thereto a new section, designated §15A-1-9, all relating to reorganizing and redesignating the Department of Military Affairs and Public Safety as the Department of Homeland Security; clarifying the divisions that report to the cabinet secretary; designating the Department of Homeland Security as the State Administrative Agency for homeland security and emergency management grants; establishing the powers and duties of the Secretary of Homeland Security; removing the Adjutant General's Office, State Armory Board, and Military Awards Board from the Department of Military Affairs and Public Safety; clarifying the agencies established within the Department of Military Affairs and Public Safety; redesignating the Division of Homeland Security and Emergency Management as the Division of Emergency Management; and making the employees of the Division of Emergency Management classified-exempt employees.

Referred to the Committee on Government Organization.

**By Senator Beach:**

**Senate Bill 587**—A Bill to amend and reenact §17C-17-11 of the Code of West Virginia, 1931, as amended, relating to mandating escorts for vehicles operating on the highways of the state that exceed maximum width requirements.

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

**By Senators Prezioso, Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Palumbo, Plymale, Romano, Stollings, Unger, and Woelfel:**

**Senate Bill 588**—A Bill to amend and reenact §18-5-44 of the Code of West Virginia, 1931, as amended, relating to expanding

permissive early childhood education programs to children who are three years old beginning in the 2020-2021 school year; providing counties with the authority to implement three-year old early childhood education programs; and clarifying that state board rules should take into consideration curriculum appropriate for three-year old children in such programs.

Referred to the Committee on Education.

**By Senators Prezioso, Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Palumbo, Plymale, Romano, Stollings, Unger, and Woelfel:**

**Senate Bill 589**—A Bill to amend and reenact §29-22-18d of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §31-15A-17c, all relating to critical needs in state water and sewer systems; creating a Critical Needs/Failing Systems Sub Account; funding the sub account with state excess lottery funds; authorizing loans or grants to address a critical immediate need of water or sewer services; and exempting the sub account from grant limitations contained in §31-15A-10 of said code.

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

**By Senators Prezioso, Baldwin, Beach, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, and Stollings:**

**Senate Bill 590**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-43, relating to implementation of trauma-informed practices in schools; providing for an effective date; providing for training; providing definition of “trauma-informed practices”; providing for disciplinary considerations in light of trauma-informed practices; providing for a culture of acceptance among educational professionals relating to trauma-informed practices within the school; and providing for rulemaking.

Referred to the Committee on Education.



**By Senators Prezioso, Baldwin, Beach, Ihlenfeld, Jeffries, Lindsay, Romano, and Woelfel:**

**Senate Bill 591**—A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §6B-4-1, §6B-4-2, §6B-4-3, §6B-4-4, §6B-4-5, §6B-4-6, §6B-4-7, and §6B-4-8, all relating to the Office of the State Inspector General; establishing an annual salary; establishing the Office of the State Inspector General; powers and duties of office; appointment and removal; reappointment; authority to engage in a criminal investigation; duty to investigate report; submission of annual report to Legislature; authority to investigate complaints, including authority to issue subpoenas; authority to apply to courts for orders of contempt; mandate to establish a code of ethics for the conduct of state business; authority upon evidence of a violation of the code of ethics; authority upon a finding of malfeasance, nonfeasance, misappropriation, fraud, or other misconduct in the conduct of state business; authority upon evidence of criminal activity; procedure for appointment of inspector as a special prosecutor; confidentiality of disclosed information to Inspector General; confidentiality of investigative records; and criminal penalty for knowingly and intentionally disclosing confidential information or records.

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

**By Senator Beach:**

**Senate Bill 592**—A Bill to amend and reenact §19-12E-3 and §19-12E-11 of the Code of West Virginia, 1931, as amended, all relating to disposition of industrial hemp containing more than 0.3 percent of tetrahydrocannabinol.

Referred to the Committee on Agriculture and Rural Development.

**By Senators Hamilton, Baldwin, Beach, Boley, Clements, Cline, Facemire, Hardesty, Ihlenfeld, Jeffries, Mann, Palumbo, Pitsenbarger, Prezioso, Roberts, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Unger, Weld, and Woelfel:**

**Senate Bill 593**—A Bill to amend and reenact §15-2-10 of the Code of West Virginia, 1931, as amended; and to amend and

reenact §20-7-4 of said code, all relating to required equipment for State Police and Natural Resources police officers; and providing for specific vests for more through protection of the State Police and Natural Resources police officers.

Referred to the Committee on Government Organization.

**By Senator Beach:**

**Senate Bill 594**—A Bill to amend and reenact §18C-9-4 of the Code of West Virginia, 1931, as amended, relating to a moratorium on the termination, cancellation, or suspension of courses by institutions receiving WV Invests Grants.

Referred to the Committee on Education.

**By Senator Maynard:**

**Senate Bill 595**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-1-8c, relating to the West Virginia Monument and Memorial Protection Act of 2020; prohibiting the removal, renaming, alteration, or relocation of any statue, monument, memorial, nameplate, plaque, school, street, bridge, building, park, preserve, or reserve recognized by the West Virginia State Historic Preservation Office and which is located on public property and has been erected for, or named or dedicated in honor of, certain historical, military, labor, civil rights, and Native-American events, figures, and organizations; prohibiting any person from preventing the governmental entity having responsibility for maintaining the items, structures, or areas from taking proper measures to protect, preserve, care for, repair, or restore the items, structures, or areas recognized by the West Virginia State Historic Preservation Office; and authorizing the West Virginia State Historic Preservation Office to grant waivers under certain circumstances.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 596**—A Bill to amend and reenact §5A-10-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5A-11-3 of said code, all relating to requiring the Public

Land Corporation and the Real Estate Division to jointly review all vacated publicly owned property to determine a proper reuse of those properties, determine the appraised value of those properties, or to provide assistance with the listing of those properties for sale or lease.

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

**By Senator Trump:**

**Senate Bill 597**—A Bill to amend and reenact §50-1-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §51-1-10a of said code; to amend and reenact §51-2-13 of said code; to amend and reenact §51-2A-6 of said code; and to amend and reenact §51-9-1a and §51-9-5 of said code, all relating generally to salaries and pensions of magistrate, justices of the Supreme Court of Appeals, circuit judges, and family court judges; adopting and codifying the 2019 recommendations of the Judicial Compensation Commission as to salary increases for magistrates, justices of the Supreme Court of Appeals, circuit judges, and family court judges; and allowing family court judges to participate in the Judge’s Retirement System as it applies to judges first taking office after July 1, 2005.

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

Senator Carmichael (Mr. President) offered the following resolution:

**Senate Concurrent Resolution 8**—Requesting the Division of Highways name bridge number 40-35-8.07, NB and SB (40A155, 40A156), locally known as US 35 Hurricane Creek bridges, carrying US 35 over Hurricane Creek in Putnam County, the “U.S. Army First Lieutenant Harold H. Frazier Memorial Bridge”.

Whereas, Harold H. Frazier was born in Fraziers Bottom, Putnam County, West Virginia, on April 19, 1923, the son of Argyll Elwood Frazier and Pearl C. Livesey. He attended Winfield

High School, where he was the first student to achieve the honor of All-State Future Farmer of America. He graduated as class salutatorian in 1941. He immediately enlisted in the U.S. Army, citing growing tension around the world and out of his own sense of duty and patriotism. His first duty station was in Hawaii, and was stationed there when the Japanese attacked on December 6, making him a Pearl Harbor survivor; and

Whereas, After Pearl Harbor, Harold was promoted to lieutenant, and attended Bombardier Training School. After graduating Bombardier Training School, he was sent to Europe and flew many combat missions in Europe as a bombardier in a B-25 Mitchell Bomber. During his time in Europe, he was awarded the Silver Star, Distinguished Flying Cross, Purple Heart, and the Air Medal with 7 Oak Leaf Clusters; and

Whereas, First Lieutenant Harold H. Frazier died on April 9, 1996, in Cornelius, North Carolina, survived by his sister, Helen Ilene Frazier Sorsaia; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army First Lieutenant Harold H. Frazier and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 40-35-8.07, NB and SB (40A155, 40A156), locally known as US 35 Hurricane Creek bridges, carrying US 35 over Hurricane Creek in Putnam County, the “U.S. Army First Lieutenant Harold H. Frazier Memorial Bridge”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U.S. Army First Lieutenant Harold H. Frazier 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.

Senator Beach offered the following resolution:

**Senate Resolution 12**—Designating January 23, 2020, as Human Resources Day at the Capitol.

Whereas, Human resources, also known as the people managers, refers to how employees are managed from small businesses and municipalities to large corporations and national governments; and

Whereas, Traditionally, human resources dealt with the part of an organization or company that was responsible for hiring, firing, training, and other personnel issues; and

Whereas, Today, human resources encompasses a vast area of diverse and dynamic issues that affect the everyday lives of our workforce; and

Whereas, In an effort to enhance morale and productivity, limit job turnover, and help organizations increase performance and improve results, human resources workers also help their companies or organizations effectively use employee skills by providing training and development opportunities to improve those skills and increasing employees' satisfaction with their job and working conditions; and

Whereas, In today's economy, human resources has become increasingly difficult as companies and organizations have instituted cost-cutting measures requiring human resources workers to play a vital role in tackling these issues sensibly and responsibly for their company and its employees; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates January 23, 2020, as Human Resources Day at the Capitol; and, be it

*Further Resolved*, That the Senate extends its sincere appreciation and gratitude to the professionals working in the field of human resources; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Human Resources Day at the Capitol.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 4**, Urging Congress call convention to propose amendment on congressional term limits.

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

The question being on the adoption of the resolution, and on this question, Senator Smith demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Boley, Clements, Cline, Hardesty, Jeffries, Maynard, Pitsenbarger, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, and Carmichael (Mr. President)—20.

The nays were: Beach, Facemire, Hamilton, Ihlenfeld, Lindsay, Palumbo, Prezioso, Romano, Stollings, and Unger—10.

Absent: Blair, Mann, Maroney, and Plymale—4.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. C. R. 4) adopted.

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

**Senate Resolution 11**, Designating January 22, 2020, as Disability Advocacy Day.

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

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

On motion of Senator Takubo, at 12:39 p.m., the Senate recessed to present Senate Resolution 11.

The Senate reconvened at 12:44 p.m. and proceeded to the eighth order of business.

**Eng. Senate Bill 307**, Correcting code citation relating to certain tax liens.

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: Azinger, Baldwin, Beach, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maynard, Pitsenbarger, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—29.

The nays were: None.

Absent: Blair, Mann, Maroney, Palumbo, and Plymale—5.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 307) 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 322**, Relating to prequalifications for state contract vendors.

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: Azinger, Baldwin, Beach, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maynard, Pitsenbarger, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—29.

The nays were: None.

Absent: Blair, Mann, Maroney, Palumbo, and Plymale—5.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 322) passed with its title.

*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 192**, Relating to WV Secondary School Activities Commission audits.

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

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

On page two, section twenty-five, line twenty-six, by striking out the words “are public funds”.

The bill (Com. Sub. for S. B. 192), as amended, was then ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 297**, Requiring Board of Education create home economics course.

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



On motion of Senator Beach, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On page one, section seven-e, line two, by striking out the words “home economics” and inserting in lieu thereof the words “family and consumer sciences”;

On page one, section seven-e, line seven, by striking out the words “home economics” and inserting in lieu thereof the words “family and consumer sciences”;

On page one, section seven-e, line ten, after the word “in” by striking out the words “home economics” and inserting in lieu thereof the words “family and consumer sciences”;

And,

On page one, section seven-e, line ten, after the word “within” by striking out the words “home economics” and inserting in lieu thereof the words “family and consumer sciences”.

Following discussion,

The question being on the adoption of Senator Beach’s amendments to the bill, the same was put and prevailed.

The bill (Com. Sub. for S. B. 297), as amended, was then ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

**Com. Sub. for Senate Bill 144**, Creating misdemeanor penalty for making materially false statement in course of misdemeanor investigation.

**Com. Sub. for Senate Bill 311**, Relating to court-ordered community service.

And,

**Senate Bill 321**, Relating to collection of tax and priority of distribution of estate or property in receivership.

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senator Weld.

The Senate next proceeded to the thirteenth order of business.

At the request of Senator Unger, unanimous consent being granted, it was ordered that the Journal show had Senator Unger been present in the chamber on Friday, January 17, 2020, he would have voted “yea” on the passage of Engrossed Committee Substitute for Senate Bill 35, Engrossed Committee Substitute for Senate Bill 46, Engrossed Senate Bill 140, Engrossed Senate Bill 170, Engrossed Committee Substitute for Senate Bill 207, and Engrossed Senate Bill 310.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions:

**Senate Bill 2:** Senator Maroney;

**Senate Bill 3:** Senator Maroney;

**Senate Bill 4:** Senator Maroney;

**Senate Bill 8:** Senators Maroney and Maynard;

**Senate Bill 10:** Senator Maroney;

**Senate Bill 11:** Senator Maynard;

**Senate Bill 18:** Senator Maroney;

**Senate Bill 19:** Senator Maynard;

- Senate Bill 23:** Senator Maynard;
- Senate Bill 38:** Senator Maynard;
- Senate Bill 83:** Senator Maynard;
- Senate Bill 114:** Senator Hamilton;
- Senate Bill 156:** Senator Romano;
- Com. Sub. for Senate Bill 160:** Senator Romano;
- Senate Bill 171:** Senator Sypolt;
- Senate Bill 176:** Senator Romano;
- Senate Bill 177:** Senator Romano;
- Senate Bill 178:** Senator Romano;
- Senate Bill 179:** Senator Romano;
- Senate Bill 184:** Senator Romano;
- Senate Bill 191:** Senator Romano;
- Senate Bill 201:** Senators Baldwin and Romano;
- Senate Bill 203:** Senator Hamilton;
- Senate Bill 279:** Senator Maroney;
- Senate Bill 289:** Senator Hamilton;
- Senate Bill 512:** Senator Ihlenfeld;
- Senate Bill 513:** Senator Ihlenfeld;
- Senate Bill 534:** Senator Ihlenfeld;
- Senate Bill 550:** Senator Jeffries;
- Senate Bill 551:** Senators Baldwin, Hamilton, and Romano;

**Senate Bill 554:** Senator Romano;

**Senate Bill 555:** Senator Baldwin;

**Senate Bill 556:** Senator Woelfel;

**Senate Bill 557:** Senator Cline;

**Senate Bill 558:** Senators Baldwin and Roberts;

**Senate Bill 560:** Senators Cline and Rucker;

**Senate Bill 562:** Senators Stollings and Woelfel;

**Senate Bill 563:** Senators Lindsay and Stollings;

**Senate Bill 565:** Senator Roberts;

**Senate Bill 566:** Senator Woelfel;

**Senate Bill 567:** Senator Hardesty;

**Senate Bill 568:** Senators Stollings and Woelfel;

**Senate Joint Resolution 5:** Senator Pitsenbarger;

**Senate Joint Resolution 8:** Senator Cline;

**Senate Joint Resolution 9:** Senator Cline;

And,

**Senate Resolution 11:** Senators Cline, Hamilton, Prezioso, Rucker, and Stollings.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:56 p.m., the Senate adjourned until tomorrow, Thursday, January 23, 2020, at 11 a.m.

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## THURSDAY, JANUARY 23, 2020

The Senate met at 11:07 a.m.

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

Prayer was offered by Seth Polk, Lead Pastor, Cross Lanes Baptist Church, Cross Lanes, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Ryan W. Weld, a senator from the first district.

Pending the reading of the Journal of Wednesday, January 22, 2020,

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

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

The Senate then proceeded to the third order of business.

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

**Eng. Com. Sub. for House Bill 2086**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §39A-4-1, §39A-4-2, §39A-4-3, §39A-4-4, §39A-4-5, §39A-4-6, and §39A-4-7, all relating to creating the Uniform Real Property Electronic Recording Act; providing short title; defining terms; clarifying validity of electronic documents and electronic signatures; providing for recording of electronic documents; requiring any county clerk implementing the provisions of the act to comply with established standards; authorizing county clerks to receive, index, store, archive and transmit electronic documents; authorizing county clerks to allow public access, search and retrieval of electronic documents;

allowing county clerks to convert paper documents accepted for recording into electronic documents; authorizing county clerks to collect electronically any tax or fee relating to electronic recording of real property documents they are authorized by law to collect; authorizing county clerks to agree with other jurisdictions on procedures or processes necessary for electronic recording of documents; creating the Real Property Electronic Recording Standards Advisory Committee to develop the standards necessary to electronically record real property documents; authorizing a legislative rule; providing for a report and recommendations to the Legislature; providing that members of the Real Property Electronic Recording Standards Advisory Committee pay their own expenses; setting forth areas for consideration when adopting or changing standards; providing for uniformity of application and construction of the act; and providing that the article modifies, limits and supersedes certain parts of the federal Electronic Signatures in Global and National Commerce Act.

Referred to the Committee on the Judiciary.

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

**Eng. Com. Sub. for House Bill 4077**—A Bill to amend and reenact §18B-2B-9 of the Code of West Virginia, 1931, as amended, relating to increasing the amount of the bond required to be posted by proprietary schools; establishing methods of bonding; and requiring suspension of a proprietary school's permit if there is not required bond coverage.

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

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

**Eng. Com. Sub. for House Bill 4119**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new

section, designated §61-2-10c, relating to establishing the crime of torture; establishing criminal penalties; defining terms; providing that pain is not an element of the crime of torture; and establishing that conviction of the crime of torture does not preclude conviction of another offense arising from the same transaction.

Referred to the Committee on the Judiciary.

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

**Eng. House Bill 4417**—A Bill to amend and reenact §30-1-7a of the Code of West Virginia, 1931, as amended; relating to permitting professional boards to approve different continuing education programs on drug diversion.

Referred to the Committee on Government Organization.

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 4419**—A Bill to amend and reenact §60A-9-5a of the Code of West Virginia, 1931, as amended, relating to requiring pharmacist to check the Controlled Substance Monitoring Database.

Referred to the Committee on Health and Human Resources.

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 51**, Specifying forms of grandparent visitation.

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

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

Senator Sypolt, 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 142**, Expanding Coyote Control Program through voluntary assessment on breeding cows.

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

**Com. Sub. for Senate Bill 142** (originating in the Committee on Agriculture and Rural Development)—A Bill to amend and reenact §7-7-6e of the Code of West Virginia, 1931, as amended, relating to Coyote Control Program; providing for voluntary assessment on breeding-age cows to participate in Coyote Control Program; deleting language regarding expenditures for fiscal year ending June 30, 2006; requiring notice by certain cow owners participating in program; and making technical changes.

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

Respectfully submitted,

Dave Sypolt,  
*Chair.*

The bill (Com. Sub. for S. B. 142), under the original double committee reference, was then referred to the Committee on Finance.

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



Your Committee on the Judiciary has had under consideration

**Senate Bill 191**, Creating felony offense of aggravated cruelty to animals.

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

**Com. Sub. for Senate Bill 191** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to cruelty to animals; creating the felony offense of aggravated cruelty to animals; providing a criminal penalty for the offense; and defining a term.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,  
*Vice 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 201**, Relating generally to stalking and harassment.

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

**Com. Sub. for Senate Bill 201** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-2-9a of the Code of West Virginia, 1931, as amended, relating generally to the criminal offenses of stalking and harassment; modifying and clarifying elements of offenses; creating new offense of violating a personal safety order where the person against whom the violation is directed is the subject of the order; creating a new offense of harassment to cause a person to physically harm or kill himself or herself; defining terms; enhancing penalties for second and

subsequent offenses; authorizing proposal of legislative rules and promulgation of emergency rules by the Governor's Office of Crime, Delinquency, and Correction; and establishing criminal penalties.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Swope, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

**Senate Bill 260**, Collecting of personal information by retail establishments for certain purposes.

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 the Judiciary.

Respectfully submitted,

Chandler Swope,  
*Chair.*

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

Senator Sypolt, 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 490**, Relating to protection of animal and crop facilities.

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

**Com. Sub. for Senate Bill 490** (originating in the Committee on Agriculture and Rural Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3B-7, relating to animal and crop facilities trespass; providing definitions; describing prohibited acts; listing criminal penalties; establishing liability in double the amount of damages caused; and allowing injunctive relief and listing the terms thereof.

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,

Dave Sypolt,  
*Chair.*

The bill (Com. Sub. for S. B. 490), under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 522**, Relating to compensation awards to crime victims.

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

**Com. Sub. for Senate Bill 522** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §14-2A-3 and §14-2A-14 of the Code of West Virginia, 1931, as amended, all relating to compensation awards to victims of crimes; providing for an altered definition of an “allowable expense”; establishing

conditions to satisfy reporting requirements for juvenile abuse and neglect cases; providing for expanded benefits for juvenile victims of abuse and neglect cases; and establishing agency authority to file an application on behalf of a minor child for expanded benefits for juvenile victims of abuse and neglect cases.

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

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

The bill (Com. Sub. for S. B. 522), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Pensions has had under consideration

**Senate Bill 523**, Extending deadline for municipalities to offer Social Security coverage to certain municipal retirement system members.

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

Respectfully submitted,

Michael T. Azinger,  
*Chair.*

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 529**, Establishing limitations on claims and benefits against state.

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

**Com. Sub. for Senate Bill 529** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §14-2-13a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §14-2A-14a, all relating to establishing limitations on claims and benefits; establishing a two-year time limit for a claimant to file a claim for unjust arrest, conviction, or imprisonment; eliminating the requirement that another person be subsequently charged, arrested, and convicted of the same offense; providing that damages may be reduced upon clear evidence the claimant's actions contributed to unjust arrest, conviction, or imprisonment; and establishing a 10-year limitation on eligibility to receive benefits under certain conditions.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

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

Your Committee on Pensions has had under consideration

**Senate Bill 532**, Distributing assets remaining in municipal policemen's or firemen's pension and relief fund on death of last retiree or beneficiary.

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

**Com. Sub. for Senate Bill 532** (originating in the Committee on Pensions)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-22-28a, relating to the distribution of the assets remaining in a municipal policemen’s or firemen’s pension and relief fund upon the death of the last remaining retiree or beneficiary receiving benefits under the fund.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael T. Azinger,  
*Chair.*

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

**By Senator Azinger:**

**Senate Bill 598**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-27A-1, §33-27A-2, §33-27A-3, §33-27A-4, §33-27A-5, §33-27A-6, §33-27A-7, §33-27A-8, §33-27A-9, §33-27A-10, §33-27A-11, §33-27A-12, §33-27A-13, and §33-27A-14, all relating to creating the enactment and operation of the West Virginia Mutual to Mutual Insurance Holding Company Act.

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

**By Senator Azinger:**

**Senate Bill 599**—A Bill to amend and reenact §55-7B-6 of the Code of West Virginia, 1931, as amended, relating to medical professional liability by clarifying when a claimant may file a cause of action without a requisite screening certificate of merit.

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

**By Senator Weld:**

**Senate Bill 600**—A Bill to amend and reenact §15-1J-4 of the Code of West Virginia, 1931, as amended, relating to creating a special revenue account of the State Treasury designated the Military Authority Fund to be administered by the Adjutant General for all nonfederal government entity revenues and expenses received by the West Virginia Military Authority.

Referred to the Committee on Military.

**By Senators Prezioso, Baldwin, Ihlenfeld, Jeffries, Lindsay, Palumbo, Romano, Stollings, and Woelfel:**

**Senate Bill 601**—A Bill to amend and reenact §6B-2-7 of the Code of West Virginia, 1931, as amended, relating to the contents of financial disclosures under the West Virginia Governmental Ethics Act; requiring disclosure of mineral, timber, oil, or any other natural resource leases; requiring disclosure of the formation or maintenance of a close economic association involving a substantial financial matter; and requiring the disclosure of certain information when public official is married or who is the public official's domestic partner.

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 602**—A Bill to amend and reenact §50-1-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §51-1-10a of said code; to amend and reenact §51-2-13 of said code; to amend and reenact §51-2A-6 of said code; and to amend and reenact §51-9-1a and §51-9-5 of said code, all relating generally to salaries and pensions of magistrate, justices of the Supreme Court of Appeals, circuit judges, and family court judges; adopting and codifying the 2019 recommendations of the Judicial Compensation Commission as to salary increases for magistrates, justices of the Supreme Court of Appeals, circuit judges, and family court judges; and allowing family court judges to participate

in the Judge's Retirement System as it applies to judges first taking office after July 1, 2005.

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

**By Senators Prezioso, Baldwin, Beach, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, and Stollings:**

**Senate Bill 603**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-22; and to amend said code by adding thereto a new section, designated §33-16-18, all relating to a prohibition on short-term duration health insurance.

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

**By Senators Prezioso, Baldwin, Beach, Ihlenfeld, Jeffries, Lindsay, Plymale, and Romano:**

**Senate Bill 604**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5F-1-7; and to amend and reenact §6-7-2a of said code, all relating to creating the cabinet position of State Surgeon General; qualification; duties; and compensation.

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

**By Senators Tarr, Azinger, Boley, Clements, Cline, Hamilton, Maynard, Roberts, Smith, Swope, and Sypolt:**

**Senate Bill 605**—A Bill to amend and reenact §16-30-3 and §16-30-4 of the Code of West Virginia, 1931, as amended, all relating to health care decisions; definitions, including redefining the definition of "life-prolonging intervention"; forms of a living will or medical power of attorney or combined medical power of attorney and living will, and specific provisions; and interpretation and application of provisions upon the effective date of enactment.

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



**By Senator Trump:**

**Senate Bill 606**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-4-602a, relating generally to relative placement for foster care and guardianship; designating a preference for relative placement; requiring the department to conduct an immediate assessment to locate the child’s relatives; requiring notice to identified relatives; providing requirements for relative placement; and authorizing the court to transfer custody to a relative or family friend recommended by the department.

Referred to the Select Committee on Children and Families; and then to the Committee on Health and Human Resources.

Senator Weld offered the following resolution:

**Senate Concurrent Resolution 9**—Requesting the Division of Highways name bridge number 05-2/2-0.35 (05A071), locally known as Zeidler Bridge, carrying CR 2/2 over Short Creek in Brooke County, the “U.S. Army SSG Nick P. Markos Memorial Bridge”.

Whereas, Nick P. Markos was born on May 9, 1923, the child of Paul S. Markos and Diamanto Markos of Short Creek, West Virginia. He had three siblings: Manuel, Stella, and Goldie; and

Whereas, Nick P. Markos attended school in Brooke County, West Virginia, at Beech Bottom Elementary and Junior High, and graduated from Wellsburg High School in 1941. Following high school, he worked at Markos Grocery Store while attending West Virginia University. During his fourth semester of college, he left school to enlist in the United States Army; and

Whereas, SSG Nick P. Markos entered the active service on May 12, 1943, and he became a member of the Company I, 242nd Infantry, which was known as the 42nd Rainbow Division. His unit arrived in France on December 8, 1944, and participated in G033WD45: Rhineland Central Europe. SSG Nick P. Markos fought on the front lines until his unit commander was notified of his brother Manuel’s death in Iwo Jima on February 19, 1945. After

leaving Europe, he arrived in Fort George Meade, Maryland, and was honorably discharged on April 4, 1946; and

Whereas, SSG Nick P. Markos attained the following military qualifications: Combat Infantryman Badge, Expert M-3 SMG, Expert Rifle M-1, and Expert M-1 Carbine; and

Whereas, For his service, SSG Nick P. Markos received the Good Conduct Medal, American Theater Ribbon, European-African-Middle Eastern Ribbon, and World War II Victory Ribbon; and

Whereas, After returning home from the war, SSG Nick P. Markos worked in the family grocery store. Shortly thereafter, he went to the National School of Meat Cutting in Toledo, Ohio. After graduation, SSG Nick P. Markos worked for the Thorofare, Bi-rite, and Foodland supermarket chains as a professional meat cutter. In 1967, he was appointed the postmaster for Short Creek. He held that position until his retirement in 1990. In 1972, SSG Nick P. Markos founded Nick's W-2 1099 Income Tax Service, and operated it until 2002; and

Whereas, In 1948, SSG Nick P. Markos married Gertrude Frey. They had three children: Manuel, Paul, and Deborah. All three children attended West Virginia colleges and obtained degrees in education; and

Whereas, SSG Nick P. Markos played a part in establishing various little league sports programs within his community, including the NSS Town and Country Little League Baseball Organization with teams from Short Creek, Bethany, Windsor Heights, Hammond, West Liberty, Clinton, Warwood, and Park View. He later helped establish a pony league baseball and little league basketball; and

Whereas, SSG Nick P. Markos attended Saint John the Divine Greek Orthodox Church in Wheeling his entire life, and he and his family were deeply involved with the church; and

Whereas, SSG Nick P. Markos loved sports, and played baseball and basketball in his youth. As an adult, he regularly participated in bowling and golf; and

Whereas, Staff Sergeant Markos passed on July 17, 2002; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army SSG Nick P. Markos and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 05-2/2-0.35 (05A071), known as Zeidler Bridge, carrying CR 2/2 over Short Creek in Brooke County, the “U.S. Army SSG Nick P. Markos Memorial Bridge”; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U.S. Army SSG Nick P. Markos 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.

Senator Palumbo offered the following resolution:

**Senate Resolution 13**—Designating January 24, 2020, as Women’s and Girls’ Day at the Legislature.

Whereas, The West Virginia Women’s Commission is celebrating four decades of promoting the status and empowerment of all West Virginia women through advocacy, research, education, and consensus building; and

Whereas, The West Virginia Women’s Commission strives to elevate the power and potential of West Virginia women and girls to thrive and have economic, political, educational, and social

equality to ensure their full participation in society and to recognize their achievements; and

Whereas, In their roles as individuals, workers, military personnel, mothers, daughters, sisters, wives, friends, caretakers, activists, and volunteers, women make significant contributions to West Virginia's economy, families, communities, and general well-being; and

Whereas, The West Virginia Women's Commission has continued its history of honoring women across the state through programs such as celebrating the Legacy of Women Awards, educating women and legislators during their annual Women's and Girls' Day at the Legislature, completing annual policy statements highlighting legislation of importance to women and families, and raising awareness on Equal Pay Day of how far into the year women must work to earn what men earned in the previous year; and

Whereas, The West Virginia Women's Commission recognizes and celebrates, with many other government entities and various organizations, the year-long centennial celebration throughout 2020 commemorating the passage of the 19th Amendment giving women the right to vote, giving rise to the, "Our Voices, Our Votes" theme for the 2020 Women's and Girls' Day at the Legislature; and

Whereas, West Virginia citizens are proud of the accomplishments and achievements of women of every race, age, class, identity, and ethnic background in our state, both in the private and public sectors and appreciate their many contributions to our communities as they continue to advance in leadership roles, not only in West Virginia but throughout our nation and the world; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates January 24, 2020, as Women's and Girls' Day at the Legislature; and, be it

*Further Resolved*, That the Senate expresses its sincere appreciation to women for the many contributions they make to the state of West Virginia in all facets of our society; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Women's Commission.

Which, under the rules, lies over one day.

Senators Clements, Azinger, Beach, Boley, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Prezioso, Roberts, Smith, Swope, Sypolt, Takubo, Tarr, Weld, and Woelfel offered the following resolution:

**Senate Resolution 14**—Designating January 24, 2020, as Corrections Day at the Capitol.

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

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

Whereas, It is the vision of these agencies to be recognized as innovative leaders in providing quality correctional services; and

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

Whereas, Previous information provided to this body should assist public officials and agency representatives in planning for the future and developing policies for the management of the West Virginia correctional population, both adult and juvenile, as well as providing adequate pay, benefits, and a safe, secure workplace for the employees in the correctional system; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates January 24, 2020, as Corrections Day at the Capitol; and, be it

*Further Resolved,* That the Senate recognizes the exceptional service and commitment of the employees of the Division of Corrections, the Regional Jail Authority, and the Division of Juvenile Services; 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 Corrections, the Director of the Regional Jail Authority, and the Director of the Division of Juvenile Services.

Which, under the rules, lies over one day.

Senator Lindsay offered the following resolution:

**Senate Resolution 15**—Recognizing the Contributions of the American Civil Liberties Union to American jurisprudence and West Virginia on its centennial anniversary.

Whereas, The American Civil Liberties Union (ACLU) was formed in 1920, and has successfully litigated hundreds of cases at the United States Supreme Court, as well as federal and state courts; and

Whereas, The ACLU's litigation has resulted in numerous landmark cases, defining a broad array of rights. These cases include: *Gitlow v. New York*—incorporating the protections of the 1st Amendment to the states; *Patterson v. Alabama*—holding that excluding African-Americans from a jury denied defendants of a fair trial; *Brown v. Board of Education*—ending segregation in the

schools; *Gideon v. Wainwright*—establishing the right to a state-appointed attorney for indigent defendants; *New York Times v. Sullivan*—protecting the press from defamation suits; *Miranda v. Arizona*—establishing that criminal defendants must be notified of their right against self-incrimination and to counsel before being interrogated; *Brandenburg v. Ohio*—confirming the right to political advocacy unless there is a direct incitement to lawless activity; *In re: Gault*—establishing due process rights for juveniles; *Loving v. Virginia*—ending the bans on interracial marriage; *Reed v. Reed*—one of the first decisions prohibiting sex-based discrimination under the equal protection clause; *O'Connor v. Donaldson*—prohibiting involuntary commitment of nondangerous people who can survive safely with the help of family or friends; *McIntyre v. Ohio Elections Commission*—affirming the right to anonymous political speech; *Citizens United v. FEC*—affirming the rights of political speech; and *Obergeffel v. Hodges*—ending prohibitions on same-sex marriage, among many others; and

Whereas, The ACLU has over 1.8 million members nationwide and over 2,100 dues-paying members in West Virginia, and one of the first actions of the ACLU in 1920 and 1921 was to help organize and protect the right to freely associate of West Virginia miners. A West Virginia affiliate of the ACLU was founded, and has been in operation, since 1971; therefore, be it

*Resolved by the Senate:*

That the Senate recognizes the contributions of the American Civil Liberties Union to American jurisprudence and to West Virginia on its centennial anniversary; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of the American Civil Liberties Union.

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

On motion of Senator Takubo, at 11:24 a.m., the Senate recessed to present Senate Resolution 15.

The Senate reconvened at 11:28 a.m. and, at the request of Senator Weld, unanimous consent being granted, returned to the second order of business and the introduction of guests.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 3**, US Army MSG Richard A. “Dick” Smoot Memorial Bridge.

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 8**, US Army 1st Lieutenant Harold H. Frazier 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 Resolution 12**, Designating January 23, 2020, as Human Resources Day.

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

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

On motion of Senator Takubo, at 11:32 a.m., the Senate recessed to present Senate Resolution 12.



The Senate reconvened at 11:35 a.m. and proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 192**, Relating to WV Secondary School Activities Commission audits.

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 Committee Substitute for Senate Bill 192 pass?”

On this question, the yeas were: Azinger, Blair, Boley, Cline, Maroney, Maynard, Pitsenbarger, Roberts, Rucker, Smith, Swope, Takubo, Tarr, Trump, Weld, and Carmichael (Mr. President)—16.

The nays were: Baldwin, Beach, Clements, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Palumbo, Plymale, Prezioso, Romano, Stollings, Sypolt, and Unger—17.

Absent: Woelfel—1.

So, a majority of all the members present and voting not having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 192) rejected.

**Eng. Com. Sub. for Senate Bill 297**, Requiring Board of Education create home economics course.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Woelfel—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 297) passed.

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

**Eng. Com. Sub. for Senate Bill 297**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7e, relating to requiring the State Board of Education to develop a program of instruction in family and consumer sciences, or specific subjects within family and consumer sciences, that may be integrated into the curriculum for students in secondary schools.

*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 144**, Creating misdemeanor penalty for making materially false statement in course of misdemeanor investigation.

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 311**, Relating to court-ordered community service.

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

**Senate Bill 321**, Relating to collection of tax and priority of distribution of estate or property in receivership.

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.

At the request of Senator Takubo, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

**Senate Bill 8**, Exempting certain armed forces veterans from payment of fees for license to carry deadly weapon.

**Senate Bill 114**, Providing continued eligibility for developmental disability services to dependents of military members.

**Senate Bill 289**, Creating Green Alert Plan.

**Com. Sub. for Senate Bill 303**, Enacting Students' Right to Know Act.

**Com. Sub. for Senate Bill 357**, Authorizing Department of Revenue promulgate legislative rules.

**Com. Sub. for Senate Bill 364**, Authorizing Department of Transportation promulgate legislative rules.

**Senate Bill 468**, Relating to eligibility for license or permit application.

**Com. Sub. for Senate Bill 470**, Relating to use of crossbow to hunt.

**Com. Sub. for Senate Bill 487**, Providing exception that all DNR payments be deposited within 24 hours.

**Com. Sub. for Senate Bill 500**, Relating to Class Y special crossbow hunting permit.

**Com. Sub. for Senate Bill 501**, Adding protection, operation of North Bend Rail Trail, Greenbrier River Trail, and Elk River Trail to Parks and Recreation Section of DNR.

And,

**Senate Bill 509**, Relating to custodial allocation actions independent of divorce.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Baldwin, Roberts, Tarr, Takubo, and Lindsay.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:15 p.m., the Senate adjourned until tomorrow, Friday, January 24, 2020, at 11 a.m.

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## FRIDAY, JANUARY 24, 2020

The Senate met at 11:11 a.m.

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

Prayer was offered by Rabbi Joshua Lief, Temple Shalom, Wheeling, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Kenny Mann, a senator from the tenth district.

Pending the reading of the Journal of Thursday, January 23, 2020,

At the request of Senator Boley, 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 the following communications from a state agency as required by the provisions of law:

Environmental Protection, Department of (Oil and Gas Operating Permit and Processing Fund) (§22-6-29)

Environmental Protection, Department of (Oil and Gas Reclamation Fund) (§22-6-29)

The Senate proceeded to the third order of business.

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

**Eng. Com. Sub. for House Bill 4058**—A Bill to amend and reenact §33-51-8 and §33-51-10 of the Code of West Virginia, 1931, as amended, all relating to pharmacy benefit managers; civil penalties; rules required.

Referred to the Committee on Health and Human Resources.

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

**Eng. Com. Sub. for House Bill 4275**—A Bill to amend and reenact §64-6-1 et seq. of the Code of West Virginia, 1931, as amended, all relating generally to authorizing agencies of the Department of Military Affairs and Public Safety to promulgate legislative rules; authorizing the rules as modified by the Legislative Rule-Making Review Committee; authorizing the Fire Commission to promulgate a legislative rule relating to State Fire Code; and authorizing the Fire Commission to promulgate a legislative rule relating to State Building Code.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 209**, Repealing annexation by minor boundary adjustment.

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

**Com. Sub. for Senate Bill 209** (originating in the Committee on Government Organization)—A Bill to amend and reenact §8-6-4a and §8-6-5 of the Code of West Virginia, 1931, as amended, all relating to annexation by minor boundary adjustment; clarifying language regarding entry of order by county commission following annexation of property within urban growth boundary by minor boundary adjustment; requiring that municipality as part of application provide affidavit that persons, businesses, and freeholders in additional territory consent to inclusion in annexation; providing procedure when affected party is unavailable to provide affidavit; requiring county commission to enter order denying application for minor boundary adjustment annexation upon determination that annexation could be efficiently and cost effectively accomplished under other provisions of said code, that application lacks evidence of consent of all affected parties, or is otherwise insufficient; and prohibiting municipality from applying for annexation by minor boundary adjustment for two years after denial of application.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 241**, Requiring State Board of Education develop method for student transportation costs as stand-alone consideration.

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

**Com. Sub. for Senate Bill 241** (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-9A-7a, relating to requiring the State Board of Education to develop a method for funding student transportation costs as a stand-alone consideration; requiring proposed revisions to the calculation method of the allowance for service personnel; and requiring a report to the Legislature.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*

Senator Swope, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

**Senate Bill 505**, Relating to urban renewal acquisition of property.

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

**Com. Sub. for Senate Bill 505** (originating in the Committee on Economic Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-18-30, relating to the acquisition and disposition of certain real property by an urban development authority; prohibition on acquisition; and ability to exercise the right of first refusal of tax-delinquent properties.

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,

Chandler Swope,  
*Chair.*

The bill (Com. Sub. for S. B. 505), under the original double committee reference, was then referred to the Committee on Government Organization.

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Eng. Com. Sub. for House Bill 2696**, Creating an additional index system for state-owned lands.

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

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Eng. Com. Sub. for House Bill 4020**, Removing authority of municipalities to require occupational licensure if licensure for the occupation is required by the state.

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 the Judiciary.



Respectfully submitted,

Mark R. Maynard,  
*Chair.*

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

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Eng. House Bill 4103**, Relating to office of drug control policy.

And has amended same.

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

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Eng. House Bill 4130**, Relating to competitive bidding for government construction contracts arising out of declared states of emergency.

And has amended same.

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

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

**By Senators Sypolt, Clements, Hamilton, Maynard, Pitsenbarger, Smith, and Swope:**

**Senate Bill 607**—A Bill to amend and reenact §17C-4-7 of the Code of West Virginia, 1931, as amended, relating to motor vehicle crash reports; requiring law-enforcement officers to submit reports of crashes to the owners and/or drivers of the vehicles involved in the crash in the same manner that law-enforcement officers are required to submit reports of crashes to the Division of Highways; and requiring the investigating law-enforcement officer, within 24 hours of a motor vehicle crash, to share the owner/operator and insurance information for all the involved parties with all the other involved parties and/or their insurance agents.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Swope:**

**Senate Bill 608**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-5-22a; and to amend and reenact §15-5-26 of said code, all relating to providing exemptions from certain taxes for out-of-state businesses, out-of-state affiliates of in-state businesses, and their employees for work responding to declared disasters and states of emergency; making legislative findings; defining terms; specifying tax exemptions and their scope; establishing filing and notice procedures; and providing an immediate date of effect.

Referred to the Committee on Finance.

**By Senator Swope:**

**Senate Bill 609**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-1L-1, §15-1L-2, §15-1L-3, §15-1L-4, and §15-1L-5; and to amend and reenact §15-5-1, §15-5-2, and §15-5-3 of said code, all relating to the West Virginia Division of Homeland Security and Emergency Management; providing for legislative findings; providing for definitions; establishing the West Virginia Civil Authority; providing West Virginia Division of Homeland Security and Emergency Management to have authority over the West Virginia Civil Authority; establishing the powers and duties over the authority; providing for the authority to hire and administer employees; providing for conditions of employment for employees; providing that employees are entitled to participate in health and welfare plans, state retirement plans, and workers' compensation and unemployment programs as a benefit of employment; providing that West Virginia Division of Homeland Security and Emergency Management coordinate efforts with the Office of the Governor; providing for altered definitions; and providing that West Virginia Division of Homeland Security and Emergency Management is continued under the Office of the Governor.

Referred to the Committee on Government Organization.

**By Senators Weld, Hamilton, Palumbo, and Trump:**

**Senate Bill 610**—A Bill to repeal §29-22B-327 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-16-3 and §11-16-8 of said code; to amend and reenact §16A-6-3 of said code; to amend and reenact §29-22B-503, §29-22B-504, and §29-22B-512 of said code; to amend and reenact §60-1-5 of said code; to amend and reenact §60-3A-8 of said code; to amend and reenact §60-7-4 and §60-7-5 of said code; and to amend and reenact §60-8-16 and §60-8-17 of said code, all relating to removing resident manager requirements; adding a manager requirement for West Virginia Alcohol Beverage Control Administration applicants and licensees; removing residency requirements for granting permits under the Medical Cannabis Act; and removing residency and

United States citizenship requirements for the West Virginia Lottery.

Referred to the Committee on the Judiciary.

**By Senators Trump and Smith:**

**Senate Bill 611**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-1-1c; to amend and reenact §24-1-2 of said code; and to amend and reenact §24-2-1 of said code, all relating to permitting third-party ownership of all renewable and alternative energy-generating facilities; making legislative findings; defining terms; and creating exceptions.

Referred to the Committee on Economic Development.

**By Senator Maynard:**

**Senate Bill 612**—A Bill to amend and reenact §62-11A-1a of the Code of West Virginia, 1931, as amended, relating to alternative sentencing; and providing that persons in work programs or community service programs may be assigned to state agencies, as well as county agencies.

Referred to the Committee on the Judiciary.

**By Senator Swope:**

**Senate Bill 613**—A Bill to repeal §15-5-4 and §15-5-27 of the Code of West Virginia, 1931, as amended; to amend and reenact §5F-2-2 of said code; to amend and reenact §15-1A-3 of said code; to amend and reenact §15-5-4b, §15-5-4c, §15-5-13, §15-5-24, and §15-5-26 of said code; to amend said code by adding thereto a new section, designated §15-5-29; to amend and reenact §19-1-4 of said code; to amend and reenact §19-21A-4 of said code; to amend and reenact §20-1-7 of said code; to amend and reenact §22-1-6 of said code; to amend and reenact §29-31-2, §29-31-3, and §29-31-4 of said code; to amend said code by adding thereto a new section, designated §29-31-5; and to amend and reenact §33-2-23 of said code, all relating to the State Resiliency Office and State Resiliency Officer; authorizing department heads to work with the State Resiliency Office; requiring Adjutant General to cooperate with the

State Resiliency Office; eliminating the West Virginia Disaster Recovery Board; requiring the State Resiliency Officer's approval to Auditor for disbursements from WV Disaster Recovery Fund; establishing powers of State Resiliency Office with respect to fund; providing authority of State Resiliency Office to accept assistance of the federal government related to emergency response; establishing the State Resiliency Officer as the administrator of the Disaster Recovery Trust Fund; providing authority of State Resiliency Office to disburse funds; eliminating annual reporting requirement of fund; requiring Director of Division of Homeland Security and Emergency Management to cooperate with the State Resiliency Office; requiring the Agriculture Commissioner to cooperate with the State Resiliency Office; requiring the State Conservation Commission to cooperate with the State Resiliency Office; authorizing the Secretary of the Department of Environmental Protection to cooperate with the State Resiliency Office; designating the State Resiliency Office as the authority to provide and coordinate emergency relief efforts; establishing the State Resiliency Office as within the Office of the Governor; modifying requirements for board members; establishing additional duties for the board; providing for the appointment, duties, and requirements for the position of State Resiliency Officer; providing that the State Resiliency Officer will act on behalf of the Governor in emergency situations; establishing the authority of the State Resiliency Office and State Resiliency Officer; establishing the State Resiliency Officer to report to the Joint Committee on Flooding; establishing the power of the State Resiliency Officer over employees of the office; creating and establishing state office of National Flood Control Program; and providing for a coordinator to administer the program.

Referred to the Committee on Government Organization.

**By Senator Rucker:**

**Senate Bill 614**—A Bill to amend and reenact §18-5-48 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-20-11 of said code, all relating to requiring the West Virginia Department of Education to first allocate the funding appropriated for the Safe Schools Fund based on the remaining

need for video cameras in each district until all districts have fully complied with the special education video camera requirements; and removing appropriation of funds by the Legislature as a prerequisite to the requirement for video cameras in self-contained classrooms.

Referred to the Committee on Education.

**By Senators Blair and Prezioso:**

**Senate Bill 615**—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 Senator Trump:**

**Senate Bill 616**—A Bill to amend and reenact §6C-2-1, §6C-2-2, §6C-2-3, §6C-2-4, and §6C-2-6 of the Code of West Virginia, 1931, as amended, all relating to the employment grievance procedure for public employees; clarifying the scope of employee representation; limiting the number of grievances in which an employee representative may participate; restricting an employee representative's participation in disciplinary meetings; clarifying the amount of paid time off allowed for grievance preparation; clarifying that employers are not required to grant access to state vehicles for grievances; providing for an exception to removal of a grievant's identity in employer's files; allowing waiver of the procedural level one in certain circumstances; and allowing the prevailing party in appeals to recover court costs and fees.

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

**By Senator Clements:**

**Senate Bill 617**—A Bill to repeal §62-6-6a of the Code of West Virginia, 1931, as amended; to amend and reenact §15A-5-9 of said code; and to amend and reenact §62-1C-14 of said code, all relating to the ability to refuse offenders for commitment to a jail;

and authorizing the acceptance of certain offenders refusing medical treatment.

Referred to the Committee on the Judiciary.

**By Senators Clements and Swope:**

**Senate Bill 618**—A Bill to amend and reenact §17-23-4 of the Code of West Virginia, 1931, as amended, relating to conforming West Virginia law to federal distance requirements for location of salvage yards within 1,000 feet of an occupied private residence in a residential community; and removing outdated terminology.

Referred to the Committee on Transportation and Infrastructure.

**By Senators Clements, Smith, and Swope:**

**Senate Bill 619**—A Bill to amend and reenact §11-14C-5 of the Code of West Virginia, 1931, as amended, relating to the motor fuel excise tax; creating an annual adjustment to the motor fuel excise tax; and providing for a mechanism for calculating the adjustment.

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

**By Senators Clements, Trump, Baldwin, and Weld:**

**Senate Bill 620**—A Bill to amend and reenact §62-12-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §62-12-13c, all relating to authorizing the Commissioner of the Division of Corrections and Rehabilitation to approve home plans for inmates; authorizing the Commissioner of the Division of Corrections and Rehabilitation to establish a nonviolent offense parole program; establishing eligibility requirements for said program; clarifying that inmates released under said program are subject to the same conditions of release and sanctions; clarifying that inmate's failing to successfully complete the rehabilitation treatment program are ineligible for release; and clarifying that inmates not otherwise released may be eligible for said program at the time of successful completion of the rehabilitation treatment program.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 621**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-14D-1, §11-14D-2, and §11-14D-3, all relating to providing tax credits for vehicles to certain persons; authorizing a tax credit for individual taxpayers under certain conditions; authorizing a tax credit to licensed automobile dealers under certain conditions; providing for definitions; establishing the minimum criteria of a qualified charitable organization; establishing the minimum criteria for an eligible vehicle to be used as the basis of the tax credit; requiring that Tax Commissioner track the number and amount of tax credits claimed; providing that multiple qualified charitable organizations may use a percentage of total allowable tax credits for the year; providing that Tax Commissioner can develop criteria for allocating percentages of the total allowable tax credits to qualified charitable organizations; establishing the maximum amount of tax credits for tax years 2020 through 2021 at \$300,000; establishing the maximum amount of tax credits for subsequent years at \$1 million; and providing for rule-making authority.

Referred to the Committee on Finance.

**By Senators Prezioso, Baldwin, Beach, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, and Stollings:**

**Senate Bill 622**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-29-1, §11-29-2, §11-29-3, §11-29-4, §11-29-5, §11-29-6, §11-29-7, and §11-29-8, all relating to taxation of prescription opioids; imposing a tax on wholesale opioid distributors and mail-order pharmacies; establishing a license to distribute or dispense opioids; creating criminal penalties for distributing or dispensing opioid without a license and for failing to remit tax as required; authorizing the Department of Revenue to administer the tax; creating an Addiction and Neonatal Addiction Care Fund as a special revenue account and establishing the purposes for which the funds may be used; creating an Opioid Drug Taskforce Fund as a special revenue account and establishing the purposes for which



the funds may be used; creating a Drug Courts Fund as a special revenue account and establishing the purposes for which the funds may be used; and creating an Opioid Education Fund as a special revenue account and establishing the purposes for which the funds may be used.

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

**By Senator Rucker:**

**Senate Bill 623**—A Bill to amend and reenact §18A-3-1 and §18A-3-1f of the Code of West Virginia, 1931, as amended, all relating to making a noncitizen of the United States eligible for a certificate to teach or an alternative program teacher certificate if he or she holds a valid Employment Authorization Document, or work permit, issued by the United States Citizenship and Immigration Services.

Referred to the Committee on Education.

Senator Rucker offered the following resolution:

**Senate Concurrent Resolution 10**—Requesting the Joint Committee on Government and Finance study the effectiveness of current West Virginia State laws relating to anti-bullying measures in public schools.

Whereas, West Virginia anti-bullying measures and regulations have been previously established to deter harassment, intimidation, and bullying; and

Whereas, School districts in West Virginia are required to adopt a policy prohibiting harassment, intimidation, and bullying; and

Whereas, Harassment, intimidation, and bullying can facilitate a hostile learning environment and negatively impact a child's educational outcomes; and

Whereas, The National Education Association has estimated that more than 160,000 k-12 students nationally miss school every day because of the threat or fear of bullying; and

Whereas, The National Center for Education Statistics, a division of the United States Department of Education, reported in 2019 that 20.2 percent of students between the ages of 12 and 18 experienced bullying in school; and

Whereas, The Centers for Disease Control and Prevention reported in 2019 that the negative consequences of bullying can increase the risk of low academic achievement, rates of school drop-out, social and emotional distress, self-harm, and even death; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to study the effectiveness of current West Virginia State laws relating to anti-bullying measures in public schools; and, be it

*Further Resolved,* That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2021, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

*Further Resolved,* That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Which, under the rules, lies over one day.

Senator Rucker offered the following resolution:

**Senate Concurrent Resolution 11**—Applying to the Congress of the United States to call a convention for proposing amendments pursuant to Article V of the United States Constitution, limited to proposing amendments that impose fiscal restraints on the federal government, limiting the power and jurisdiction of the federal government, and limiting the terms of office for its officials and for members of Congress; and adopting

certain reservations, understandings, and declarations limiting the application.

Whereas, Executive orders by the President of the United States have become a vehicle through which the president may overstep the limits of his or her constitutional authority; and

Whereas, The concentration of power at the federal level has had the effect of making federal officials less responsive to the will of the people and more readily influenced by lobbyists, wealthy corporations, and special interests in Washington, D. C.; and

Whereas, Much of federal law is now enacted by federal bureaucrats who were never chosen by the people and have no accountability to the people whatsoever; and

Whereas, Policy decisions made at the state level tend to be more responsive to the needs and desires of the people; and

Whereas, The federal government has created a crushing national debt through improper and imprudent spending; and

Whereas, The federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, many of which are unfunded to a great extent; and

Whereas, The states have the ability to restore the responsiveness of government to the people and to restrain abuses of federal power by proposing amendments to the Constitution of the United States through a limited convention of the states under Article V; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby applies to the Congress of the United States to call a convention for proposing amendments pursuant to Article V of the United States Constitution, limited to proposing amendments that impose fiscal restraints on the federal government, limiting the power and jurisdiction of the federal government, and limiting the terms of office for its officials and for members of Congress; and adopting certain reservations,

understandings, and declarations limiting the application; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, the members of the Senate and House of Representatives from West Virginia, and the presiding officers of each of the legislative houses in the several states, requesting their cooperation.

Which, under the rules, lies over one day.

Senator Beach offered the following resolution:

**Senate Resolution 16**—Recognizing the 75th anniversary of the liberation of Auschwitz and the creation of International Holocaust Remembrance Day.

Whereas, Under the German occupation of Poland, Auschwitz operated as a concentration camp from May 20, 1940, until January 27, 1945, during WWII; and

Whereas, 1.3 million people were imprisoned at Auschwitz and 1.1 million died there, including: 960,000 Jewish deaths; 74,000 ethnic Poles; 21,000 Roma and Sinti; 15,000 Soviet prisoners of war; and 10,000-15,000 other Europeans; and

Whereas, Auschwitz was considered a major site for the “Jewish question.” One in six Jews killed during the Holocaust died in Auschwitz; and

Whereas, The personal memoirs of Primo Levi, Elie Wiesel, and Tadeusz Borowski chronicle the brutality of starvation, beatings, exhaustive forced labor, and disease from grotesque living conditions; and

Whereas, Torture and medical experimentation was performed on prisoners; and

Whereas, Genocide occurred on a massive scale; prisoners arrived in overflowing cattle trains; Nazis selected the strong for forced labor; the elderly, women, children, and babies were extinguished in gas chambers immediately upon arrival; and

Whereas, The Soviet Red Army liberated the Auschwitz death camp on January 27, 1945, however, victory over Germany was its chief aim, not liberation of an oppressed people. It was the arrival of Western Allied troops in April 1945 that documented the death camp atrocities; and

Whereas, Dwight Eisenhower famously exclaimed, “Get it all on record now. . . get the films. . . get the witnesses. . . because somewhere down the road of history some bastard will get up and say that this never happened.”; and

Whereas, German chancellor Helmut Kohl stated in 1989, “The darkest and most awful chapter in German history was written at Auschwitz.”; and

Whereas, The United Nations designated the liberation of Auschwitz as International Holocaust Remembrance Day to remember six million Jewish victims and millions of other victims of Nazism; and

Whereas, Remembrance develops understanding to help prevent future genocides; therefore, be it

*Resolved by the Senate:*

That the Senate hereby recognizes the 75th anniversary of the liberation of Auschwitz and the creation of International Holocaust Remembrance Day; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution the West Virginia Holocaust Commission.

Which, under the rules, lies over one day.

Senator Unger offered the following resolution:

**Senate Resolution 17**—Recognizing Leadership Berkeley for its service, dedication, and commitment to Berkeley County.

Whereas, The objective of Leadership Berkeley is to promote knowledge and awareness of the problems, opportunities, and issues facing Berkeley County; and

Whereas, Leadership Berkeley is designed to provide a series of educational and participatory experiences, as well as an opportunity for dialogue and the development of a correlation among participants, in order to encourage local participation in the growth of Berkeley County; and

Whereas, The membership of Leadership Berkeley includes individuals from nearly every facet of Berkeley County’s business, professional, religious, governmental, educational, civic, the arts, and minority organizations who demonstrate a commitment to the community; and

Whereas, The 2020 membership of Leadership Berkeley consists of: Robbie Babbitt, For the Kids, By George Children’s Museum; Elaine Bartoldson, Eastern Panhandle Transit Authority; Annley “Nikki” Bigiarelli, Hospice of the Panhandle; Scott Blaney, BB&T Bank; Dustin Branner, Jefferson Security Bank; Shawnee Brindle, Berkeley Medical Center; Tracy Burcker, Serenity Day Spa and Salon; Lisa Burgoyne, Valley Health; Amber Butcher, Blue Ridge Community and Technical College; Jenna Crofford Quinn, United Bank; Chelsie Davis, WVU Medicine; Steven De Ridder, Berkeley County Public Service Water District; Mark DesRochers, Summit Community Bank; Cindy Devereux, Arndt-McBee Insurance Agency, Inc.; Shane Farthing, City of Martinsburg; Lana Fries, City National bank; Dana Keith, City of Martinsburg; Eric Kerns, Faith Christian Academy; Jessica Leonard, First United Bank & Trust; Tyler Mayhew, Bowles Rice LLP; Renee Pifer, CNB Bank; Holley Ralston, Blue Ridge Community and Technical College; Jeanetta Schiano Di Cola, Jenny DiCola Photography; Allan Schreiner, Knauf Insulation; Jennifer Smith, Berkeley County Development Authority; Rachel Snavely, Berkeley County Council; Kurt Tiegs, Mountaineer Kitchens and Baths; Jared Tomlin, City of Martinsburg; and Tina

Combs, Martinsburg-Berkeley County Chamber of Commerce and Leadership Berkeley Program Coordinator; therefore, be it

*Resolved by the Senate:*

That the Senate hereby recognizes Leadership Berkeley for its service, dedication, and commitment to Berkeley County; and

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the appropriate officials of Leadership Berkeley.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 9**, US Army SSG Nick P. Markos 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 Resolution 13**, Designating January 24, 2020, as Women's and Girls' Day.

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

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

On motion of Senator Takubo, at 11:26 a.m., the Senate recessed to present Senate Resolution 13.

The Senate reconvened at 11:32 a.m. and resumed business under the seventh order.

**Senate Resolution 14**, Designating January 24, 2020, as Corrections Day.

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

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

On motion of Senator Takubo, at 11:38 a.m., the Senate recessed to present Senate Resolution 14.

The Senate reconvened at 11:43 a.m. and proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 144**, Creating misdemeanor penalty for making materially false statement in course of misdemeanor investigation.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (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. 144) 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 311**, Relating to court-ordered community service.



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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (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. 311) 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 321**, Relating to collection of tax and priority of distribution of estate or property in receivership.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (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. 321) passed with its title.

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

The Senate proceeded to the ninth order of business.

**Senate Bill 8**, Exempting certain armed forces veterans from payment of fees for license to carry deadly weapon.

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

**Senate Bill 114**, Providing continued eligibility for developmental disability services to dependents of military members.

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

**Senate Bill 289**, Creating Green Alert Plan.

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 303**, Enacting Students' Right to Know Act.

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 357**, Authorizing Department of Revenue promulgate legislative rules.

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

**Com. Sub. for Senate Bill 364**, Authorizing Department of Transportation promulgate legislative rules.

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

**Senate Bill 468**, Relating to eligibility for license or permit application.

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 470**, Relating to use of crossbow to hunt.

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 487**, Providing exception that all DNR payments be deposited within 24 hours.

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 500**, Relating to Class Y special crossbow hunting permit.

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 501**, Adding protection, operation of North Bend Rail Trail, Greenbrier River Trail, and Elk River Trail to Parks and Recreation Section of DNR.

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

**Senate Bill 509**, Relating to custodial allocation actions independent of divorce.

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.

At the request of Senator Takubo, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

**Senate Bill 51**, Specifying forms of grandparent visitation.

**Com. Sub. for Senate Bill 191**, Creating felony offense of aggravated cruelty to animals.

**Com. Sub. for Senate Bill 201**, Relating generally to criminal offenses of stalking and harassment.

**Senate Bill 523**, Extending deadline for municipalities to offer Social Security coverage to certain municipal retirement system members.

**Com. Sub. for Senate Bill 529**, Establishing limitations on claims and benefits against state.

And,

**Com. Sub. for Senate Bill 532**, Distributing assets remaining in municipal policemen's or firemen's pension and relief fund on death of last retiree or beneficiary.

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senators Maynard and Rucker.

The Senate next proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill:

**Senate Bill 551**: Senator Baldwin.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions:

**Senate Bill 20**: Senator Maynard;

**Senate Bill 51**: Senators Jeffries and Pitsenbarger;

**Senate Bill 70:** Senator Woelfel;  
**Senate Bill 102:** Senator Romano;  
**Senate Bill 106:** Senator Romano;  
**Senate Bill 260:** Senator Baldwin;  
**Senate Bill 279:** Senator Romano;  
**Senate Bill 319:** Senator Romano;  
**Senate Bill 513:** Senator Woelfel;  
**Senate Bill 518:** Senator Beach;  
**Senate Bill 522:** Senator Rucker;  
**Com. Sub. for Senate Bill 532:** Senator Romano;  
**Senate Bill 541:** Senator Woelfel;  
**Senate Bill 563:** Senator Woelfel;  
**Senate Bill 567:** Senator Woelfel;  
**Senate Bill 577:** Senators Palumbo and Woelfel;  
**Senate Bill 579:** Senator Cline;  
**Senate Bill 580:** Senator Roberts;  
**Senate Bill 582:** Senator Woelfel;  
**Senate Bill 590:** Senators Hardesty and Woelfel;  
**Senate Bill 597:** Senator Woelfel;  
**Senate Concurrent Resolution 7:** Senator Jeffries;  
And,  
**Senate Concurrent Resolution 8:** Senator Stollings.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:02 p.m., the Senate adjourned until Monday, January 27, 2020, at 11 a.m.

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## MONDAY, JANUARY 27, 2020

The Senate met at 11:08 a.m.

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

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

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

Pending the reading of the Journal of Friday, January 24, 2020,

At the request of Senator Jeffries, 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 concurrence by that body in the passage, to take effect from passage, of

**Eng. Com. Sub. for Senate Bill 94**, Providing persons with physical disabilities ability to vote by electronic absentee ballot.

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

**Eng. Com. Sub. for House Bill 4002**—A Bill to amend and reenact §60A-4-416 of the Code of West Virginia, 1931, as amended, relating to creating a felony crime of delivery of a controlled substance or a counterfeit controlled substance with reckless disregard for the health, safety, and welfare of others, for an illicit purpose, and the use, ingestion, consumption, or exposure thereof causes death.

Referred to the Committee on the Judiciary.

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

**Eng. House Bill 4393**—A Bill to amend and reenact §61-2-9d of the Code of West Virginia, 1931, as amended, relating to making suffocation and asphyxiation crimes.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 175**, Requiring certain agencies maintain website which contains specific information.

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

**Com. Sub. for Senate Bill 175** (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5F-1-7; to amend and reenact §7-1-3rr of said code; and to amend said code by adding thereto a new article, designated §8-39-1, all relating to governmental websites; requiring executive branch agencies maintain a website that contains specific

information; providing exceptions; authorizing county commissions to maintain websites with specific information; requiring county commissions to provide certain information to the Secretary of State; authorizing municipalities to maintain websites with specific information available to the public at no charge; requiring information to be updated; and requiring updated information be provided to the Office of Technology.

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

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

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

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 261**, Creating criminal penalties for introducing ransomware into computer with intent to extort.

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

**Com. Sub. for Senate Bill 261** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-3C-3 and §61-3C-4 of the Code of West Virginia, 1931, as amended, all relating to contaminating a computer with ransomware; creating criminal offense of introducing ransomware into any computer, computer system, or computer network with the intent to extort money or other consideration; setting forth the elements of the offense; defining terms; and establishing criminal penalties.



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 Bills 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, and 354**, DHHR rule relating to public water systems.

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

**Com. Sub. for Senate Bill 339** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-5-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating generally to authorizing certain agencies of the Department of Health and Human Resources to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to public water systems; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to fees for permits; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to vital statistics; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to emergency medical services; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to primary care support program; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to primary care seed money grants; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—general provisions;

authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—grower/processors; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—laboratories; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—program dispensaries; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—safe harbor letter; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the collection and exchange of data related to overdoses; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults in West Virginia; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to qualifications for a provisional license to practice as a social worker within the Department of Health and Human Resources; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to pilot program for drug screening of applicants for cash assistance; and authorizing the Health Care Authority to promulgate a legislative rule relating to critical access hospitals.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Sypolt, 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 491**, Relating to Seed Certification Program.

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

**Com. Sub. for Senate Bill 491** (originating in the Committee on Agriculture and Rural Development)—A Bill to amend and reenact §19-16-1, §19-16-2, §19-16-3, §19-16-4, §19-16-5, and §19-16-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §19-16-3b and §19-16-9, all relating to the Seed Certification Program within the Department of Agriculture; defining terms; adding flower seed requirements; adding labeling requirements for seed; adding labeling requirements for interstate shipping; authorizing legislative rules for penalties; updating certificate of registration requirements; requiring quarterly tonnage fees and reports for seed; requiring monthly reports for seed potatoes; requiring record retention; updating prohibitions for labeling; setting forth label and signage requirements for noncommercial seed sharing; updating duties and authority of commissioner; authorizing inspections of seed conditioning facilities, issuance of permits, and establishment of fees; and providing for penalties for labeling deficiencies.

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,

Dave Sypolt,  
*Chair.*

The bill (Com. Sub. for S. B. 491), under the original double committee reference, was then referred to the Committee on Government Organization.

The Senate proceeded to the fifth order of business.

Senator Takubo, from the Select Committee on Children and Families, submitted the following report, which was received:

Your Select Committee on Children and Families has had under consideration

**Senate Bill 230**, Requiring State Board of Education provide instruction to personnel on student suicide prevention.

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

**Com. Sub. for Senate Bill 230** (originating in the Select Committee on Children and Families)—A Bill to amend and reenact §18-2-40 of the Code of West Virginia, 1931, as amended, relating to suicide prevention awareness training and dissemination of information; providing findings; requiring State Board of Education to provide routine education in suicide prevention under guidelines established by board; and requiring dissemination of information.

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

Respectfully submitted,

Tom Takubo,  
*Chair.*

The bill (Com. Sub. for S. B. 230), under the original double committee reference, was then referred to the Committee on Education.

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

**By Senators Stollings, Baldwin, Beach, Facemire, Hamilton, Hardesty, Ihlenfeld, Lindsay, Pitsenbarger, Romano, Smith, and Woelfel:**

**Senate Bill 624**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §23-4D-1, §23-4D-2, §23-4D-3, §23-4D-4, §23-4D-5, and §23-4D-6,

all relating to creating the West Virginia Black Lung Program; granting entitlement for pain and suffering for occupational pneumoconiosis; providing that 10 years' exposure as a miner is a conclusive presumption of entitlement to pain and suffering benefits; calculation of benefits; tax credit for benefits; imposing additional severance tax and tax on generation of electricity by solar and wind devices; creating the State Black Lung Fund; requiring the Governor and Legislature to cooperate with other states to attempt to recoup the federal excise tax on coal; and proposal of rules by the Insurance Commissioner and Tax Commissioner.

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

**By Senator Trump:**

**Senate Bill 625**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-7-8b, relating to creating one-day annual license permitting the charitable auction of sealed rare, antique, or vintage liquor bottles; setting license fee; establishing license requirements; and providing certain limited exceptions.

Referred to the Committee on the Judiciary.

**By Senator Ihlenfeld:**

**Senate Bill 626**—A Bill to amend and reenact §17C-5C-3 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Administrative Hearings to hear and determine appeals of the suspension or revocation of a graduated driver's license.

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

**By Senators Prezioso, Baldwin, Beach, Ihlenfeld, Jeffries, Plymale, Romano, and Stollings:**

**Senate Bill 627**—A Bill to amend and reenact §16-2-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-2-17, all relating

to authorizing local boards of health to office-based, medication-assisted treatment services; and pilot projects to develop office-based, medication-assisted treatment services.

Referred to the Committee on Health and Human Resources.

**By Senators Jeffries, Rucker, Stollings, Plymale, Hamilton, Mann, Baldwin, Maroney, Trump, Sypolt, Blair, and Azinger:**

**Senate Bill 628**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-5i, relating to creating the West Virginia Children’s Vision Act; and requiring proof of vision examination of children enrolling in West Virginia public or private schools.

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

**By Senator Trump:**

**Senate Bill 629**—A Bill to amend and reenact §60-8-2, §60-8-18, and §60-8-29 of the Code of West Virginia, 1931, as amended, all relating to clarifying various aspects of wine, specifically the alcohol by volume percentage for table wine, wine, and fortified wine; adding the definition of “nonfortified dessert wine”; clarifying penalties for failures to meet requirements; renumbering sections; replacing bond requirements that secure the payment of taxes by distributors, suppliers, certain wineries, and certain farm wineries who are acting as either suppliers or distributors in a limited capacity with an affidavit; and providing penalties for failure to pay taxes and maintain good standing with the state.

Referred to the Committee on the Judiciary.

**By Senator Hamilton:**

**Senate Bill 630**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §21-1F-1, §21-1F-2, §21-1F-3, §21-1F-4, §21-1F-5, §21-1F-6, §21-1F-7, and §21-1F-8, all relating to saving West Virginia call center jobs remaining in this state; providing for a short title; providing for definitions; providing for creation of a list of call centers that move overseas; providing for ineligibility for state grants or

guaranteed loans; providing for in-state procurement; providing for state benefits to workers; providing for an effective date; and providing for severability.

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

**By Senator Maynard:**

**Senate Bill 631**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-4-2a, relating to providing the Commissioner of the Division of Highways with the authority to designate a road as an “Historic Route”; and establishing rule-making authority.

Referred to the Committee on Transportation and Infrastructure.

Senator Weld offered the following resolution:

**Senate Concurrent Resolution 12**—Requesting the Division of Highways name bridge number 05-1-0.80 (05A001), locally known as Harmon Creek Bridge, carrying CR1 over Harmon Creek and Panhandle Trail in Brooke County, the “U.S. Army PFC Gary Alcott Birkhimer Memorial Bridge”.

Whereas, Gary Alcott Birkhimer was born on October 3, 1930, in Colliers, Brooke County, to Terry and Ella Birkhimer; and

Whereas, Gary Alcott Birkhimer enlisted in the U.S. Army at the time of the Korean War; and

Whereas, Gary Alcott Birkhimer was a Private First Class as a heavy weapons infantryman in the 17th Infantry Regiment, 7th Infantry Division; and

Whereas, PFC Gary Alcott Birkhimer was killed in action on April 11, 1951, and was awarded the Purple Heart, Combat Infantry Badge, Korean Service Medal, National Defense Service Medal, Republic of Korea Presidential Citation, Republic of Korea War Service Medal, United Nations Service Medal, Distinguished Unit Citation, and the Army Good Conduct Medal; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army PFC Gary Alcott Birkhimer and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 05-1-0.80 (05A001), locally known as Harmon Creek Bridge, carrying CR1 over Harmon Creek and Panhandle Trail in Brooke County, the “U.S. Army PFC Gary Alcott Birkhimer Memorial Bridge”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U.S. Army PFC Gary Alcott Birkhimer 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.

Senator Prezioso offered the following resolution:

**Senate Resolution 18**—Congratulating Chad Nuzum for winning the Earle S. Dillard Insurance Agent of the Year Award.

Whereas, The Earle S. Dillard Award is presented annually by the Independent Insurance Agents of West Virginia to those association member-agents who, throughout their career, have personified the qualities most admired by the profession; and

Whereas, Chad Nuzum attended and graduated from Fairmont Senior High School, then attended Fairmont State University and West Virginia University; and

Whereas, In 1998, Chad Nuzum went to work for his father’s insurance agency, becoming the fourth generation to do so; and

Whereas, In 2018, Chad Nuzum was named President of the Hood Insurance Group, LLC; and



Whereas, Chad Nuzum is a dedicated public servant, sitting on the Board of Directors of the Boys and Girls Club, and the Marion County Chamber of Commerce, where he has been the cochairman of the Marion County Chamber of Commerce Annual Dinner for the last 10 years. Mr. Nuzum is also an elected official in his third term as councilman for the City of Pleasant Valley; and

Whereas, Chad Nuzum sponsors a row of seats at Fairmont State University basketball games for underprivileged children. Mr. Nuzum also sponsors the Fairmont Senior High football team and many of his clients' activities. He is presently on the board of the IIAWV as vice president and has been its treasurer for the past three years; and

Whereas, Chad Nuzum has demonstrated his excellence in the insurance industry and in his community, and for his efforts was presented the Earle S. Dillard Agent of the Year Award at the association's annual convention; therefore, be it

*Resolved by the Senate:*

That the Senate hereby congratulates Chad Nuzum for winning the Earle S. Dillard Insurance Agent of the Year Award; and, be it

*Further Resolved,* That the Senate extends its sincere appreciation to Chad Nuzum for his dedicated public service; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to Chad Nuzum.

Which, under the rules, lies over one day.

Senator Woelfel offered the following resolution:

**Senate Resolution 19**—Recognizing Prestera Center for Mental Health Services for excellence in comprehensive community-based mental health and substance use treatment services.

Whereas, Prestera Center is dedicated to serving, first and foremost, the residents of the state of West Virginia with their behavioral health care needs, regardless of ability to pay; and

Whereas, Prestera Center is a non-profit 501(c)3, West Virginia-based organization with headquarters in Huntington, West Virginia, that provides services across eight counties in West Virginia (including Kanawha and Cabell Counties) serving over 20,000 adults, children, and families each year—and with 730 employees it is the 75th largest employer in the state; and

Whereas, Prestera Center's mission is to provide effective, comprehensive behavioral health care services through a united effort, dedicated to helping people achieve their full potential; and

Whereas, Prestera Center has provided assertive community treatment (ACT) services that are intensive, multi-disciplinary, and continuous in the community for almost 20 years (including evenings, weekends, and after-hours on-call services). Prestera Center has ACT teams in Huntington and Charleston, WV. ACT is a client-centered, recovery-oriented mental health, evidence-based treatment that facilitates community living, psycho-social rehabilitation, and recovery for persons who have the most severe and persistent mental illnesses—those who have severe symptoms and devastating impairments in daily living, who have a history of lengthy inpatient psychiatric hospitalizations and have not benefited from traditional outpatient programs; and

Whereas, ACT services are provided by a team of professionals including a team leader, psychiatrist, registered nurse, mental health counselors, case managers, addictions counselor, support staff, and peer support specialists. ACT teams build relationships and actively assist individuals with severe and persistent mental illness to make improvements in functioning, to better manage symptoms, to achieve individual goals, and maintain optimism. In addition to professional treatment services, individualized supportive services are provided that ensure safe and affordable clean housing, improve home-making skills, including nutrition and cooking, self-care and personal hygiene, budgeting and money management, locate and maintain employment in the community,

engage in self-help and advocacy activities, and develop leisure time management. Seventy-five percent or more of the time spent in services is spent outside the office, at home, or out in the community; and

Whereas, Prester Center's ACT program in Huntington, WV, served 75 high-intensity, severe, and persistently mentally ill individuals in the past year and 98 percent remained in the community and were not admitted to a psychiatric inpatient facility. These 75 adults received 7,982 contacts with ACT Team staff over the past year, averaging 106 contacts a person a year; and

Whereas, Prester Center is making a significant contribution to the behavioral health care needs of the citizens of West Virginia; therefore, be it

*Resolved by the Senate:*

That the Senate hereby recognizes Prester Center for Mental Health Services for excellence in comprehensive community-based mental health and substance use treatment services; and, be it

*Further Resolved,* That the Senate acknowledges and appreciates Prester's many contributions to citizens of the state of West Virginia since 1967; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to Prester Center for Mental Health Services.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 10**, Requesting study of current WV laws relating to anti-bullying measures in schools.

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

**Senate Concurrent Resolution 11**, Asking Congress call convention for proposing amendments to impose fiscal restraints on federal government.

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

**Senate Resolution 16**, Recognizing 75th anniversary of liberation of Auschwitz and creation of International Holocaust Remembrance Day.

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

At the request of Senator Beach, 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, and on this question, Senator Beach demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Roberts—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 16) adopted.

Thereafter, at the request of Senator Plymale, and by unanimous consent, the remarks by Senator Beach regarding the adoption of Senate Resolution 16 were ordered printed in the Appendix to the Journal.

**Senate Resolution 17**, Recognizing Leadership Berkeley.

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

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

On motion of Senator Takubo, at 11:41 a.m., the Senate recessed to present Senate Resolution 17.

The Senate reconvened at 11:46 a.m. and, at the request of Senator Weld, and by unanimous consent, returned to the second order of business and the introduction of guests.

The Senate then proceeded to the eighth order of business.

**Eng. Senate Bill 8**, Exempting certain armed forces veterans from payment of fees for license to carry deadly weapon.

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: Azinger, Baldwin, Beach, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Roberts—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 8) 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 114**, Providing continued eligibility for developmental disability services to dependents of military members.

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

Pending discussion,

The question being “Shall Engrossed Senate Bill 114 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Roberts—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 114) 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 289**, Creating Green Alert Plan.

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: Azinger, Baldwin, Beach, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Roberts—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 289) 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 303**, Enacting Students' Right to Know 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: Azinger, Baldwin, Beach, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Roberts—2.

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. 303) passed with its title.

Senator Takubo moved that the bill take effect January 1, 2021.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Roberts—2.

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. 303) takes effect January 1, 2021.

*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 357**, Authorizing Department of Revenue promulgate legislative rules.

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: Azinger, Baldwin, Beach, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Roberts—2.

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. 357) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Roberts—2.



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. 357) 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 364**, Authorizing Department of Transportation promulgate legislative rules.

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

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 364 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Roberts—2.

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. 364) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Roberts—2.

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. 364) takes effect from passage.

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

**Eng. Senate Bill 468,** Relating to eligibility for license or permit application.

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: Azinger, Baldwin, Beach, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Roberts—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 468) 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 470,** Relating to use of crossbow to hunt.

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: Azinger, Baldwin, Beach, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Roberts—2.

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. 470) passed.

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

**Eng. Com. Sub. for Senate Bill 470**—A Bill to amend and reenact §20-2-5g of the Code of West Virginia, 1931, as amended, relating to the use of a crossbow to hunt; decreasing length of crossbow bolt; and specifying measurement method.

*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 487**, Providing exception that all DNR payments be deposited within 24 hours.

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: Azinger, Baldwin, Beach, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Roberts—2.

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. 487) 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 500**, Relating to Class Y special crossbow hunting permit.

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: Azinger, Baldwin, Beach, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Roberts—2.

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. 500) 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 501**, Adding protection, operation of North Bend Rail Trail, Greenbrier River Trail, and Elk River Trail to Parks and Recreation Section of DNR.

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: Azinger, Baldwin, Beach, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith,

Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Roberts—2.

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. 501) 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 509**, Relating to custodial allocation actions independent of divorce.

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: Azinger, Baldwin, Beach, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Roberts—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 509) passed with its title.

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

The Senate proceeded to the ninth order of business.

**Senate Bill 51**, Specifying forms of grandparent visitation.

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 191**, Creating felony offense of aggravated cruelty to animals.

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 201**, Relating generally to criminal offenses of stalking and harassment.

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

On motion of Senator Trump, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page two, section nine-a, line twenty-five, by striking out the word “confined” and inserting in lieu thereof the word “imprisoned”;

And,

On page two, section nine-a, lines twenty-six through thirty-three, by striking out all of subsection (e) and inserting in lieu thereof a new subsection, designated subsection (e), to read as follows:

(e) Notwithstanding any provision of this code to the contrary, any person against whom a protective order is in effect for injunctive relief pursuant to the provisions of §48-5-608 or §48-27-501 of this code, who has been served with a copy of said order, who commits a violation of the provisions of this section, in which the subject in the protective order is the victim, shall be guilty of a felony and upon conviction thereof, be imprisoned in a state correctional facility for not less than one year nor more than five years, or fined not less than \$3,000 nor more than \$10,000, or both fined and imprisoned.

The bill (Com. Sub. for S. B. 201), as amended, was then ordered to engrossment and third reading.

**Senate Bill 523**, Extending deadline for municipalities to offer Social Security coverage to certain municipal retirement system members.

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

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

On page one, section twenty-eight, line eleven, by striking out the word “jointly”.

The bill (S. B. 523), as amended, was then ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 529**, Establishing limitations on claims and benefits against state.

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 532**, Distributing assets remaining in municipal policemen’s or firemen’s pension and relief fund on death of last retiree or beneficiary.

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.

At the request of Senator Takubo, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

**Com. Sub. for Senate Bill 209**, Relating to annexation by minor boundary adjustment.

**Com. Sub. for Senate Bill 241**, Requiring State Board of Education develop method for student transportation costs as stand-alone consideration.

**Eng. Com. Sub. for House Bill 2696**, Creating an additional index system for state-owned lands.

**Eng. House Bill 4103**, Relating to office of drug control policy.

And,

**Eng. House Bill 4130**, Relating to competitive bidding for government construction contracts arising out of declared states of emergency.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Plymale and Woelfel.

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

The Senate proceeded to the thirteenth order of business.

At the request of Senator Woelfel, unanimous consent being granted, it was ordered that the Journal show had Senator Woelfel been present in the chamber on Thursday, January 23, 2020, he would have voted “nay” on the passage of Engrossed Committee Substitute for Senate Bill 192.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill:

**Senate Bill 610:** Senator Hamilton.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions:



**Senate Bill 43:** Senator Maynard;

**Senate Bill 200:** Senator Romano;

**Com. Sub. for Senate Bill 230:** Senators Roberts and Stollings;

**Senate Bill 236:** Senator Rucker;

**Com. Sub. for Senate Bill 241:** Senators Roberts, Rucker, and Stollings;

**Senate Bill 261:** Senator Maynard;

**Senate Bill 533:** Senator Romano;

**Senate Bill 558:** Senator Romano;

**Senate Bill 560:** Senator Roberts;

**Senate Bill 583:** Senators Blair and Smith;

**Senate Bill 592:** Senator Romano;

**Senate Bill 597:** Senator Romano;

**Senate Bill 600:** Senator Cline;

**Senate Bill 601:** Senator Beach;

**Senate Bill 602:** Senator Woelfel;

**Senate Bill 603:** Senator Woelfel;

**Senate Bill 606:** Senators Cline, Roberts, Rucker, and Stollings;

**Senate Bill 608:** Senator Cline;

**Senate Bill 609:** Senator Cline;

**Senate Bill 610:** Senator Woelfel;

**Senate Bill 611:** Senator Cline and Lindsay;

**Senate Bill 614:** Senator Cline;

**Senate Bill 615:** Senator Plymale;

**Senate Bill 618:** Senator Cline;

**Senate Bill 621:** Senator Cline;

**Senate Bill 623:** Senator Plymale;

**Senate Joint Resolution 1:** Senator Blair;

**Senate Joint Resolution 2:** Senators Baldwin and Romano;

**Senate Joint Resolution 3:** Senator Roberts;

**Senate Joint Resolution 5:** Senators Baldwin and Romano;

**Senate Joint Resolution 6:** Senator Roberts;

**Senate Concurrent Resolution 5:** Senator Blair;

**Senate Concurrent Resolution 7:** Senator Romano;

**Senate Concurrent Resolution 8:** Senator Romano;

**Senate Concurrent Resolution 9:** Senators Ihlenfeld and Stollings;

**Senate Concurrent Resolution 10:** Senator Cline;

**Senate Resolution 16:** Senators Baldwin, Hamilton, Hardesty, Jeffries, Palumbo, Plymale, Prezioso, Romano, Stollings, and Woelfel;

And,

**Senate Resolution 17:** Senators Hardesty, Plymale, Prezioso, and Stollings.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:28 p.m., the Senate adjourned until tomorrow, Tuesday, January 28, 2020, at 11 a.m.

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## TUESDAY, JANUARY 28, 2020

The Senate met at 11:10 a.m.

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

Prayer was offered by Pastor Jesse Waggoner, Senior Pastor, Mount Calvary Baptist Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Mark R. Maynard, a senator from the sixth district.

Pending the reading of the Journal of Monday, January 27, 2020,

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

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

The Senate then proceeded to the third order of business.

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

**Eng. Com. Sub. for House Bill 4011**—A Bill to repeal §30-2-1, §30-2-2, §30-2-3, §30-2-4, §30-2-5, §30-2-5a, §30-2-6, §30-2-7, §30-2-8, §30-2-9, §30-2-10, §30-2-11, §30-2-12, §30-2-13, §30-2-14, §30-2-15, and §30-2-16 of the code of West Virginia, 1931, as amended; to repeal §30-6-1, §30-6-2, §30-6-3, §30-6-4, §30-6-5, §30-6-6, §30-6-7, §30-6-8, §30-6-9, §30-6-10, §30-6-11, §30-6-12, §30-6-13, §30-6-14, §30-6-15, §30-6-16, §30-6-17, §30-6-18,

§30-6-19, §30-6-20, §30-6-21, §30-6-22, §30-6-22a, §30-6-23, §30-6-24, §30-6-25, §30-6-26, §30-6-27, §30-6-28, §30-6-29, §30-6-30, and §30-6-31 of said code; to repeal §30-9-1, §30-9-2, §30-9-3, §30-9-4, §30-9-5, §30-9-6, §30-9-7, §30-9-8, §30-9-9, §30-9-10, §30-9-11, §30-9-12, §30-9-13, §30-9-14, §30-9-15, §30-9-16, §30-9-17, §30-9-18, §30-9-19, §30-9-20, §30-9-21, §30-9-22, §30-9-23, §30-9-24, §30-9-25, §30-9-26, §30-9-27, §30-9-28, §30-9-29, §30-9-30, §30-9-31, §30-9-33, and §30-9-34 of said code; to repeal §30-12-1, §30-12-2, §30-12-3, §30-12-4, §30-12-5, §30-12-6, §30-12-7, §30-12-8, §30-12-9, §30-12-10, §30-12-11, §30-12-11a, §30-12-12, §30-12-13, and §30-12-14 of said code; to repeal §30-13-1, §30-13-2, §30-13-3, §30-13-4, §30-13-5, §30-13-6, §30-13-7, §30-13-8, §30-13-9, §30-13-10, §30-13-11, §30-13-12, §30-13-13, §30-13-13a, §30-13-14, §30-13-15, §30-13-16, §30-13-17, §30-13-18, §30-13-19, §30-13-20, §30-13-21, §30-13-22, §30-13-23, and §30-13-24; to repeal §30-13A-1, §30-13A-2, §30-13A-3, §30-13A-4, §30-13A-5, §30-13A-6, §30-13A-7, §30-13A-8, §30-13A-9, §30-13A-10, §30-13A-11, §30-13A-12, §30-13A-13, §30-13A-14, §30-13A-15, §30-13A-16, §30-13A-17, §30-13A-18, §30-13A-19, §30-13A-20, §30-13A-21, §30-13A-22, §30-13A-23, §30-13A-24, and §30-13A-25 of said code; to repeal §30-17-1, §30-17-2, §30-17-3, §30-17-4, §30-17-5, §30-17-6, §30-17-7, §30-17-8, §30-17-9, §30-17-10, §30-17-11, §30-17-12, §30-17-13, §30-17-14, §30-17-15, §30-17-16, §30-17-17, and §30-17-18, §30-17-19 of said code; to repeal §30-18-1, §30-18-2, §30-18-3, §30-18-4, §30-18-5, §30-18-6, §30-18-7, §30-18-8, §30-18-9, §30-18-10, §30-18-11, §30-18-12, and §30-18-13 of said code; to repeal §30-19-1, §30-19-2, §30-19-3, §30-19-4, §30-19-5, §30-19-6, §30-19-7, §30-19-8, §30-19-9, §30-19-10, §30-19-11, §30-19-12, §30-19-13, §30-19-14, §30-19-15, §30-19-16, and §30-19-17 of said code; to repeal §30-22-1, §30-22-2, §30-22-3, §30-22-4, §30-22-5, §30-22-6, §30-22-7, §30-22-8, §30-22-9, §30-22-10, §30-22-11, §30-22-12, §30-22-13, §30-22-14, §30-22-15, §30-22-16, §30-22-17, §30-22-18, §30-22-19, §30-22-20, §30-22-21, §30-22-22, §30-22-23, §30-22-24, §30-22-25, §30-22-26, §30-22-27, and §30-22-28 of said code; to repeal §30-25-1, §30-25-2, §30-25-3, §30-25-4, §30-25-5, §30-25-6, §30-25-7, §30-25-8, §30-25-9, §30-25-10, §30-25-11, §30-25-12, §30-25-13, §30-25-14, §30-25-15, §30-25-16, §30-25-17, and §30-25-18 of said code; to repeal §30-27-1,

§30-27-2, §30-27-3, §30-27-4, §30-27-5, §30-27-6, §30-27-7, §30-27-8, §30-27-8a, §30-27-8b, §30-27-9, §30-27-10, §30-27-11, §30-27-11a, §30-27-12, §30-27-13, §30-27-14, §30-27-15, §30-27-16, §30-27-17, §30-27-18, §30-27-19, §30-27-20, §30-27-21, §30-27-22, §30-27-23, and §30-27-24 of said code; to repeal §30-29-1, §30-29-2, §30-29-3, §30-29-4, §30-29-5, §30-29-6, §30-29-7, §30-29-8, §30-29-9, §30-29-10, §30-29-11, §30-29-12, and §30-29-13 of said code; to repeal §30-38-1, §30-38-2, §30-38-3, §30-38-4, §30-38-5, §30-38-6, §30-38-7, §30-38-8, §30-38-9, §30-38-10, §30-38-11, §30-38-12, §30-38-13, §30-38-14, §30-38-15, §30-38-16, §30-38-17, §30-38-18, and §30-38-19 of said code; to repeal §30-38A-1, §30-38A-2, §30-38A-3, §30-38A-4, §30-38A-5, §30-38A-6, §30-38A-7, §30-38A-8, §30-38A-9, §30-38A-10, §30-38A-11, §30-38A-12, §30-38A-13, §30-38A-14, §30-38A-15, §30-38A-16, and §30-38A-17 of said code; to repeal §30-39-1, §30-39-2, §30-39-3, §30-39-4, §30-39-5, §30-39-6, §30-39-7, §30-39-8, §30-39-9, §30-39-10, §30-39-11, §30-39-12, §30-39-13, §30-39-14, §30-39-15, §30-39-16, §30-39-17, §30-39-18, §30-39-19, §30-39-20, and §30-39-21 of said code; to repeal §30-40-1, §30-40-2, §30-40-3, §30-40-4, §30-40-5, §30-40-6, §30-40-7, §30-40-8, §30-40-9, §30-40-10, §30-40-11, §30-40-12, §30-40-13, §30-40-14, §30-40-15, §30-40-16, §30-40-17, §30-40-18, §30-40-19, §30-40-20, §30-40-21, §30-40-22, §30-40-23, §30-40-24, §30-40-25, §30-40-26, and §30-40-27 of said code; to amend and reenact §30-1-5 and §30-1-19 of said code; to amend said code by adding thereto a new article, designated §30A-1-1, §30A-1-2, §30A-1-3, §30A-1-4, §30A-1-5, §30A-1-6, §30A-1-7, §30A-1-8, §30A-1-9, §30A-1-10, §30A-1-11, §30A-1-12, §30A-1-13, §30A-1-14, §30A-1-15, §30A-1-16, §30A-1-17, §30A-1-18, §30A-1-19, §30A-1-20, §30A-1-21, §30A-1-22, §30A-1-23, §30A-1-24, §30A-1-25, §30A-1-26, §30A-1-27, §30A-1-28, §30A-1-29, and §30A-1-30; to amend said code by adding thereto a new article, designated §30A-1B-1, §30A-1B-2, §30A-1B-3, §30A-1B-4, §30A-1B-5, §30A-1B-6, §30A-1B-7, and §30A-1B-8; to amend said code by adding thereto a new article, designated §30A-1C-1, §30A-1C-2, §30A-1C-3, and §30A-1C-4; to amend said code by adding thereto a new article, designated §30A-2-1, §30A-2-2, §30A-2-3, §30A-2-4, §30A-2-5, §30A-2-6, §30A-2-7, §30A-2-8, §30A-2-9, §30A-2-10, §30A-2-11, §30A-2-12, §30A-2-13, §30A-

2-14, §30A-2-15, §30A-2-16, §30A-2-17, §30A-2-18, §30A-2-19, §30A-2-20, §30A-2-21, §30A-2-22, §30A-2-23, §30A-2-24, §30A-2-25, §30A-2-26, §30A-2-27, §30A-2-28, §30A-2-29, §30A-2-30, §30A-2-31, §30A-2-32, and §30A-2-33; to amend said code by adding thereto a new article, designated §30A-3-1, §30A-3-2, §30A-3-3, §30A-3-4, §30A-3-5, §30A-3-6, §30A-3-7, §30A-3-8, §30A-3-9, §30A-3-10, §30A-3-11, §30A-3-11a, §30A-3-12, §30A-3-13, and §30A-3-14; to amend said code by adding thereto a new article, designated §30A-4-1, §30A-4-2, §30A-4-3, §30A-4-4, §30A-4-5, §30A-4-6, §30A-4-7, §30A-4-8, §30A-4-9, §30A-4-10, §30A-4-11, §30A-4-12, §30A-4-13, §30A-4-13a, §30A-4-14, §30A-4-15, §30A-4-16, §30A-4-17, §30A-4-18, §30A-4-19, §30A-4-20, §30A-4-21, §30A-4-22, §30A-4-23, and §30A-4-24; to amend said code by adding thereto a new article, designated §30A-5-1, §30A-5-2, §30A-5-3, §30A-5-4, §30A-5-5, §30A-5-6, §30A-5-7, §30A-5-8, §30A-5-9, §30A-5-10, §30A-5-11, §30A-5-12, §30A-5-13, §30A-5-14, §30A-5-15, §30A-5-16, and §30A-5-17; to amend said code by adding thereto a new article, designated §30A-6-1, §30A-6-2, §30A-6-3, §30A-6-4, §30A-6-5, §30A-6-6, §30A-6-7, §30A-6-8, §30A-6-9, §30A-6-10, §30A-6-11, §30A-6-12, §30A-6-13, §30A-6-14, §30A-6-15, §30A-6-16, §30A-6-17, §30A-6-18, §30A-6-19, §30A-6-20, §30A-6-21, §30A-6-22, §30A-6-23, §30A-6-24, and §30A-6-25; to amend said code by adding thereto a new article, designated §30A-7-1, §30A-7-2, §30A-7-3, §30A-7-4, §30A-7-5, §30A-7-6, §30A-7-7, §30A-7-8, §30A-7-9, §30A-7-10, §30A-7-11, §30A-7-12, §30A-7-13, §30A-7-14, §30A-7-15, §30A-7-16, §30A-7-17, §30A-7-18, §30A-7-19, §30A-7-20, §30A-7-21, §30A-7-22, §30A-7-23, §30A-7-24, §30A-7-25, §30A-7-26, §30A-7-27, and §30A-7-28; to amend said code by adding thereto a new article, designated §30A-8-1, §30A-8-2, §30A-8-3, §30A-8-4, §30A-8-5, §30A-8-6, §30A-8-7, §30A-8-8, §30A-8-9, §30A-8-10, §30A-8-11, §30A-8-12, §30A-8-13, §30A-8-14, §30A-8-15, §30A-8-16, §30A-8-17, §30A-8-18, and §30A-8-19; to amend said code by adding thereto a new article, designated §30A-9-1, §30A-9-2, §30A-9-3, §30A-9-4, §30A-9-5, §30A-9-6, §30A-9-7, §30A-9-8, §30A-9-9, §30A-9-10, §30A-9-11, §30A-9-12, §30A-9-13, §30A-9-14, §30A-9-15, §30A-9-16, §30A-9-17, and §30A-9-18; to amend said code by adding thereto a new article, designated §30A-10-1, §30A-10-2, §30A-10-3,

§30A-10-4, §30A-10-5, §30A-10-6, §30A-10-7, §30A-10-8, §30A-10-9, §30A-10-10, §30A-10-11, §30A-10-12, §30A-10-13, §30A-10-14, §30A-10-15, §30A-10-16, §30A-10-17, §30A-10-18, §30A-10-19, §30A-10-20, §30A-10-21, §30A-10-22, §30A-10-22a, §30A-10-23, §30A-10-24, §30A-10-25, §30A-10-26, §30A-10-27, §30A-10-28, §30A-10-29, §30A-10-30, and §30A-10-31; to amend said code by adding thereto a new article, designated §30A-11-1, §30A-11-2, §30A-11-3, §30A-11-4, §30A-11-5, §30A-11-6, §30A-11-7, §30A-11-8, §30A-11-9, §30A-11-10, §30A-11-12, §30A-11-13, §30A-11-14, §30A-11-15, §30A-11-16, §30A-11-17, §30A-11-18, and §30A-11-19; to amend said code by adding thereto a new article, designated §30A-12-1, §30A-12-2, §30A-12-3, §30A-12-4, §30A-12-5, §30A-12-6, §30A-12-7, §30A-12-8, §30A-12-9, §30A-12-10, §30A-12-11, §30A-12-12, §30A-12-13, §30A-12-14, §30A-12-15, §30A-12-16, and §30A-12-17; to amend said code by adding thereto a new article, designated §30B-1-1, §30B-1-2, §30B-1-3, §30B-1-4, §30B-1-5, §30B-1-6, §30B-1-7, §30B-1-8, §30B-1-9, §30B-1-10, §30B-1-11, §30B-1-12, §30B-1-13, §30B-1-14, §30B-1-15, §30B-1-16, §30B-1-17, §30B-1-18, §30B-1-19, §30B-1-20, §30B-1-21, §30B-1-22, §30B-1-23, §30B-1-24, §30B-1-25, §30B-1-26, §30B-1-27, §30B-1-28, and §30B-1-29; to amend said code by adding thereto a new article, designated §30B-1B-1, §30B-1B-2, §30B-1B-3, §30B-1B-4, §30B-1B-5, §30B-1B-6, §30B-1B-7, and §30B-1B-8; to amend said code by adding thereto a new article, designated §30B-1C-1, §30B-1C-2, §30B-1C-3, and §30B-1C-4; to amend said code by adding thereto a new article, designated §30B-2-1, §30B-2-2, §30B-2-3, §30B-2-4, §30B-2-5, §30B-2-6, §30B-2-7, §30B-2-8, §30B-2-8a, §30B-2-8b, §30B-2-9, §30B-2-10, §30B-2-11, §30B-2-11a, §30B-2-12, §30B-2-13, §30B-2-14, §30B-2-15, §30B-2-16, §30B-2-17, §30B-2-18, §30B-2-19, §30B-2-20, §30B-2-21, §30B-2-22, §30B-2-23, and §30B-2-24; to amend said code by adding thereto a new article, designated §30B-3-1, §30B-3-2, §30B-3-3, §30B-3-4, §30B-3-5, §30B-3-6, §30B-3-7, §30B-3-8, §30B-3-9, §30B-3-10, §30B-3-11, §30B-3-12, and §30B-3-13; to amend said code by adding thereto a new article, designated §30B-4-1, §30B-4-2, §30B-4-3, §30B-4-4, §30B-4-5, §30B-4-6, §30B-4-7, §30B-4-8, §30B-4-9, §30B-4-10, §30B-4-11, §30B-4-12, and §30B-4-13; to amend said code by adding there to a new article, designated

§30B-5-1, §30B-5-2, §30B-5-3, §30B-5-4, §30B-5-5, §30B-5-6, §30B-5-7, §30B-5-8, §30B-5-9, §30B-5-10, §30B-5-11, §30B-5-12, §30B-5-13, §30B-5-14, §30B-5-15, §30B-5-16, §30B-5-17, §30B-5-18, §30B-5-19, §30B-5-20, §30B-5-21, §30B-5-22, §30B-5-23, §30B-5-24, §30B-5-25, §30B-5-26, and §30B-5-27; to amend said code by adding thereto a new article, designated §30B-6-1, §30B-6-2, §30B-6-3, §30B-6-4, §30B-6-5, §30B-6-6, §30B-6-7, §30B-6-8, §30B-6-9, §30B-6-10, §30B-6-11, §30B-6-12, §30B-6-13, §30B-6-14, §30B-6-15, §30B-6-16, §30B-6-17, §§30B-6-18, §30B-6-19, §30B-6-20, and §30B-6-21 all relating to reorganizing various boards and authorities for the licensing and oversight of trades, occupations, and professions; dividing current articles and practice acts from one chapter into three chapters, organized by occupational subject matter, education criteria, and other common requirements; repealing provisions relating to administrative licensing of attorneys; retaining articles for the licensing authorities for all medically related professions and occupations in Chapter 30; requiring any licensing board with knowledge of violations of the practice acts in any of the three chapters to report this information to the appropriate licensing authority; authorizing licensing authorities to combine administrative functions with any other licensing authority, regardless of the chapter of the code; placing articles for the licensing authorities for nonmedical occupations that require a minimum of a baccalaureate degree in a new Chapter 30A; adding a new article conforming the authorities, duties, restrictions, and procedural requirements of these articles with those in the original Chapter 30; adding a new article conforming the provisions of the articles in Chapter 30A with those in the original Chapter 30 which provide for consideration of military training and experience, and for suspension of fees and continuing education requirements for members of the armed forces on active duty and for spouses accompanying such members; adding a new article conforming the provisions of these articles with those in the original Chapter 30 which provide for recognition of training and apprenticeship programs and requiring the proposal of legislative rules therefor; continuing rules previously promulgated by the boards; placing articles for the licensing authorities for nonmedical occupations that do not require a minimum of a baccalaureate degree in a new



Chapter 30B; and adding a new article conforming the authorities, duties, restrictions, and procedural requirements of these articles with those in the original Chapter 30; adding a new article conforming the provisions of the articles in Chapter 30B with those in the original Chapter 30 which provide for consideration of military training and experience, and for suspension of fees and continuing education requirements for members of the armed forces on active duty and for spouses accompanying such members; adding a new article conforming the provisions of these articles with those in the original Chapter 30 which provide for recognition of training and apprenticeship programs and requiring the proposal of legislative rules therefor; and continuing rules previously promulgated by the boards.

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

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

**Eng. Com. Sub. for House Bill 4129**—A Bill to amend and reenact §48-22-201 and §48-22-501 of the Code of West Virginia, 1931, as amended, all relating to adoption; providing for the location of the adoption hearing; and eliminating a waiting period.

Referred to the Select Committee on Children and Families.

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 4146**—A Bill to amend and reenact §33-4-15a of the Code of West Virginia, 1931, as amended, relating to credit for reinsurance; allowing a credit on an insurer's annual statement when reinsurance is ceded to an assuming insurer and the assuming insurer is licensed in a reciprocal jurisdiction; defining reciprocal jurisdiction; setting forth the criteria required regarding the credit for reinsurance; and requiring the Insurance

Commissioner to create and publish a list of reciprocal jurisdictions and assuming insurers.

Referred to the Committee on Banking and Insurance.

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 4149**—A Bill to amend and reenact §33-4-2 of the Code of West Virginia, 1931, as amended, relating to insurance; adding definitions.

Referred to the Committee on Banking and Insurance.

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 4166**—A Bill to amend and reenact §62-12-26 of the Code of West Virginia, 1931, as amended, relating to prohibiting certain sex offenders from being in a supervisory position over children.

Referred to the Committee on the Judiciary.

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

**Eng. House Bill 4411**—A Bill to amend and reenact §31-17-8 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Residential Mortgage Lender, Broker and Servicer Act; and adjusting the allowable final installment payment on mortgage loans.

Referred to the Committee on Banking and Insurance.

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 Bills 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, and 467,** Dept of Commerce rule relating to small business innovation research and small business technology transfer matching funds program.

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

**Com. Sub. for Senate Bill 449** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-10-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating to authorizing certain agencies of the Department of Commerce to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee; authorizing the Department of Commerce to promulgate a legislative rule relating to small business innovation research and small business technology transfer matching funds program; authorizing the Division of Labor to promulgate a legislative rule relating to supervision of plumbing work; authorizing the Division of Labor to promulgate a legislative rule relating to regulation of heating, ventilating, and cooling work; authorizing the Division of Forestry to promulgate a legislative rule relating to sediment control during commercial timber-harvesting operations—licensing; authorizing the Division of Forestry to promulgate a legislative rule relating to sediment control during commercial timber-harvesting operations—logger certification; authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to substance abuse screening, standards, and procedures; authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to rules governing the certification, recertification, and training of EMT-miners and the certification of EMT-M instructors; authorizing the Division of Natural Resources to promulgate a legislative rule relating to commercial whitewater outfitters; authorizing the Division of Natural Resources to promulgate a legislative rule relating to transporting and selling wildlife pelts and parts; authorizing the Division of Natural Resources to promulgate a legislative rule relating to boating; authorizing the Division of

Natural Resources to promulgate a legislative rule relating to special boating rules; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special requirements concerning boating; authorizing the Division of Natural Resources to promulgate a legislative rule relating to public use of campgrounds in West Virginia State Parks and State Forests and campsites in State Rail Trails under the Division of Natural Resources; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special projects and grants for the West Virginia State Parks, State Forests, and State Rail Trails under the Division of Natural Resources; authorizing the Division of Natural Resources to promulgate a legislative rule relating to defining terms used in all hunting and trapping; authorizing the Division of Natural Resources to promulgate a legislative rule relating to prohibitions when hunting and trapping; authorizing the Division of Natural Resources to promulgate a legislative rule relating to special fishing rule; authorizing the Division of Natural Resources to promulgate a legislative rule relating to catching and selling bait fish; and authorizing the Division of Natural Resources to promulgate a legislative rule relating to falconry.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Azinger, 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 508**, Removing mandate Board of Risk and Insurance Management purchase liability insurance for Division of Corrections.

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

Respectfully submitted,

Michael T. Azinger,  
*Chair.*

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

Your Committee on Natural Resources has had under consideration

**Senate Bill 517**, Creating State Parks and Recreation Endowment Fund.

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

**Com. Sub. for Senate Bill 517** (originating in the Committee on Natural Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-5A-1 and §20-5A-2, all relating to State Parks and Recreation Endowment Fund; establishing fund; providing for deposits; providing terms for expenditures; requiring investment of fund assets; and establishing board of trustees to administer fund.

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

Respectfully submitted,

Bill Hamilton,  
*Chair.*

The bill (Com. Sub. for S. B. 517), under the original double committee reference, was then referred to the Committee on Finance.

Senator Azinger, 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 545**, Authorizing transfer of moneys from Insurance Commission Fund to Workers' Compensation Old Fund.

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 Finance.

Respectfully submitted,

Michael T. Azinger,  
*Chair.*

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

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

Your Committee on Natural Resources has had under consideration

**Senate Bill 550**, Permitting leashed dogs track mortally wounded deer or bear.

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

**Com. Sub. for Senate Bill 550** (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 §20-2-5j; and to amend and reenact §20-2-16 of said code, all relating to hunting; permitting the use of leashed dogs to track mortally wounded deer or bear; and amending protocol for dogs hunting or chasing deer.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Bill Hamilton,  
*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 597**, Relating to judicial branch members' salaries and pensions.

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

**Com. Sub. for Senate Bill 597** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §50-1-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §51-1-10a of said code; to amend and reenact §51-2-13 of said code; to amend and reenact §51-2A-6 of said code; and to amend and reenact §51-9-1a and §51-9-5 of said code, all relating generally to salaries and pensions of magistrates, justices of the Supreme Court of Appeals, circuit judges, and family court judges; adopting and codifying the 2019 recommendations of the Judicial Compensation Commission as to salary increases for magistrates, justices of the Supreme Court of Appeals, circuit judges, and family court judges; and allowing family court judges to participate in the Judge's Retirement System as it applies to judges first taking office after July 1, 2005.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

The bill (Com. Sub. for S. B. 597), under the original double committee reference, was then referred to the Committee on Finance.

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

**By Senators Smith, Takubo, Stollings, Pitsenbarger, Hardesty, Hamilton, Jeffries, Ihlenfeld, Trump, Clements, Beach, and Woelfel:**

**Senate Bill 632**—A Bill to amend and reenact §23-4-15 of the Code of West Virginia, 1931, as amended, relating to clarifying that the time limitations provided for filing occupational pneumoconiosis claims do not apply or otherwise limit the ability of a claimant to obtain an evaluation from the Occupational Pneumoconiosis Board.

Referred to the Committee on Banking and Insurance.

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 633**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-28, relating generally to creating in the State Treasury a special account known as Medicaid Families First Reserve Fund; specifying moneys that may be deposited in fund; providing for expenditures from fund; and authorizing investments.

Referred to the Committee on Finance.

**By Senator Prezioso:**

**Senate Bill 634**—A Bill to amend and reenact §29-3-5b of the Code of West Virginia, 1931, as amended, relating to authorizing a municipality to adopt and enforce the most recent edition of the ICC International Property Maintenance Code.

Referred to the Committee on Government Organization.



**By Senator Trump:**

**Senate Bill 635**—A Bill to repeal §44-1-8 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §44-1A-1, §44-1A-2, §44-1A-3, §44-1A-4, §44-1A-5, and §44-1A-6, all relating to allowing the administration of small estates containing under \$50,000 in personal property and under \$100,000 in real property by affidavit and without appointment of a personal representative; and allowing payment or delivery of small assets of a decedent to an authorized successor.

Referred to the Committee on the Judiciary.

**By Senators Prezioso, Ihlenfeld, Jeffries, Lindsay, Palumbo, Romano, and Stollings:**

**Senate Bill 636**—A Bill to amend and reenact §6B-2-8 of the Code of West Virginia, 1931, as amended, relating to blind trusts by public officials; requiring the Governor to transfer all or a portion of his or her assets to a blind trust; permitting other officials to voluntarily transfer assets to a blind trust; setting forth the responsibilities of a trustee; clarifying the contents and aspects to trust instrument; providing for the contents of statement to be filed with West Virginia Ethics Commission; requiring quarterly reports of the aggregate market value of assets in the trust; creating requirements related to communications regarding blind trust; granting the West Virginia Ethics Commission the authority to inspect records; and limiting a trustee's liability.

Referred to the Committee on the Judiciary.

**By Senator Beach:**

**Senate Bill 637**—A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended, relating to prohibiting the home schooling of children in certain circumstances; prohibiting home schooling when a custodial parent or the person instructing the child is suspected or convicted of child abuse or neglect; and prohibiting home schooling when either custodial parent or a person instructing the child has been convicted of domestic violence.

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

**By Senator Trump:**

**Senate Bill 638**—A Bill to amend and reenact §60-7-2, §60-7-6, §60-7-8a, and §60-7-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-8-27 of said code, all relating to creating new private club licenses and requirements for a private multivendor fair and festival license, private night club license, private tennis club license, and a private wedding venue license; setting private club license requirements; setting private club license fees; setting private club hours of operations; and permitting certain exceptions to the accompanied minor requirements.

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 639**—A Bill to amend and reenact §49-4-502 and §49-4-601 of the Code of West Virginia, 1931, as amended, all relating to the duties of the prosecuting attorney in child abuse and neglect matters; and providing for who may file a child abuse and neglect petition.

Referred to the Select Committee on Children and Families; and then to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 640**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §15A-9-1, §15A-9-2, §15A-9-3, §15A-9-4, §15A-9-5, §15A-9-6, and §15A-9-7; and to amend and reenact §57-5-11 of said code; and to amend and reenact §62-1A-7 of said code, all relating to creating the Division of Biological Evidence Services of the Department of Military Affairs and Public Safety; creating definitions; providing for the appointment of a director and establishing qualifications therefor; establishing powers and duties of the division and its professional staff; creating a special fund for operation of the division; establishing procedures for storage and preservation of biological evidence; establishing remedies for

noncompliance; and requiring disposition of evidence in the possession of courts and seized evidence with the division.

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

**By Senator Maroney:**

**Senate Bill 641**—A Bill to amend and reenact §5-16B-6d of the Code of West Virginia, 1931, as amended, relating to the requirement that provider reimbursement schedules shall be no lower than the reimbursement provided for the same services under the plans offered in §5-16-1 *et seq.* of said code; and making other technical changes.

Referred to the Committee on Health and Human Resources.

Senator Maynard offered the following resolution:

**Senate Concurrent Resolution 13**—Requesting the Division of Highways name bridge number 11-31-8, carrying Twelve Pole Creek Road/Old NW Railroad Bed Road 3/05 over West Fork Twelve Pole Creek west of Big Sang Kill Road in Mingo County, the “Ira ‘Noon’ Copley and Marie Copley Memorial Bridge”.

Whereas, Ira “Noon” Copley was born in 1926 in Wilsondale, West Virginia, to Lawrence and Nora Copley; and

Whereas, Ira “Noon” Copley attended Burch High School in Delbarton, West Virginia; and

Whereas, After graduating, Ira “Noon” Copley enlisted in the Navy on January 22, 1944; and

Whereas, Upon his release from the Navy on November 6, 1945, Ira “Noon” Copley returned home and drove a taxicab, worked on a sawmill, and eventually owned his own sawmill and lumber yard. He started High Spur Coal Company with Shorty Hartman of Logan, West Virginia, and started Lady K Coal in Dingess, West Virginia. Ira “Noon” Copley was an innovator and risk-taker. He developed what was then called a “coal tube”. Although many said his idea would not work, he built and

successfully maintained the only two in this part of the country; and

Whereas, Ira “Noon” Copley was responsible for an ambulance service in Dingess, West Virginia, and, when funds didn’t come in as expected, he gave quietly every month to keep it going. He also provided land and helped to bring in a medical facility, through Logan General Hospital, which served the community of Dingess for many years; and

Whereas, Ira and Marie Copley not only made an impact in Dingess, by providing jobs and giving thousands of dollars to local churches, but their impact was felt in faraway places. They built the Han Young Theological Seminary in Seoul Korea. Ira “Noon” Copley’s last project before his death was to provide a landfill in order to clean up garbage and debris littered across Mingo, Logan, and Wayne counties. Unfortunately, with his untimely death, the project came to a halt; and

Whereas, Ira and Marie Copley touched many lives with their heart for giving and helping others; and

Whereas, Ira “Noon” Copley died on April 30, 1988, and Marie Copley died on March 19, 2018; and

Whereas, It is fitting that an enduring memorial be established to commemorate Ira “Noon” Copley and Marie Copley and their contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 11-31-8, carrying Twelve Pole Creek Road/Old NW Railroad Bed Road 3/05 over West Fork Twelve Pole Creek west of Big Sang Kill Road in Mingo County, the “Ira ‘Noon’ Copley and Marie Copley Memorial Bridge”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “Ira ‘Noon’ Copley and Marie Copley 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 Sypolt and Smith offered the following resolution:

**Senate Resolution 20**—Designating January 29, 2020, as Preston County Day at the Legislature.

Whereas, Preston County is home to many tourism opportunities; and

Whereas, Preston County tourism contributes to the economic success in Preston County; and

Whereas, Tourism in West Virginia generates \$4.6 billion and creates 45,400 direct jobs; and

Whereas, Preston County is home to unique tourism opportunities such as: Arthurdale, the nation's first New Deal community; Hovatter's Wildlife Zoo; the littlest church and mailing office at Silver Lake; the Cranesville Swamp; and the Himalayan Salt Spa Cave at Bruceton Mills; and

Whereas, Preston County is home to agritourism opportunities such as: Allegheny Treenware; Vested Heirs Farms; Shafer Heritage Farms; Crimson Shamrock Alpacas; Riffle Bison Farm; and Dream Mountain Ranch; and

Whereas, Preston County is home to the best new brewery in West Virginia, High Ground Brewing, and the best brewery in West Virginia, Screech Owl Brewing; and

Whereas, Preston County will host the 2020 ICF Wildwater Canoeing World Cup races in May; and

Whereas, Tourism creates jobs, supports communities, generates tax revenue, and helps drive the economy; and

Whereas, Tourism in Preston County attracts and sustains families and businesses, creates healthy communities, and fosters a high quality of life; and

Whereas, The citizens of Preston County are proud to welcome tourists to their county in the Mountain State; and

Whereas, The citizens of Preston County travel to the state capitol on an annual basis during the legislative session to share this heritage and participate in the democratic process and share their accomplishments, aspirations, and concerns with lawmakers; and

Whereas, It is fitting to recognize Preston County for its history, culture, economy, natural beauty, and future development in the state of West Virginia; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates January 29, 2020, as Preston County Day at the Legislature; and, be it

*Further Resolved,* That the Senate acknowledges the many important contributions the citizens and businesses of Preston County make in the state of West Virginia and encourages those citizens to participate in the democratic process; and, be it

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

Which, under the rules, lies over one day.

Senators Beach, Prezioso, Sypolt, Smith, Clements, and Maroney offered the following resolution:

**Senate Resolution 21**—Celebrating the achievements and contributions of Monongalia County and its citizens to the great state of West Virginia.

Whereas, Monongalia County was founded in 1776 after being settled by a small group of people along the river valley and at the

junction of Decker's Creek and the Monongahela River, and has grown to a present-day population of over 100,000 people and growing daily; and

Whereas, Monongalia County, being the third-largest county by population (106,420) of the 55 counties of West Virginia, has had an annual growth rate exceeding 1.6 percent for more than a decade; and

Whereas, Monongalia County is home to West Virginia University, a public land-grant institution, founded in 1867, and recognized as a top research university by the Carnegie Foundation for the Advancement of Teaching. West Virginia University welcomes and shapes the minds of students from across the state of West Virginia, every state in the United States, and approximately 100 other nations; and

Whereas, Monongalia County offers to its citizens, students, and visitors from around the world everything from a beautiful view from Cooper's Rock to a bicycle ride on the Caperton Trail; the best in medical care and hospitality; and is the proud home of the NYPL Champion West Virginia Black Bears baseball team; and

Whereas, Monongalia County offers recognized top-rated educational experiences at all levels, from preschool to graduate programs, and senior education opportunities; a competitive and innovative business community; a diversified economy that embraces health care, education, technology, energy development, and small business entrepreneurship; a nationally acclaimed economic model; and it has become known as a place that offers big-city amenities with the neighborly feel of small-town life; and

Whereas, Monongalia County has been recognized in recent years in the following ways: Top STEM Cities Award (Insurify); Best Performing Small Metros (Milken Institute); Best Small Metros for Business and Careers (Forbes); Best Quality of Life and Knowledge Worker Metros (Expansion Manage.); Smart Places to Live (Kiplinger's); Boom Town (Inc.); Morgantown-Top College Destination (American Institute for Economic Research);

Designated Retirement Community (CLIC); Best Places to Retire for under \$100 a Day (AARP); Most Secure Small Cities (Farmers Insurance); and Best Sports Cities (Sporting News); and

Whereas, In Monongalia County, the citizen's focus and vision has been on collaborative public/private partnerships and alliances that bear great accomplishments for the region and the state; and

Whereas, In Monongalia County, Mylan Park is recognized as one of West Virginia's most dynamic venues for users and events of all types and offers 14 different indoor and outdoor facilities comprising over 60 acres of athletic field and track facilities and more than 180,000 square feet of indoor sport, recreation, and event venues; and

Whereas, A public/private accomplishment that serves both West Virginia University and the entire community is the Mylan Park Aquatic Center, an impressive, state-of-the-art, fully accessible 90,000 square foot facility featuring a 50-meter Olympic pool, diving well, community pool, and waterslides; and

Whereas, In Monongalia County, the Morgantown Area Partnership (the Partnership) is a newly formed public/private alliance for the betterment of economic, business, and community development in the area; and

Whereas, The Partnership encompasses four entities including the Morgantown Area Chamber of Commerce, the Monongalia County Development Authority, the Morgantown Area Economic Partnership, and the Campus Neighborhoods Revitalization Corporation (Sunnyside Up), (business, government, non-profit, and quasi-governmental partners). The Partnership will work to continue to lead the state forward, become a destination of choice within the mid-Atlantic region, and demonstrate how passion and collaboration fueled by one, unified vision can ensure prosperity for future generations; therefore, be it

*Resolved by the Senate:*



That the Senate hereby celebrates the achievements and contributions of Monongalia County and its citizens to the great state of West Virginia; and, be it

*Further Resolved*, That the Senate acknowledges the vibrancy and contributions made to our state and nation by the people, past and present, of Monongalia County; and, be it

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

Which, under the rules, lies over one day.

### **Petitions**

Senator Sypolt presented a petition from David Umling and 102 West Virginia residents, supporting Senate Bill 320 (*Creating WV Farm Fresh Dairy Act*).

Referred to the Committee on Health and Human Resources.

At the request of Senator Takubo, unanimous consent being granted, the Senate returned 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 642** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §46A-1-105 of the Code of West Virginia, 1931, as amended, relating to correcting an incorrect code citation in the West Virginia Consumer Credit and Protection Act.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

At the request of Senator Plymale, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

The Senate then proceeded to the seventh order of business.

**Senate Concurrent Resolution 12**, US Army PFC Gary Alcott Birkhimer 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 Resolution 18**, Congratulating Chad Nuzum for winning Earle S. Dillard Insurance Agent of Year Award.

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

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

On motion of Senator Takubo, at 11:32 a.m., the Senate recessed to present Senate Resolution 18.

The Senate reconvened at 11:36 a.m. and resumed business under the seventh order.

**Senate Resolution 19**, Recognizing Prestera Center for Mental Health Services.

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

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

On motion of Senator Takubo, at 11:42 a.m., the Senate recessed to present Senate Resolution 19.

The Senate reconvened at 11:46 a.m. and proceeded to the eighth order of business.

**Eng. Senate Bill 51**, Specifying forms of grandparent visitation.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 51) 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 191**, Creating felony offense of aggravated cruelty to animals.

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: Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: Azinger and Pitsenbarger—2.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 191) 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 201**, Relating generally to criminal offenses of stalking and harassment.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 201) 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 523**, Extending deadline for municipalities to offer Social Security coverage to certain municipal retirement system members.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton,

Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 523) 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 529**, Establishing limitations on claims and benefits against state.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 529) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2020.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo,

Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

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. 529) takes effect July 1, 2020.

*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 532**, Distributing assets remaining in municipal policemen's or firemen's pension and relief fund on death of last retiree or beneficiary.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 532) passed with its title.

*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 209**, Relating to annexation by minor boundary adjustment.

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 241**, Requiring State Board of Education develop method for student transportation costs as stand-alone consideration.

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 2696**, Creating an additional index system for state-owned lands.

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

**Eng. House Bill 4103**, Relating to office of drug control policy.

On second reading, coming up in regular order, was reported by the Clerk.

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

**Eng. House Bill 4130**, Relating to competitive bidding for government construction contracts arising out of declared states of emergency.

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 and adopted:

On page two, section one-a, line twenty-five, after the word "required" by changing the period to a colon and inserting the following proviso: Provided, That in the event a payment or

performance bond is not required, the entity responsible for the contract shall provide to the state agency responsible for overseeing the work a document certifying that all of the claims of subcontractors, laborers, materialmen, and all persons furnishing material have been paid, satisfied, and discharged before final payment is released.

The bill (Eng. H. B. 4130), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

**Com. Sub. for Senate Bill 175**, Requiring certain agencies maintain website which contains specific information.

**Com. Sub. for Senate Bill 261**, Creating criminal penalties for introducing ransomware into computer with intent to extort.

And,

**Com. Sub. for Senate Bill 339**, Authorizing DHHR promulgate legislative rules.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were removed as co-sponsors of the following bills:

**Senate Bill 274** Senator Stollings;

**Senate Bill 486** Senator Hamilton;

And,



**Com. Sub. for Senate Bill 517** Senator Beach.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions:

**Senate Bill 52:** Senator Unger;

**Senate Bill 53:** Senator Unger;

**Senate Bill 200:** Senators Jeffries and Lindsay;

**Senate Bill 226:** Senator Hamilton;

**Com. Sub. for Senate Bill 230:** Senator Jeffries;

**Senate Bill 238:** Senator Jeffries;

**Senate Bill 255:** Senator Unger;

**Senate Bill 274:** Senator Sypolt;

**Senate Bill 279:** Senator Hamilton;

**Senate Bill 292:** Senator Hamilton;

**Com. Sub. for Senate Bill 517:** Senator Lindsay;

**Senate Bill 527:** Senators Lindsay and Unger;

**Senate Bill 536:** Senator Lindsay;

**Com. Sub. for Senate Bill 550:** Senator Stollings;

**Senate Bill 558:** Senator Unger;

**Senate Bill 583:** Senator Weld;

**Senate Bill 590:** Senator Unger;

**Com. Sub. for Senate Bill 597:** Senator Unger;

**Senate Bill 602:** Senator Unger;

**Senate Bill 614:** Senator Roberts;

**Senate Bill 623:** Senator Roberts;

**Senate Bill 624:** Senators Plymale and Unger;

**Senate Bill 625:** Senator Weld;

**Senate Bill 627:** Senators Unger and Woelfel;

**Senate Bill 628:** Senators Cline, Hardesty, Palumbo, Pitsenbarger, Unger, and Weld;

**Senate Bill 630:** Senator Ihlenfeld;

**Senate Bill 631:** Senators Cline and Stollings;

**Senate Joint Resolution 3:** Senator Rucker;

**Senate Joint Resolution 5:** Senators Rucker and Unger;

**Senate Joint Resolution 7:** Senator Rucker;

**Senate Concurrent Resolution 10:** Senator Roberts;

**Senate Concurrent Resolution 12:** Senators Jeffries and Stollings;

**Senate Resolution 18:** Senators Hamilton, Plymale, Stollings, and Unger;

And,

**Senate Resolution 19:** Senators Baldwin, Jeffries, Plymale, and Stollings;

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:06 p.m., the Senate adjourned until tomorrow, Wednesday, January 29, 2020, at 11 a.m.

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## WEDNESDAY, JANUARY 29, 2020

The Senate met at 11:08 a.m.

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

Prayer was offered by Pastor LaDeana Teets, Brookside Church of the Brethren, Aurora, West Virginia.

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

Pending the reading of the Journal of Tuesday, January 28, 2020,

At the request of Senator Romano, 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 the following communications from various state agencies as required by the provisions of law:

Environmental Protection, Department of (Oil and Gas Waiver Report) (§22-6A-2)

Sanitarians, Board of (§30-1-12)

Tourism, Division of (Office of Tourism) (§5B-2I-4)

The Senate proceeded to the third order of business.

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

**Eng. Com. Sub. for House Bill 2497**—A Bill to amend and reenact §6C-1-3, §6C-1-4, and §6C-1-7 of the Code of West Virginia, 1931, as amended, all relating to the whistle-blower law;

protecting promotion or increase in compensation; lengthening the statute of limitations; allowing the use of grievance procedure; protecting use of other right or legal action; and protecting rights related to political activity and membership in employee organizations.

Referred to the Committee on the Judiciary.

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

**Eng. House Bill 4089**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7e, relating to requiring cursive writing to be taught in grades 3-5.

Referred to the Committee on Education.

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 4365**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-14-3, relating to authorizing granting of college credit hours for learning English as a second language; authorizing state higher education institutions to grant college credit hours for English learned as a second language and to accept English learned as a foreign language to satisfy college foreign language requirement; requiring jointly proposed rules to set and identify required test scores.

Referred to the Committee on Education.

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 4480**—A Bill to amend and reenact § 18B-17-2 and § 18B-17-3 of the Code of West Virginia, 1931, as

amended, all relating to authorizing and repealing legislative rules regarding higher education; authorizing legislative rules for the Higher Education Policy Commission regarding the Higher Education Accountability System and the Underwood-Smith Teaching Scholars Program and Teacher Education Loan Repayment Program; repealing the Higher Education Policy Commission's rule regarding the Accountability System; and authorizing a legislative rule for the Council for Community and Technical College Education regarding the West Virginia Invests Grant Program.

Referred to the Committee on Education.

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 28th day of January, 2020, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

**(Com. Sub. for S. B. 94)**, Providing persons with physical disabilities ability to vote by electronic absentee ballot.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
Moore Capito,  
*Chair, House Committee.*

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 281**, Removing residency requirement for persons applying for reappointment to municipal police dept.

And,

**Senate Bill 552**, Requiring contracts of \$25,000 or more be competitively bid.

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

Respectfully submitted,

Mark R. Maynard,  
*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 511**, Regulating pawnbrokers.

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

**Com. Sub. for Senate Bill 511** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §47-26-1, §47-26-2, and §47-26-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §47-26-2a, all relating to the regulation of pawnbrokers; removing an exception for certain transactions from the report required of all pawnbrokers; requiring all pawnbrokers to be equipped with certain surveillance equipment and signage effective January 1, 2021; prohibiting pawnbrokers from doing business with certain persons; prohibiting pawnbrokers from purchasing certain items or transacting with certain items from anyone; creating misdemeanor offenses for certain violations; and increasing the penalties for existing criminal offenses related to pawnbrokers.

And,

**Senate Bill 534**, Removing workers' compensation exclusion for temporary legislative employees.

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

**Com. Sub. for Senate Bill 534** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §21A-1A-17 of the Code of West Virginia, 1931, as amended, relating to employees serving the Legislature on a temporary basis, or in support of the legislative session, are not exempt from unemployment benefits coverage.

With the recommendation that the two committee substitutes 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 547**, Relating to employer testing, notice, termination, and forfeiture of unemployment compensation.

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

**Com. Sub. for Senate Bill 547** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §21-3E-16 of the Code of West Virginia, 1931, as amended, relating to employer testing, notice, termination, and forfeiture of unemployment compensation benefits.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 614**, Changing method of allocating funding from Safe School Funds.

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

**Com. Sub. for Senate Bill 614** (originating in the Committee on Education)—A Bill to amend and reenact §18-5-48 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-20-11 of said code, all relating to giving county boards of education, during a specified time period, flexibility to spend the safe schools allocation at any school within the district requiring cameras in special education classrooms; requiring the West Virginia Department of Education, during a specified time period, to first allocate the funding appropriated for the Safe Schools Fund based on the remaining need for video cameras in each district; removing appropriation of funds by the Legislature as a prerequisite to the requirement for video cameras in self-contained classrooms; and clarifying that any available funds may be used to comply with the camera requirements.

With the recommendation that the committee substitute do pass; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*



On motion of Senator Rucker, the bill (Com. Sub. for S. B. 614) contained in the foregoing report from the Committee on Education was then referred to the Committee on Finance.

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Concurrent Resolution 10**, Requesting study of current WV laws relating to anti-bullying measures in schools.

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

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Eng. House Bill 4010**, Changing the licensing requirement for certain casino employees.

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 Finance.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

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

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

**By Senators Maroney, Baldwin, Clements, Ihlenfeld, Lindsay, Stollings, and Takubo:**

**Senate Bill 643**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-12-1, §47-12-2, §47-12-3, §47-12-4, §47-12-5, and §47-12-6, all relating to creating the Youth Mental Health Protection Act; setting forth legislative findings; setting forth a purpose; defining terms; providing for a prohibition on conversion therapy; setting forth a prohibition for referral services for conversion therapy; and providing for disciplinary actions against providers who violate the article.

Referred to the Committee on Health and Human Resources.

**By Senator Smith:**

**Senate Bill 644**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5j, relating to the assessment of a wildlife impact fee by the Director of the Division of Natural Resources on operators of wind power projects that injure or kill a protected species of animal.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

**By Senator Smith:**

**Senate Bill 645**—A Bill to amend and reenact §20-2-5a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §20-2-5j, all relating to protecting albino deer; adding albino deer to list of animals to which forfeiture and additional replacement costs apply; defining terms; prohibiting hunting, capturing, killing, or destroying albino deer; providing exceptions; and providing criminal penalties.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 646**—A Bill to amend and reenact §30-1A-1, §30-1A-2, §30-1A-3, §30-1A-4, §30-1A-5, and §30-1A-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-1A-1a, all relating to reviewing proposals for new occupational regulation and existing occupational regulation provisions; declaring the state policy for regulation of occupations; defining terms; establishing procedures and criteria for the review of proposals or applications for the regulation of an occupation; specifying required contents to include in an application; outlining a methodology to address identified risks or harms; setting time requirement for completion of review and report; providing for public hearings and additional findings; requiring adoption of certain rules of both houses of the Legislature; outlining a process for annual review of a portion of existing licensing authorities and issuing public reports and recommendations therefrom; and establishing canons of interpretation.

Referred to the Committee on Government Organization.

**By Senators Takubo, Mann, Maroney, and Stollings:**

**Senate Bill 647**—A Bill to amend and reenact §16-30C-6 of the Code of West Virginia, 1931, as amended, relating to permitting physician's assistants and advanced practice registered nurses to issue do-not-resuscitate orders.

Referred to the Committee on Health and Human Resources.

**By Senators Takubo, Mann, Maroney, Prezioso, Stollings, and Weld:**

**Senate Bill 648**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-12a, relating to providing dental coverage for adult Medicaid recipients; providing limitations; and designating the Department of Health and Human Resources as the responsible department to implement these provisions.

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

**By Senator Maynard:**

**Senate Bill 649**—A Bill to amend and reenact §24-6-5 of the Code of West Virginia, 1931, as amended, relating to permitting directors of county emergency phone systems to obtain mobile phone emergency lines and enter into service provider contracts; establishing payment of emergency mobile phone contracts; and requiring a report.

Referred to the Committee on Government Organization.

**By Senator Maynard (By Request):**

**Senate Bill 650**—A Bill to amend and reenact §17A-3-23 of the Code of West Virginia, 1931, as amended, relating to altering the color scheme for county vehicle registration plates; altering the color scheme for city or municipality vehicle registration plates; providing that all county vehicle registration plates, title certificates, and registration certificates shall expire on December 31, 2020; providing for exemptions for certain county Class A license plates; requiring all counties to obtain a new title certificate, registration certificate, and registration plate for all county vehicles prior to January 1, 2021; requiring renewal every two years; providing that all city and municipal registration plates, title certificates, and registration certificates shall expire on December 31, 2020; providing for exemptions for certain city and municipal Class A license plates; requiring all cities or municipalities to obtain a new title certificate, registration certificate, and registration plate for all city or municipality vehicles prior to January 1, 2021; and requiring renewal every two years.

Referred to the Committee on Government Organization.

**By Senator Azinger:**

**Senate Bill 651**—A Bill to amend and reenact §31-17A-2 of the Code of West Virginia, 1931, as amended, relating to the definition of “mortgage loan originator”.

Referred to the Committee on Banking and Insurance.

**By Senator Rucker:**

**Senate Bill 652**—A Bill to amend and reenact §18-9D-21 of the Code of West Virginia, 1931, as amended, relating to authorizing the School Building Authority to promulgate

legislative rules; and authorizing School Building Authority rule relating to School Build Authority contracts and agreements, post-project evaluation, and suspension of right to bid.

Referred to the Committee on Education.

**By Senator Carmichael (Mr. President):**

**Senate Bill 653**—A Bill to amend and reenact §50-1-2 of the Code of West Virginia, 1931, as amended, relating to the number of magistrates in Putnam County.

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

**By Senators Tarr, Hardesty, Pitsenbarger, Prezioso, Smith, and Weld:**

**Senate Bill 654**—A Bill to amend and reenact §7-14D-24 of the Code of West Virginia, 1931, as amended, relating to allowing certain sheriffs to transfer from the Public Employees Retirement System into the Deputy Sheriff Retirement System.

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

**By Senator Tarr:**

**Senate Bill 655**—A Bill to amend and reenact §11-1C-10 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-1C-10a; to amend and reenact §11-3-24 and §11-3-25 of said code; and to amend reenact §11-10A-8 of said code, all relating to the valuation of natural resources property and providing an alternate method of appeal of proposed valuation natural resources property for ad valorem property tax purposes; and providing for the confidentiality of annual industry operating expenses survey information used for property tax purposes.

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

**By Senator Tarr:**

**Senate Bill 656**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-32A-1, §30-32A-2, §30-32A-3, §30-32A-4, §30-32A-5, §30-32A-6, §30-32A-7, §30-32A-8, §30-32A-9, §30-32A-10, §30-32A-11, §30-32A-12, §30-32A-13, and §30-32A-14, all relating to joining the Audiology and Speech-Language Pathology Compact Commission; providing for a purpose; providing for definitions; providing for state participation in the compact; establishing the privilege to practice in member states; providing for procedures relating to licensing for active duty military personnel and their spouses; providing for procedures relating to adverse actions; establishing the Audiology and Speech-Language Pathology Compact Commission; providing for a data system available for use among the member states; providing for rule-making authority of the commission; providing for oversight, dispute resolution, and enforcement provisions of the commission among the member states; providing for date of implementation among the member states; providing for applicability of the existing rules at the time a new member state joins the commission; providing for withdrawal of any member states and conditions that must be met until withdrawal is effective; providing for a six-month period before withdrawal is effective; providing for construction and severability of the provisions of the compact; and providing for a binding effect of the laws and rules of the compact among the member states.

Referred to the Committee on Health and Human Resources.

Senator Romano offered the following resolution:

**Senate Concurrent Resolution 14**—Urging Congress to declare the Equal Rights Amendment to the Constitution of the United States.

Whereas, Article V of the Constitution of the United States provides that amendments shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states; and

Whereas, The Ninety-second Congress of the United States of America, at its second session, by a constitutional two-thirds vote in both houses adopted a Joint Resolution proposing an amendment to the Constitution of the United States, which Joint Resolution is in the following words:

#### JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

#### ARTICLE. –

Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification; and

Whereas, On January 15, 2020, the Virginia Legislature became the 38th state to ratify the Equal Rights Amendment to the Constitution of the United States; and

Whereas, Three fourths of the states have ratified the Equal Rights Amendment as required by Article V of the Constitution of the United States; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby urges Congress to declare the Equal Rights Amendment to the Constitution of the United States; and, be it

*Further Resolved*, That Congress declare all 38 ratifications to be valid and that the Equal Rights Amendment is now a part of the Constitution of the United States, and it shall be duly promulgated as such by the Secretary of State; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward copies of this resolution to the President and Secretary of the Senate of the United States and to the Speaker, Clerk, and Judiciary Committee Chairman of the House of Representatives of the Congress of the United States; and copies to the members of the Senate and House of Representatives from this state; and to forward copies to the presiding officers of each of the legislative houses in the several states, requesting their cooperation.

Which, under the rules, lies over one day.

Senators Plymale and Woelfel offered the following resolution:

**Senate Resolution 22**—Designating January 30, 2020, as Marshall University Day.

Whereas, Marshall University has been an institution of innovation and discovery since its founding in 1837; and

Whereas, Marshall University has been educating sons and daughters of Marshall in the tradition of the great Chief Justice John Marshall for 183 years; and

Whereas, Marshall's new academic programs, including aviation and physician's assistant, will offer students the opportunity to prepare for cutting-edge careers; and

Whereas, In 2019, for the first time in its history, Marshall University was designated a Carnegie R2 research institution, placing it among the top six percent of colleges and universities in the nation; and



Whereas, Also in 2019, the prestigious U.S. News & World Report rankings listed Marshall in the top tier of the nation's universities for the first time; and

Whereas, Marshall recently announced that more than \$100 million has been raised toward the \$150 million goal for its historic comprehensive fund-raising campaign; and

Whereas, In the last eight months, Marshall opened three new facilities, including the Brad D. Smith Business Incubator, the Stephen J. Kopp Hall Pharmacy Academic Building and the Fairfield Landing Graduate Student Housing Complex; and

Whereas, Nearly \$400 million and 3,200 jobs are contributed annually to West Virginia's economy by Marshall University; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates January 30, 2020, as Marshall University Day; and, be it

*Further Resolved,* That the Senate hereby recognizes Marshall University for its tremendous contributions to the state of West Virginia; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to Dr. Jerome A. Gilbert, President of Marshall University.

Which, under the rules, lies over one day.

Senators Palumbo and Takubo offered the following resolution:

**Senate Resolution 23**—Congratulating the University of Charleston men's soccer team for winning the 2019 NCAA Division II Men's Soccer National Championship.

Whereas, The University of Charleston men's soccer team had another dominant year on the pitch, compiling a 22-2-1 record, and

winning the 2019 NCAA Division II Men's Soccer National Championship; and

Whereas, The University of Charleston men's soccer team has won the national championship in two of the last three seasons (2017 and 2019); and

Whereas, The University of Charleston men's soccer team was led by head coach, Dan Stratford, assistant coaches, Daniel Smee, Travis Brent, Jeremy de Hoog, Benjamin Martinez, and athletic trainer, Kenji Ueda; and

Whereas, The University of Charleston men's soccer team was comprised of the following players: Christopher Allan, Ploutarchos Alonefti, Ettore Ballestracci, Sam Bethell, Adam Burchell, Jesus Cabanas, Christos Charalambous, William Clague, Andri Gretarsson, Christopher Gribben, Eduardo Iranzo, Joao Lima, Adrian Montalvo, Felipe Montiel, Williams N'Dah, Jordi Ramon, Emil Rasmussen, Adam Robinson, Gabriel Rodriguez, Alex Townley, Freddy Tracey, Alvaro Unanua Dean, Steyn Van Ark, Mattia Vezzoni, and Philip Vo-Van; and

Whereas, The University of Charleston men's soccer team finished the 2019 campaign with 12 straight victories, cruising to their sixth straight Mountain East Conference regular season title, second consecutive MEC tournament championship, and fifth NCAA Division II Men's Soccer Atlantic Region title in six seasons, and the NCAA Division II Men's Soccer National Championship. Awards include All NCAA National Championship Tournament Team: Christopher Allan, Most Outstanding Defensive Player; Freddy Tracey, Most Outstanding Offensive Player; Williams N'Dah; and Alvaro Unanua Dean; and

Whereas, The University of Charleston men's soccer 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 spirit; and

Whereas, The 2019 University of Charleston men's soccer team will forever be remembered as one of the best men's soccer teams in NCAA history; therefore, be it

*Resolved by the Senate:*

That the Senate congratulates the University of Charleston men's soccer team for winning the 2019 NCAA Division II Men's Soccer National Championship; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the University of Charleston men's soccer team.

Which, under the rules, lies over one day.

### **Petitions**

Senator Trump presented a petition from Thomas A. Roue and numerous Morgan County residents, relating to the Board of Medicine's guidelines that pertain to the standard of care.

Referred to the Committee on Health and Human Resources.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 13**, Ira "Noon" Copley and Marie Copley 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 Resolution 20**, Designating January 29, 2020, as Preston County Day.

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

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

Thereafter, at the request of Senator Weld, and by unanimous consent, the remarks by Senators Sypolt and Smith regarding the adoption of Senate Resolution 20 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 11:29 a.m., the Senate recessed to present Senate Resolution 20.

The Senate reconvened at 11:35 a.m. and resumed business under the seventh order.

**Senate Resolution 21**, Celebrating achievements and contributions of Monongalia County.

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

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

On motion of Senator Takubo, at 11:39 a.m., the Senate recessed to present Senate Resolution 21.

The Senate reconvened at 11:42 a.m. and proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 209**, Relating to annexation by minor boundary adjustment.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 209) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

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. 209) 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 241**, Requiring State Board of Education develop method for student transportation costs as stand-alone consideration.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 241) 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 House Bill 2696**, Creating an additional index system for state-owned lands.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2696) passed with its title.

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

**Eng. House Bill 4130**, Relating to competitive bidding for government construction contracts arising out of declared states of emergency.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton,

Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4130) passed.

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

**Eng. House Bill 4130**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §5-22-1a, relating to competitive bidding for government construction contracts arising out of declared states of emergency; allowing contracts for construction projects to be procured through competitive bidding on an open-ended basis as to quantity or by unit pricing on estimated quantities; allowing the establishment of multiple award construction contracts; eliminating need for emergency construction contract to specify the exact location of construction involved in the solicitation for bids; making the requirement that the entity to whom the contract is awarded furnish payment or performance bonds discretionary for residential projects; requiring contractor to provide release of claims before final payment is released if bonds are not required; and making the award of such contracts subject to other competitive bidding requirements of said code.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4130) 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 175,** Requiring certain agencies maintain website which contains specific information.

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 261,** Creating criminal penalties for introducing ransomware into computer with intent to extort.

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 339,** Authorizing DHHR promulgate legislative rules.

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

**Eng. House Bill 4103,** Relating to office of drug control policy.

On second reading, coming up in regular order, was reported by the Clerk.

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

The Senate proceeded to the tenth order of business.



At the request of Senator Takubo, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

**Com. Sub. for Senate Bill 449**, Authorizing Department of Commerce promulgate legislative rules.

**Senate Bill 508**, Removing mandate Board of Risk and Insurance Management purchase liability insurance for Division of Corrections.

**Com. Sub. for Senate Bill 550**, Permitting leashed dogs track mortally wounded deer or bear.

And,

**Senate Bill 642**, Correcting incorrect code citation in WV Consumer Credit and Protection Act.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Ihlenfeld, Tarr, Romano, Trump, Takubo, Hardesty, Azinger, and Smith.

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

At the request of Senator Weld, unanimous consent being granted, the remarks by Senators Trump, Takubo, and Azinger were ordered printed in the Appendix to the Journal.

At the request of Senator Prezioso, and by unanimous consent, the remarks by Senators Romano and Hardesty were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Roberts, unanimous consent being granted, it was ordered that the Journal show had Senator Roberts been present in the chamber on Monday, January 27, 2020, he would have voted “yea“ on the passage of Engrossed Senate Bill 8,

Engrossed Senate Bill 114, Engrossed Senate Bill 289, Engrossed Committee Substitute for Senate Bill 303, Engrossed Committee Substitute for Senate Bill 357, Engrossed Committee Substitute for Senate Bill 364, Engrossed Senate Bill 468, Engrossed Committee Substitute for Senate Bill 470, Engrossed Committee Substitute for Senate Bill 487, Engrossed Committee Substitute for Senate Bill 500, Engrossed Committee Substitute for Senate Bill 501, and Engrossed Senate Bill 509.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill:

**Com. Sub. for Senate Bill 532:** Senator Stollings.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions:

**Senate Bill 73:** Senator Romano;

**Senate Bill 89:** Senator Romano;

**Senate Bill 92:** Senator Romano;

**Senate Bill 109:** Senator Romano;

**Senate Bill 110:** Senator Romano;

**Senate Bill 112:** Senator Romano;

**Senate Bill 130:** Senator Romano;

**Senate Bill 172:** Senator Romano;

**Senate Bill 174:** Senator Romano;

**Senate Bill 216:** Senator Romano;

**Senate Bill 244:** Senator Romano;

**Senate Bill 246:** Senator Romano;

**Senate Bill 267:** Senator Lindsay;

**Senate Bill 269:** Senator Roberts;

**Senate Bill 541:** Senator Lindsay;

**Senate Bill 543:** Senator Lindsay;

**Senate Bill 546:** Senator Lindsay;

**Senate Bill 551:** Senator Lindsay;

**Senate Bill 582:** Senator Lindsay;

**Senate Bill 593:** Senator Lindsay;

**Com. Sub. for Senate Bill 597:** Senator Lindsay;

**Senate Bill 611:** Senator Baldwin;

**Senate Bill 612:** Senator Cline;

**Senate Bill 614:** Senator Maynard;

**Senate Bill 627:** Senators Cline and Lindsay;

**Senate Bill 628:** Senator Roberts;

**Senate Bill 630:** Senator Lindsay;

**Senate Bill 632:** Senators Cline, Plymale, Prezioso, Roberts, and Romano;

**Senate Bill 634:** Senator Stollings;

**Senate Bill 637:** Senator Pitsenbarger;

**Senate Concurrent Resolution 13:** Senators Plymale and Stollings;

**Senate Resolution 20:** Senators Beach, Plymale, Stollings, and Unger;

And,

**Senate Resolution 21:** Senators Jeffries, Lindsay, Plymale, Romano, Stollings, and Unger.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:23 p.m., the Senate adjourned until tomorrow, Thursday, January 30, 2020, at 11 a.m.

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## THURSDAY, JANUARY 30, 2020

The Senate met at 11:08 a.m.

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

Prayer was offered by Pastor Steve Willis, First Baptist Church of Kenova, Kenova, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Rollan A. Roberts, a senator from the ninth district.

Pending the reading of the Journal of Wednesday, January 29, 2020,

At the request of Senator Baldwin, 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 amendment by that body, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendment, as to

**Eng. Com. Sub. for Senate Bill 323**, Authorizing Department of Administration promulgate legislative rules.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page two, section two, line two, by striking out “§29-21-13a” and inserting in lieu thereof “§29-21-5”.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill 323, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 323) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

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. 323) takes effect from passage.

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

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

**Eng. Com. Sub. for House Bill 2419**—A Bill to amend and reenact §62-1C-1a of the Code of West Virginia, 1931, as amended, relating to the authorization to release a person charged with a criminal violation when first appearing before a judicial officer; establishing that a judicial officer shall release a person charged with a misdemeanor offense on their own recognizance unless charged with certain offenses; establishes that in certain instances and with certain conditions the arrested person is entitled to the least restrictive bail conditions determined to be reasonably necessary to assure appearance as well as ensure safety of persons in the community and maintenance of evidence; establishing that in certain circumstances the arrested person is entitled to bail under least restrictive further conditions; identifying least restrictive further conditions; establishing considerations to determine whether to release an individual without bail, the reasonable amount of bail, or imposition of other conditions of release; establishing that in all misdemeanor cases, cash bail cannot exceed the maximum fine for the offense; and, further providing that a judicial officer may modify the conditions of release at any time.

Referred to the Committee on the Judiciary.

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

**Eng. Com. Sub. for House Bill 2877**—A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, as amended, relating to parking privileges for persons with a mobility impairment; prohibiting public entities from installing or maintaining parking meters in an accessible parking space bearing the international symbol of access.

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

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

**Eng. House Bill 4030**—A Bill to amend and reenact §8-15-17 of the Code of West Virginia, 1931, as amended, relating to increasing the age limit for an application for original appointment as a firefighter for honorably discharged veterans of the United States Armed Forces or National Guard.

Referred to the Committee on Military.

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

**Eng. Com. Sub. for House Bill 4094**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-9-101, §49-9-102, §49-9-103, §49-9-104, §49-9-105, §49-9-106, §49-9-107, §49-9-108, §49-9-109, and §49-9-110, all relating to the Foster Care Ombudsman Program; continuing the Foster Care Ombudsman; providing authority to the ombudsman; permitting access to foster care children; providing access to certain records; providing the ombudsman with subpoena authority; requiring government entities to cooperate with the ombudsman; requiring investigations to remain confidential; providing the ombudsman with a limitation of liability; setting forth criminal penalties; providing funding for the ombudsman.

Referred to the Select Committee on Children and Families; and then to the Committee on Finance.

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 240**, Relating to food service establishments securing covers for grease traps.

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

**Com. Sub. for Senate Bill 240** (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 §16-6-22b; and to amend and reenact §16-6-23 of said code, all relating to requiring hotels and restaurants to secure manhole covers of certain grease traps by a certain date; providing methods for securing the manhole covers; authorizing the commissioner to specify the method of limiting access to the manhole; authorizing the promulgation of rules; and increasing the civil penalty for noncompliance with the requirements of the article.

**Senate Bill 267**, Relating to criminal possession of rented or leased personal property.

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

**Com. Sub. for Senate Bill 267** (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 §61-3-16a, relating to creating the offenses of conversion of leased or rented personal property; establishing the elements of the offenses; creating exceptions; and establishing and setting criminal penalties.

And,



**Senate Bill 308**, Penalizing individuals who violate financial exploitation protective order.

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

**Com. Sub. for Senate Bill 308** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §55-7J-6 of the Code of West Virginia, 1931, as amended, relating to creating criminal penalties for violation of orders issued for the protection of victims of financial exploitation; and establishing criminal penalties.

With the recommendation that the three committee substitutes 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 275**, Creating Intermediate Court of Appeals.

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

**Com. Sub. for Senate Bill 275** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-10-3a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-2D-16a; to amend said code by adding thereto a new section, designated §23-1-1h; to amend and reenact §23-5-1, §23-5-3, §23-5-5, §23-5-6, §23-5-8, §23-5-9, §23-5-10, §23-5-11, §23-5-12, §23-5-13, §23-5-15, and §23-5-16 of said code; to amend said code by adding thereto a new section, designated §23-5-8a; to amend and reenact §29A-5-4 of said code; to amend and reenact §29A-6-1 of said code; to amend

and reenact §51-2A-24 of said code; to amend and reenact §51-9-1a of said code; to amend said code by adding thereto a new article, designated §51-11-1, §51-11-2, §51-11-3, §51-11-4, §51-11-5, §51-11-6, §51-11-7, §51-11-8, §51-11-9, §51-11-10, §51-11-11, §51-11-12, §51-11-13, and §51-11-14; and to amend and reenact §58-5-1 of said code, all relating generally to the West Virginia Appellate Reorganization Act of 2020; providing that the Judicial Vacancy Advisory Commission shall assist the Governor in filling judicial vacancies in an Intermediate Court of Appeals; transferring jurisdiction over appeals of decisions of the Health Care Authority in certificate of need reviews from the Workers' Compensation Office of Administrative Judges to the Intermediate Court of Appeals; transferring jurisdiction over objections filed in workers' compensation claims from the Office of Judges to the Workers' Compensation Board of Review; terminating the Office of Judges by a certain date and transferring all powers and duties, related to objections, from the Office of Judges to the board of review; providing that the Insurance Commissioner shall have administrative oversight and authority over the board of review; authorizing the board of review to hire hearing examiners meeting certain qualifications and classified as attorneys; requiring the chairman of the board of review to assign a member of the board to each objection; requiring that all orders and decisions of the board of review pertaining to an objection be issued and signed by a single member of the board of review; permitting the board of review member assigned to an objection to delegate certain duties to a hearing examiner; establishing the administrative powers and duties of the board of review; increasing the limit on the annual salary of a board of review member; authorizing the board of review to promulgate rules of practice and procedure, and establishing a process therefor; establishing duties of the chairman of the board of review; providing that the administrative expenses of the board of review shall be included in annual budget of the Insurance Commissioner; providing that petitions for review of final decisions of the Workers' Compensation Board of Review must be made to the Intermediate Court of Appeals; establishing certain procedures and other requirements for appeals of board of review decisions made to the Intermediate Court of Appeals; providing that the Supreme Court of Appeals has discretion to

review final decisions of the Intermediate Court of Appeals in workers' compensation claims; requiring that appeal of contested cases under the State Administrative Procedures Act be made to the Intermediate Court of Appeals; transferring jurisdiction to review family court final orders from circuit courts to the Intermediate Court of Appeals; creating an Intermediate Court of Appeals in West Virginia to be operational by a certain date; providing a short title; providing legislative findings; defining terms; establishing and defining two geographical districts of the Intermediate Court of Appeals; requiring a three-judge panel for proceedings of each district of the Intermediate Court of Appeals; authorizing jurisdiction of the Intermediate Court of Appeals over certain matters; excluding certain matters from jurisdiction of the Intermediate Court of Appeals; providing that parties to an appeal in the Intermediate Court of Appeals shall have an opportunity for a full and meaningful review on the record of the lower tribunal and an opportunity to be heard; establishing a procedure by which parties to an appeal in the Intermediate Court of Appeals may file a motion for direct review of an appeal by the Supreme Court of Appeals in extraordinary circumstances; providing eligibility criteria for judges of the Intermediate Court of Appeals; providing a process for initial appointment of judges to the Intermediate Court of Appeals to fill vacancies in the Intermediate Court of Appeals upon its creation; providing for an initial election of judges to the Intermediate Court of Appeals for staggered terms; providing for the regular election of a judge to each district of the Intermediate Court of Appeals upon the expiration of a sitting judge's term; establishing a procedure for the filling of vacancies in unexpired judicial terms by appointment and in certain circumstances, subsequent election; providing that the Governor's judicial appointments must be made from a list of candidates submitted by the Judicial Vacancy Advisory Commission and are subject to advice and consent of the Senate; providing that judges of the Intermediate Court of Appeals may not be candidates for any elected public office during the judicial term; establishing certain requirements for the filing of appeals to the Intermediate Court of Appeals; clarifying that an appeal bond may be required before appeal to the Intermediate Court of Appeals may take effect; requiring the Chief Judge of the Intermediate Court of Appeals to

publish and submit certain reports to the Legislature and Supreme Court of Appeals regarding pending cases; authorizing filing fees; providing for deposit of filing fees in a special revenue account to fund the State Police Forensic Laboratory; recognizing the constitutional authority of the Supreme Court of Appeals to exercise administrative authority over the Intermediate Court of Appeals; providing that procedures and operations of the Intermediate Court of Appeals shall comply with rules promulgated by the Supreme Court of Appeals; requiring that appeals to the Intermediate Court of Appeals be filed with the Clerk of the Supreme Court of Appeals; providing that Intermediate Court of Appeals proceedings shall take place in publicly available facilities as arranged by the Administrative Director of the Supreme Court of Appeals; granting the Intermediate Court of Appeals discretion to require oral argument; authorizing the Administrative Director of the Supreme Court of Appeals to employ staff for Intermediate Court of Appeals operations; providing that the budget for Intermediate Court of Appeals operations shall be included in the appropriation for the Supreme Court of Appeals; authorizing the Intermediate Court of Appeals to issue opinions as binding precedent for lower courts; providing that the Intermediate Court of Appeals shall issue written decisions as a matter of right; providing for discretionary review of Intermediate Court of Appeals decisions by Supreme Court of Appeals; authorizing an annual salary, retirement benefits, and reimbursement of expenses for judges of the Intermediate Court of Appeals; providing for reimbursement of expenses of Intermediate Court of Appeals staff; providing internal effective dates; removing obsolete language from the code; and making technical corrections to the code.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

The bill (Com. Sub. for S. B. 275), under the original double committee reference, was then referred to the Committee on Finance.

Senator Swope, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

**Senate Bill 510**, Making permanent land reuse agency or municipal land bank's right of first refusal on certain tax sale properties.

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

Respectfully submitted,

Chandler Swope,  
*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 Joint Resolution 7**, Preserving the Separation of Powers Amendment.

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

**Com. Sub. for Senate Joint Resolution 7** (originating in the Committee on the Judiciary)—Proposing an amendment to the Constitution of the State of West Virginia, amending section one, article V thereof, relating to providing that courts have no authority by mandamus, prohibition, contempt, or otherwise to interfere with the proceedings of the Legislature; restoring the constitutional principle giving life to the separation of powers as articulated in Syllabus Point 3 of the decision of the West Virginia Supreme Court of Appeals in the case of *State ex rel. Holmes v. Clawges*,

226 W. Va. 479, 702 S.E.2d 611; and nullifying Syllabus Point 3 of the decision of the West Virginia Supreme Court of Appeals in the case of *State ex rel. Workman v. Carmichael*, 241 W. Va.105, 819 S.E.2d 251 (2018); numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

With the recommendation that the committee substitute be adopted; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

At the request of Senator Blair, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the resolution contained in the foregoing report from the Committee on the Judiciary.

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

**By Senators Rucker, Blair, Smith, and Trump:**

**Senate Bill 657**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-1-9, relating to authorizing the Department of Commerce to assist qualifying tourism development projects and tourism development expansion projects in the creation of tourism development districts by approved companies; preempting rights of certain municipalities; limiting certain rights of a municipality's home rule powers; requiring the West Virginia Department of Transportation to participate in these developments; providing that failure to continue the Economic Development Act of 1985 does not affect the provisions of this section and created tourism development projects; proposing rules; and providing severability.

Referred to the Committee on Government Organization.

**By Senators Sypolt and Trump:**

**Senate Bill 658**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15A-9-1, §15A-9-2, §15A-9-3, §15A-9-4, §15A-9-5, §15A-9-6, and §15A-9-7, all relating to establishing the Office of Administrative Hearings within the Department of Military Affairs and Public Safety; authorizing the appointment of a chief hearing examiner; establishing the organization of the Office of the Chief Hearing Examiner; establishing the jurisdiction of the Office of Administrative Hearings; establishing hearing procedures; establishing rule-making authority; establishing a duty to provide notice of change of address; and establishing policies for the transition from divisions of the department to the Office of Administrative Hearings.

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

**By Senator Rucker:**

**Senate Bill 659**—A Bill to amend and reenact §33-6B-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §33-17A-6 of said code, all relating to prohibiting insurance companies from using credit ratings when establishing home and automobile insurance premiums.

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

**By Senator Maynard:**

**Senate Bill 660**—A Bill to amend and reenact §17A-1-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-1-1 of said code; to amend and reenact §17C-1-5a of said code; to amend said code by adding thereto a new section, designated §17C-1-70; and to amend said code by adding thereto a new section, designated §17C-11-6, all relating to electric bicycles; defining electric bicycles; excluding electric bicycles from registration, title, financial liability, and driver's license requirements; providing electric bicycle general use regulations;

providing the operator of an electric bicycle has the same rights and duties as the operator of a bicycle; providing the use of an electric bicycle may be restricted by an entity having jurisdiction over a bicycle path or trail; providing that an electric bicycle is considered a motor vehicle for purposes of driving under influence of alcohol, controlled substances, or drugs; providing for helmet use requirements and class use restrictions for a person under 15 years of age; and providing criminal penalties.

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

**By Senators Rucker and Baldwin:**

**Senate Bill 661**—A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to replacing minimum minutes of instructional time required per day with a requirement for an average of five hours per day throughout the instructional term; prohibiting the instructional term from commencing before September 1; and allowing county boards of education to provide public notice of public hearings for discussing the school calendar by publishing prominently on the board's website instead of publishing in a local newspaper of general circulation in the area.

Referred to the Committee on Education.

**By Senator Sypolt:**

**Senate Bill 662**—A Bill to amend and reenact §44-3-1 of the Code of West Virginia, 1931, as amended, relating to removing language restricting more than two fiduciary commissioners being from the same political party.

Referred to the Committee on the Judiciary.

**By Senator Beach:**

**Senate Bill 663**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9t, relating to the exemption of certain hygiene products from sales tax.

Referred to the Committee on Finance.



**By Senator Takubo:**

**Senate Bill 664**—A Bill to amend and reenact §16-30-7 of the Code of West Virginia, 1931, as amended, relating to adding a physician's assistant to the list of medical professionals able to determine an individual lacks capacity; updating terminology related to advanced practice registered nurses; removing terminology related to physicians; and permitting a psychologist, physician's assistant, or advanced practice registered nurse to inform a person, if conscious, that he or she has been determined to be incapacitated.

Referred to the Committee on Health and Human Resources.

**By Senator Weld:**

**Senate Bill 665**—A Bill to amend and reenact §15-2B-6 of the Code of West Virginia, 1931, as amended, relating to requiring persons convicted of certain felonies since March 9, 1995, provide a DNA sample.

Referred to the Committee on the Judiciary.

**By Senator Tarr:**

**Senate Bill 666**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-11-1, §9-11-2, §9-11-3, §9-11-4, §9-11-5, §9-11-6, and §9-11-7, all relating to improving the quality of West Virginia's Medicaid program; establishing a pilot program to implement smart health cards for the transmission of health care-related information for certain Medicaid beneficiaries between the Department of Health and Human Resources and public and private health care providers; defining terms; establishing the Smart Health Card Medicaid Pilot Program; providing implementation date for pilot program; outlining goals of the pilot program; setting forth the requirements for establishing the pilot program; setting forth cybersecurity procurement requirements for vendors who provide technology and services relating to the pilot program; setting forth the requirements of the smart health card; restricting disclosure of health information to the same extent as federal HIPAA requirements; establishing annual reporting requirement to the

Legislative Committee on Health and Human Resources Accountability; and providing for a sunset clause of June 30, 2024.

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

**By Senator Beach:**

**Senate Bill 667**—A Bill to amend and reenact §5-28-2 of the Code of West Virginia, 1931, as amended, relating to modifying the composition of the Commission on Holocaust Education.

Referred to the Committee on Government Organization.

**By Senator Trump:**

**Senate Bill 668**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §44D-8A-1, §44D-8A-2, §44D-8A-3, §44D-8A-4, §44D-8A-5, §44D-8A-6, §44D-8A-7, §44D-8A-8, §44D-8A-9, §44D-8A-10, §44D-8A-11, §44D-8A-12, §44D-8A-13, §44D-8A-14, §44D-8A-15, §44D-8A-16, §44D-8A-17, §44D-8A-18, §44D-8A-19, §44D-8A-20, §44D-8A-21, §44D-8A-22, §44D-8A-23, §44D-8A-24, §44D-8A-25, §44D-8A-26, §44D-8A-27, §44D-8A-28, §44D-8A-29, §44D-8A-30, and §44D-8A-31, all relating to enactment of the Uniform Trust Decanting Act to allow a trustee to distribute assets of one trust into another trust.

Referred to the Committee on the Judiciary.

Senators Smith and Sypolt offered the following resolution:

**Senate Concurrent Resolution 15**—Requesting the Division of Highways name bridge number 16-259/00-010.43 (16A088), locally known as Lost City Bridge, carrying West Virginia Route 259 over the Lost River in Hardy County, the “Kaylee Grace Whetzel Memorial Bridge”.

Whereas, Kaylee Grace was born March 20, 2004, and was the daughter of Michael Whetzel in Lost City, West Virginia; and

Whereas, Kaylee Grace had just started kindergarten in August 2009 and shared her days with her father and paternal grandparents as the joy of their lives; and

Whereas, Kaylee Grace was described as a happy and bubbly girl who enjoyed the time spent with her father and grandparents; and

Whereas, Kaylee Grace was a victim of a horrific crime committed against her; and

Whereas, Kaylee Grace died October 23, 2009, due to the crime committed against her; and

Whereas, Beginning in 2010, Kaylee Grace's surviving family worked with the Hardy County Community Foundation to give scholarships in memory of Kaylee Grace to graduates of Hardy County schools; and

Whereas, A scholarship has been granted to a student every year since 2011; and

Whereas, It is fitting that an enduring memorial be established to commemorate Kaylee Grace Whetzel and the love a community of this state bears for one of its citizens; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 16-259/00-010.43 (16A088), locally known as Lost City Bridge, carrying West Virginia Route 259 over the Lost River in Hardy County, the "Kaylee Grace Whetzel Memorial Bridge"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Kaylee Grace Whetzel 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.

Senator Pitsenbarger offered the following resolution:

**Senate Resolution 24**—Congratulating Lukas and Gabby Newcomer, of Noble Farms Inc., for winning the Conservation Farm of the Year Award.

Whereas, The Conservation Farm of the Year competition showcases the best examples of farms owned and operated by people who are dedicated to conservation; and

Whereas, Cooperating farms in each county are nominated by their local conservation district and go on to compete at the county, district, area, and state levels; and

Whereas, Farms are judged on several topics, such as resource management, conservation plan, best management practices, cooperator contribution, and involvement in the community; and

Whereas, Lukas and Gabby Newcomer, of Burlington, represent the Potomac Valley Conservation District, which consists of Grant, Hampshire, Hardy, Mineral, and Pendleton counties; and

Whereas, For their efforts in conservation farming, Lukas and Gabby Newcomer were awarded the 2019 West Virginia Conservation Farm of the Year; therefore, be it

*Resolved by the Senate:*

That the Senate hereby congratulates Lukas and Gabby Newcomer, of Noble Farms Inc., for winning the Conservation Farm of the Year Award; and, be it

*Further Resolved,* That the Senate extends sits sincere appreciation and gratitude to Lukas and Gabby Newcomer for their excellence in conservation farming; and, be it

*Further Resolved,* That the Clerk of the Senate is hereby directed to forward a copy of this resolution to Lukas and Gabby Newcomer.

Which, under the rules, lies over one day.

Senators Palumbo and Takubo offered the following resolution:

**Senate Resolution 25**—Congratulating the George Washington High School Patriots boys’ tennis team for winning the 2019 Class AAA State Tennis Championship.

Whereas, The George Washington High School Patriots boys’ tennis team had a dominant year on the courts, on its way to winning the 2019 Class AAA State Tennis Championship; and

Whereas, The George Washington High School Patriots boys’ tennis team won the school’s 20th state title, and its third in as many years; and

Whereas, The George Washington High School Patriots boys’ tennis team was led by first-year head coach Taylor Dixon; and

Whereas, The George Washington High School Patriots boys’ tennis team roster consists of players: Anthony McIntosh, Nadeem Jones, Azeem Kahn, Kareem Bacha, Alex Stacy, Darshan Sangani, Rushik Patel, and Joseph Michael; and

Whereas, The 2019 George Washington High School Patriots boys’ tennis team also captured the MSAC Championship and Region 3 Championship; and

Whereas, The 2019 George Washington High School Patriots boys’ tennis 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 spirit; and

Whereas, The 2019 George Washington High School Patriots boys’ tennis team carried on the winning tradition at George Washington High School and will be remembered as one of the best boys tennis teams in West Virginia history; therefore, be it

*Resolved by the Senate:*

That the Senate hereby congratulates the George Washington High School Patriots boys' tennis team for winning the 2019 Class AAA State Tennis Championship; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to the George Washington High School Patriots boys' tennis team.

Which, under the rules, lies over one day.

Senators Palumbo and Takubo offered the following resolution:

**Senate Resolution 26**—Congratulating the George Washington High School Patriots volleyball team for winning the 2019 Class AAA State Volleyball Championship.

Whereas, The George Washington High School Patriots volleyball team had a dominant year on the court, finishing with a record of 58-2-2, on its way to winning the 2019 Class AAA State Volleyball Championship; and

Whereas, The George Washington High School Patriots volleyball team won the school's seventh volleyball title without losing a set during the state tournament; and

Whereas, The George Washington High School Patriots volleyball team is led by head coach Missy Smith, her 15th year at the helm, and assistant coaches, Makayla Mena, Rachel Menders, and Dan Shreve; and

Whereas, The George Washington High School Patriots volleyball team roster consists of players: Nyla Birch, Kaitlyn Carr, Caroline Demers, Karli Edwards, Molly Grimm, Ella Hall, Maya Harris, Camryn Hughes, Julia McClanahan, Faith Smith, Audrey Stuart, and Katherine Triplett; and

Whereas, The 2019 George Washington High School Patriots volleyball team had a historic season, winning the MSAC Championship; Region 3, Section 1 Championship; Region 3

Championship; and four regular season tournament championships; and

Whereas, The 2019 George Washington High School Patriots volleyball 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 spirit; and

Whereas, The 2019 George Washington High School Patriots volleyball team will be remembered as one of the best volleyball teams in West Virginia history; therefore, be it

*Resolved by the Senate:*

That the Senate hereby congratulates the George Washington High School Patriots volleyball team for winning the 2019 Class AAA State Volleyball Championship; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the George Washington High School Patriots volleyball team.

Which, under the rules, lies over one day.

Senators Palumbo and Takubo offered the following resolution:

**Senate Resolution 27**—Congratulating the George Washington High School Patriots boys' soccer team for winning the 2019 Class AAA State Championship.

Whereas, The George Washington High School Patriots boys' soccer team had another dominant year on the pitch, finishing with a record of 23-2, on their way to winning the 2019 Class AAA State Championship; and

Whereas, The George Washington High School Patriots boys' soccer team set a state record by advancing to the state soccer tournament for the ninth consecutive year, and brought home the title in six of those years: 2007, 2011, 2013, 2016, 2018, and 2019; and

Whereas, The George Washington High School Patriots boys' soccer team was led by team captains: Senior, Zachariah Abdul-Jalil; senior, Matthew Vaughn; senior, E.J. Davis; senior, Solomon Clark; and junior, Max Trethewey. Additional team members include: Seniors—Seth Snyder, Hazem Attal, Dylan Lewis, Duncan McGee, Robby Nunley, Nick Brumage, Kevin Tiffey, Farris Fathallah, and Holden Pomponio; juniors—Xavier Bohn, Bryce Coleman, Wilson Fife, Bakar Boustany, Isaac Carney, Ian Iskra, and Julian Westfall; sophomores—Gabe Sadorra, Conner Stricklen, and Alex Ellis; and freshman—Sam Clark; and

Whereas, The George Washington High School Patriots boys' soccer team was coached by head coach Erik Engle, and assistant coaches David Nelson, Evan Pauley, Brad McGee, Peter Nelson, and Noah Shaak; and

Whereas, The 2019 George Washington High School Patriots boys' soccer team displayed its strong will and fierce determination for an entire season, and will go down in history as one of the all-time great teams in West Virginia; therefore, be it

*Resolved by the Senate:*

That the Senate hereby congratulates the George Washington High School Patriots boys' soccer team for winning the 2019 Class AAA State Championship; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the George Washington High School Patriots boys' soccer team.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 10**, Requesting study of current WV laws relating to anti-bullying measures in schools.

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 14**, Urging Congress declare Equal Rights Amendment to US Constitution.

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

**Senate Resolution 22**, Designating January 30, 2020, as Marshall University Day.

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

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

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Plymale, Rucker, Maynard, and Stollings regarding the adoption of Senate Resolution 22 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 11:39 a.m., the Senate recessed to present Senate Resolution 22.

The Senate reconvened at 11:45 a.m. and resumed business under the seventh order.

**Senate Resolution 23**, Congratulating University of Charleston men's soccer team.

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

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

On motion of Senator Takubo, at 11:48 a.m., the Senate recessed to present Senate Resolution 23.

The Senate reconvened at 11:51 a.m. and proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 175**, Requiring certain agencies maintain website which contains specific information.

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: Azinger, Baldwin, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 175) 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 261**, Creating criminal penalties for introducing ransomware into computer with intent to extort.

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: Azinger, Baldwin, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 261) 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 339**, Authorizing DHHR promulgate legislative rules.

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: Azinger, Baldwin, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 339) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Beach—1.

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. 339) 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 449,** Authorizing Department of Commerce promulgate legislative rules.

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

**Senate Bill 508,** Removing mandate Board of Risk and Insurance Management purchase liability insurance for Division of Corrections.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules.

**Com. Sub. for Senate Bill 550,** Permitting leashed dogs track mortally wounded deer or bear.

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

**Senate Bill 642**, Correcting incorrect code citation in WV Consumer Credit and Protection Act.

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

**Eng. House Bill 4103**, Relating to office of drug control policy.

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

The following amendment to the bill, from the Committee on Health and Human Resources, was reported by the Clerk and adopted:

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

## **ARTICLE 5T. OFFICE OF DRUG CONTROL POLICY.**

### **§16-5T-2. Office of Drug Control Policy.**

(a) The Office of Drug Control Policy is ~~created~~ continued within the Department of Health and Human Resources under the direction and supervision of the secretary and ~~supervision~~ with the assistance of the State Health Officer.

(b) The Office of Drug Control Policy shall create a state drug control policy in coordination with the bureaus of the department and other state agencies. This policy shall include all programs which are related to the prevention, treatment, and reduction of substance abuse use disorder.

(c) The Office of Drug Control Policy shall:

(1) Develop a strategic plan to reduce the prevalence of drug and alcohol abuse and smoking by at least 10 percent by July 1, 2018;

(2) Monitor, coordinate, and oversee the collection of data and issues related to drug, alcohol, and tobacco access, substance use

disorder policies, and smoking cessation and prevention, and their impact on state and local programs;

(3) Make policy recommendations to executive branch agencies that work with alcohol and substance use disorder issues, and smoking cessation and prevention, to ensure the greatest efficiency and consistency in practices will be applied to all efforts undertaken by the administration;

(4) Identify existing resources and prevention activities in each community that advocate or implement emerging best practice and evidence-based programs for the full substance use disorder continuum of drug and alcohol abuse education and prevention, including smoking cessation or prevention, early intervention, treatment, and recovery;

(5) Encourage coordination among public and private, state and local agencies, organizations, and service providers, and monitor related programs;

(6) Act as the referral source of information, using existing information clearinghouse resources within the Department of Health and Human Resources, relating to emerging best practice and evidence-based substance use disorder prevention, cessation, treatment and recovery programs, and youth tobacco access, smoking cessation and prevention. The Office of Drug Control Policy will identify gaps in information referral sources;

(7) Apply for grant opportunities for existing programs;

(8) Observe programs in other states;

(9) Make recommendations and provide training, technical assistance, and consultation to local service providers;

(10) Review existing research on programs related to substance use disorder prevention and treatment and smoking cessation and prevention, and provide for an examination of the prescribing and treatment history, including court-ordered treatment, or treatment within the criminal justice system, of persons in the state who suffered fatal or nonfatal opiate overdoses;

(11) Establish a mechanism to coordinate the distribution of funds to support any local prevention, treatment, and education program based on the strategic plan that could encourage smoking cessation and prevention through efficient, effective, and research-based strategies;

(12) Establish a mechanism to coordinate the distribution of funds to support a local program based on the strategic plan that could encourage substance use prevention, early intervention, treatment, and recovery through efficient, effective and research-based strategies;

(13) Oversee a school-based initiative that links schools with community-based agencies and health departments to implement school-based anti-drug and anti-tobacco programs;

(14) Coordinate media campaigns designed to demonstrate the negative impact of substance use disorder, smoking and the increased risk of tobacco addiction and the development of other diseases;

(15) Review Drug Enforcement Agency and the West Virginia scheduling of controlled substances and recommend changes that should be made based on data analysis;

(16) Develop recommendations to improve communication between health care providers and their patients about the risks and benefits of opioid therapy for acute pain, improve the safety and effectiveness of pain treatment, and reduce the risks associated with long-term opioid therapy, including opioid use disorder and overdose;

(17) Develop and implement a program, in accordance with the provisions of ~~section three~~ §16-5T-3 of this code, to collect data on fatal and nonfatal drug overdoses caused by abuse and misuse of prescription and illicit drugs, from law enforcement agencies, emergency medical services, health care facilities and the Office of the Chief Medical Examiner;

(18) Develop and implement a program that requires the collection of data on the dispensing and use of an opioid antagonist

from law enforcement agencies, emergency medical services, health care facilities, the Office of the Chief Medical Examiner and other entities as required by the office;

(19) Develop a program that provides assessment of persons who have been administered an opioid antagonist; and

(20) Report semi-annually to the Joint Committee on Health on the status of the Office of Drug Control Policy.

(d) Notwithstanding any other provision of this code to the contrary, and to facilitate the collection of data and issues, the Office of Drug Control Policy may exchange necessary data and information with the bureaus within the department, the Department of Military Affairs and Public Safety, the Department of Administration, the Administrator of Courts, the Poison Control Center, and the Board of Pharmacy. The data and information may include, but is not limited to: Data from the Controlled Substance Monitoring Program; the all-payer claims database; the criminal offender record information database; and the court activity record information;

(e) Prior to July 1, 2018, the office shall develop a plan to expand the number of treatment beds in locations throughout the state which the office determines to be the highest priority for serving the needs of the citizens of the state.

The bill (Eng. H. B. 4103), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

**Senate Bill 281**, Removing residency requirement for persons applying for reappointment to municipal police dept.

**Com. Sub. for Senate Bill 511**, Regulating pawnbrokers.



**Com. Sub. for Senate Bill 534**, Removing workers' compensation exclusion for temporary legislative employees.

**Com. Sub. for Senate Bill 547**, Relating to employer testing, notice, termination, and forfeiture of unemployment compensation.

And,

**Senate Bill 552**, Requiring contracts of \$25,000 or more be competitively bid.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Woelfel, Takubo, and Romano.

Thereafter, at the request of Senator Romano, and by unanimous consent, the remarks by Senators Woelfel and Takubo were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were removed as co-sponsors of the following bills:

**Senate Bill 510**: Senator Cline;

And,

**Senate Bill 588**: Senator Beach.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions:

**Senate Bill 279**: Senator Jeffries;

**Senate Bill 281**: Senator Palumbo;

**Senate Bill 521**: Senator Roberts;

**Senate Bill 554**: Senator Hamilton;

**Senate Bill 637:** Senator Hamilton;

**Senate Bill 643:** Senators Hardesty, Palumbo, Plymale, and Woelfel;

**Senate Bill 644:** Senators Cline and Sypolt;

**Senate Bill 645:** Senators Cline and Stollings;

**Senate Bill 647:** Senator Plymale;

**Senate Bill 648:** Senators Baldwin, Cline, Hardesty, Lindsay, Palumbo, Plymale, and Unger;

**Senate Bill 649:** Senator Cline;

**Senate Bill 650:** Senator Cline;

**Senate Bill 652:** Senators Cline and Roberts;

**Senate Bill 654:** Senators Cline and Stollings;

**Senate Concurrent Resolution 10:** Senator Baldwin;

**Senate Concurrent Resolution 14:** Senators Baldwin, Beach, Lindsay, and Stollings;

**Senate Resolution 22:** Senators Baldwin, Hamilton, Lindsay, Palumbo, Rucker, Stollings, and Unger;

And,

**Senate Resolution 23:** Senators Cline, Lindsay, Plymale, Stollings and Unger.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:14 p.m., the Senate adjourned until tomorrow, Friday, January 31, 2020, at 11 a.m.

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## FRIDAY, JANUARY 31, 2020

The Senate met at 11:11 a.m.

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

Prayer was offered by Pastor Mike Harper, North Hills Baptist Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Sue Cline, a senator from the ninth district.

Pending the reading of the Journal of Thursday, January 30, 2020,

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

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

The Senate then proceeded to the third order of business.

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

**Eng. Com. Sub. for House Bill 4026**—A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating to exempting businesses relating to transporting scrap tires, waste tires, or other used tires to storage, disposal, or recycling locations from certain statutory Public Service Commission provisions; and exempting motor vehicles operated under a contract with the West Virginia Department of Environmental Protection exclusively for cleanup and transportation of waste tires generated from state authorized waste tire remediation or cleanup projects from those statutory Public Service Commission provisions.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, to take effect from passage, of

**Eng. House Bill 4130**, Relating to competitive bidding for government construction contracts arising out of declared states of emergency.

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 4353**—A Bill to amend and reenact §17A-6-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-23-8 of said code; to amend said code by adding thereto a new section, designated §21-1-6; to amend and reenact §21-2-9 of said code; to amend and reenact §21-5-5c of said code; to amend and reenact §21-14-6 of said code; to amend and reenact §21-16-7 of said code; to amend and reenact §29-22-8 of said code; to amend and reenact §29-22A-7 of said code; to amend and reenact §29-22B-502 of said code; to amend and reenact §29-22C-15 of said code; to amend and reenact §29-22D-10 of said code; to amend and reenact §29-25-13 of said code; to amend and reenact §31-17A-5 of said code; to amend and reenact §32A-2-8 of said code; and to amend and reenact §33-13C-3 and §33-13C-4 of said code; all relating to the use of post-criminal conduct in professional and occupational initial licensure decision making; creating a rational nexus requirement between prior criminal conduct and initial licensure decision making; providing criteria for commissioners or commissions as licensing authorities to determine whether a criminal conviction bears a rational nexus to an occupation; removing offenses described as one of moral turpitude as a basis for license denial unless the underlying crime bears a rational nexus to the occupation or profession requiring licensure; limiting licensure disqualification; and authorizing persons to petition licensure commissioners or commissions as to whether a person's criminal records precludes licensure.

Referred to the Committee on Government Organization.

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 4496**—A Bill to amend and reenact §29-12-5a of the Code of West Virginia, 1931, as amended, relating to removing the specific mandate of the Board of Risk and Insurance Management to purchase liability insurance for the Division of Corrections and Rehabilitation and its' employees.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

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 4501**—A Bill to repeal §62-6-6a of the Code of West Virginia, 1931, as amended; to amend and reenact §15A-5-9 of said code; and to amend and reenact §62-1C-14 of said code; all relating to the ability to refuse offenders for commitment to a jail and authorizing the acceptance of certain offenders refusing medical treatment.

Referred to the Committee on the Judiciary.

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

**Eng. House Bill 4510**—A Bill to amend and reenact §62-8-1 of the Code of West Virginia, 1931, as amended, relating to prohibiting bodily intrusion by an inmate upon any person at any correctional facility and defining bodily intrusion for purposes of the section.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

Senator Swope, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

**Senate Bill 123**, Relating generally to pyramid promotional schemes.

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,

Chandler Swope,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary, with amendments from the Committee on Economic Development pending.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 190**, Modifying requirement that racetrack participate in WV Thoroughbred Development Fund by certain date.

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

**Com. Sub. for Senate Bill 190** (originating in the Committee on Finance)—A Bill to amend and reenact §29-22A-10b of the Code of West Virginia, 1931, as amended, relating to modifying the requirement that a racetrack must have participated in the West

Virginia Thoroughbred Development Fund since, on, or before January 1, 1999, in order for counties to receive two percent of the net terminal income where the video lottery terminals are located.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,  
*Chair.*

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 269**, Establishing advisory council on rare diseases.

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

**Com. Sub. for Senate Bill 269** (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5AA-1, §16-5AA-2, §16-5AA-3, §16-5AA-4, §16-5AA-5, and §16-5AA-6, all relating to establishing an advisory council on rare diseases; creating the advisory council and its composition; setting terms of members; defining terms; defining duties, subject to the availability of resources; defining powers of the advisory council; setting out particular discretionary duties of the Secretary of the Department of Health and Human Resources; and establishing a special revenue account.

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,

Michael J. Maroney,  
*Chair.*

The bill (Com. Sub. for S. B. 269), under the original double committee reference, was then referred to the Committee on Government Organization.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 300**, Updating certain terms in WV Corporation Net Income Tax Act.

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

Respectfully submitted,

Craig Blair,  
*Chair.*

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 316**, Relating to oil and gas conservation commission membership.

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

**Com. Sub. for Senate Bill 316** (originating in the Committee on Government Organization)—A Bill to amend and reenact §22C-9-4 of the Code of West Virginia, 1931, as amended, relating to membership of the Oil and Gas Conservation Commission; and



revising qualifications of appointed public member and of appointed member who serves as chair of commission.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 544**, Authorizing pharmacists and pharmacy interns administer vaccines.

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

**Com. Sub. for Senate Bill 544** (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §30-5-7 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy, the Board of Medicine, and the Board of Osteopathic Medicine to propose joint rules to permit a licensed pharmacist and a pharmacy intern to administer vaccines in accordance with the Center for Disease Control and Prevention's latest definitive treatment guidelines promulgated by the U.S. Department of Health and Human Resources, Centers for Disease Control and Prevention (CDC); and requiring that such joint rules shall permit a licensed pharmacist or pharmacy intern to administer immunizations in accordance with the latest definitive treatment guidelines promulgated by the CDC guidelines.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 551**, Relating to Water and Wastewater Investment and Infrastructure Improvement Act.

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

**Com. Sub. for Senate Bill 551** (originating in the Committee on Government Organization)—A Bill to amend and reenact §8-12-17 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §24-2-4g, all relating generally to the Water and Wastewater Investment and Infrastructure Improvement Act to encourage investment in water and wastewater utilities; describing and expanding permissible uses for proceeds of a sale or lease of a municipal utility; making legislative findings on the valuation of utility assets in the context of certain utility acquisitions and the combination or allocation of water and wastewater revenue requirements; making legislative findings on the valuation of utility assets in the context of an acquisition; establishing a range within which a post-acquisition rate-base addition is to be established; providing for ancillary approvals; specifying preliminary agreements and commitments not requiring prior approval; authorizing the Public Service Commission to combine water and wastewater revenue requirements or allocate a portion of wastewater revenue requirement to water customers where a utility provides both water and wastewater service, and where the combination or allocation is reasonable and results in water and wastewater rates that are just and reasonable and based primarily on the cost of providing service; and setting forth defined terms.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

Senator Smith, 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 554**, Relating to termination, expiration, or cancellation of oil or natural gas leases.

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

**Com. Sub. for Senate Bill 554** (originating in the Committee on Energy, Industry, and Mining)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-4-9b, relating to the termination, expiration, or cancellation of oil or natural gas leases; providing a requirement for a lessee to execute and deliver to the lessor, within a specified time and without cost, a recordable release for terminated, expired, or cancelled oil or natural gas leases; providing for a procedure by which a lessor may serve notice to a lessee, if a lessee fails to timely provide the release; providing requirements for the content of the notice; requiring a lessee to timely notify the lessor in writing of a dispute regarding the termination, expiration, or cancellation of the oil and natural gas lease; providing for an affidavit of termination, expiration, or cancellation with specified contents; and providing a requirement that county clerks accept and record said affidavit.

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,

Randy E. Smith,  
*Chair.*

The bill (Com. Sub. for S. B. 554), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 560**, Permitting nursing home use trained individuals administer medication.

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

**Com. Sub. for Senate Bill 560** (originating in the Committee on Health and Human Resources)—A Bill to repeal §30-7D-1, §30-7D-2, §30-7D-3, §30-7D-4, §30-7D-5, §30-7D-6, §30-7D-7, §30-7D-8, §30-7D-9, §30-7D-10, §30-7D-11, §30-7D-12, and §30-7D-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §16-5AA-1, §16-5AA-2, §16-5AA-3, §16-5AA-4, §16-5AA-5, §16-5AA-6, §16-5AA-7, §16-5AA-8, §16-5AA-9, and §16-5AA-10, all relating to permitting a nursing home to use trained individuals to administer medication under the direction of a registered professional nurse; defining terms; authorizing approved medication assistive personnel (AMAP) to administer medication in nursing homes; providing certain exemptions from chapter 30 licensing requirements; establishing requirements for training curricula and national Medication Aide Certification Examination procedures; establishing eligibility criteria; establishing requirements for AMAP to administer medication; requiring nursing homes using AMAP to establish an administrative monitoring system; permitting a registered professional nurse to withdraw authorization for AMAP to administer medications in

certain circumstances; allowing certain fees to be collected; providing limits on administration of medication by AMAP; providing that use of AMAP in nursing homes is permissive; and repealing a pilot program designed to monitor the practice of unlicensed personnel administering medication in a nursing home setting.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Eng. House Bill 4007**, Born-Alive Abortion Survivors Protection Act.

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 the Judiciary.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

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

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Eng. Com. Sub. for House Bill 4042**, Requiring agencies exempt from some or all of state purchasing requirements to adopt procedural rules.

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

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

Senator Smith, 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

**Eng. Com. Sub. for House Bill 4091**, Allowing for expedited oil and gas well permitting upon payment of applicable expedited fees.

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

Respectfully submitted,

Randy E. Smith,  
*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

**Eng. House Bill 4393**, Relating to making suffocation and asphyxiation crimes.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

**By Senator Cline:**

**Senate Bill 669**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-18-1, §20-18-2, §20-18-3, §20-18-4, §20-18-5, §20-18-6, §20-18-7, §20-18-8, §20-18-9, §20-18-10, §20-18-11, §20-18-12, and §20-18-13, all relating to the West Virginia Greenways and Trails Act; providing limitation on liability of private landowners whose property is designated as part of the statewide system of greenways and trails; providing for the establishment of the West Virginia Greenways and Trails System, Greenways and Trails Program, and Greenways and Trails Council; allowing sponsorship of state greenways and trails and acquisition of land; establishing role of Division of Natural Resources; requiring coordination with Department of Transportation and the West Virginia Recreational Trails Advisory Board; authorizing rules; and encouraging recreational opportunities on mined lands.

Referred to the Committee on Natural Resources; and then to the Committee on Finance.

**By Senator Weld:**

**Senate Bill 670**—A Bill to amend and reenact §56-3-33 of the Code of West Virginia, 1931, as amended, relating to amending the manner of service of process on nonresident persons or corporate entities.

Referred to the Committee on the Judiciary.

**By Senator Weld:**

**Senate Bill 671**—A Bill to amend and reenact §16-2-17 of the Code of West Virginia, 1931, as amended, relating to temporary food service permits issued by a local or county health department; permitting in-state and out-of-state vendors to use the same permitting process; removing the restriction that permit be limited to nonpotentially hazardous foods; and decreasing notification time frame.

Referred to the Committee on Health and Human Resources.

**By Senators Jeffries, Beach, Clements, and Sypolt:**

**Senate Bill 672**—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to creating a special registration plate to recognize Girl Scouts.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Sypolt:**

**Senate Bill 673**—A Bill to amend and reenact §5-10-22l of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-7A-26w of said code, all relating to increasing the monthly retirement annuity by \$2 for certain retirants with 20 or more years of credited service.

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

**By Senator Maynard:**

**Senate Bill 674**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-4-56, relating to permitting the Commissioner of the Division of Highways to purchase hardware items and equipment from a local seller rather than the holder of a state contract if the cost of the item or equipment is less than the cost from the holder of the state contract.

Referred to the Committee on Government Organization.

**By Senator Stollings:**



**Senate Bill 675**—A Bill supplementing and amending by increasing and decreasing existing items of appropriations of public moneys out of the Treasury in the State Fund, General Revenue, from within the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2020, organization 0511, by supplementing, amending, increasing, and decreasing items of appropriation for the fiscal year ending June 30, 2020.

Referred to the Committee on Finance.

**By Senators Mann, Baldwin, Jeffries, Takubo, and Weld:**

**Senate Bill 676**—A Bill to amend and reenact §15-2C-6 of the Code of West Virginia, 1931, as amended, relating to permitting fees from the Central Abuse Registry to be used for costs relating to information technology support and infrastructure; and permitting the term “criminal recordkeeping” to include data creation.

Referred to the Committee on Government Organization.

**By Senator Maynard:**

**Senate Bill 677**—A Bill to amend and reenact §14-2-13 of the Code of West Virginia, 1931, as amended, relating to expanding the jurisdiction of the Legislative Claims Commission to include claims for property damage caused by certain wildlife.

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

**By Senators Clements, Baldwin, Jeffries, Pitsenbarger, Roberts, and Trump:**

**Senate Bill 678**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-5-10, relating to the expungement of fines and fees for persons who successfully complete the Getting Over Addicted Lifestyles Successfully Program in jail for the purpose of obtaining a driver’s license.

Referred to the Committee on the Judiciary.

**By Senator Ihlenfeld:**

**Senate Bill 679**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-9g; and to amend said code by adding four new sections, designated §22-11-31, §22-11-32, §22-11-33, and §22-11-34, all relating to creating the Clean Drinking Water Act of 2020; directing the Secretary of the Department of Health and Human Resources to propose maximum contaminant levels or treatment techniques for certain PFAS pollutants; creating the West Virginia PFAS Action Response Team to act as an advisory body within the Department of Environmental Protection; setting forth the team's responsibilities and powers; requiring facilities using certain PFAS chemicals to report their use; setting forth other duties of those facilities; requiring the Secretary of the Department of Environmental Protection to propose updates to the numeric Public Water Supply human health criteria; and requiring rulemaking.

Referred to the Committee on the Judiciary.

**By Senators Palumbo, Hamilton, Jeffries, Lindsay, Pitsenbarger, and Takubo:**

**Senate Bill 680**—A Bill to amend and reenact §18-2E-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18C-9-3 of said code, all relating to qualifying not-for-profit private baccalaureate institutions for the Advanced Career Education programs and the West Virginia Invests Grant Program.

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

**By Senator Trump:**

**Senate Bill 681**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-15F-1, §33-15F-2, §33-15F-3, §33-15F-4, §33-15F-5, §33-15F-6, §33-15F-7, and §33-15F-8, all relating to creating the Persistent Symptoms Act; making findings; setting forth the rights of health insurance providers and patients; establishing the access to approved and indicated or investigational drugs, biological products, and devices for patients who suffer from persistent

symptoms; limiting causes of action; setting forth the effect on health care coverage; and defining terms.

Referred to the Committee on Health and Human Resources.

**By Senator Tarr:**

**Senate Bill 682**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-11-1, §9-11-2, §9-11-3, §9-11-4, §9-11-5, §9-11-6, and §9-11-7, all relating to improving the quality of West Virginia’s Medicaid program; establishing a pilot program to implement smart health cards for the transmission of health care-related information for certain Medicaid beneficiaries between the Department of Health and Human Resources and public and private health care providers; defining terms; establishing the Smart Health Card Medicaid Pilot Program; providing implementation date for pilot program; outlining goals of the pilot program; setting forth the requirements for establishing the pilot program; setting forth cybersecurity procurement requirements for vendors who provide technology and services relating to the pilot program; setting forth the requirements of the smart health card; restricting disclosure of health information to the same extent as federal HIPAA requirements; establishing annual reporting requirement to the Legislative Committee on Health and Human Resources Accountability; and providing for a sunset date of June 30, 2024.

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

**By Senators Sypolt, Blair, Clements, Maynard, Pitsenbarger, Roberts, and Trump:**

**Senate Bill 683**—A Bill to repeal §29-3-1, §29-3-2, §29-3-3, §29-3-4, §29-3-5, §29-3-5a, §29-3-5b, §29-3-5c, §29-3-5d, §29-3-5e, §29-3-5f, §29-3-6, §29-3-7, §29-3-8, §29-3-9, §29-3-10, §29-3-11, §29-3-12, §29-3-12a, §29-3-12b, §29-3-13, §29-3-14, §29-3-15, §29-3-16, §29-3-16a, §29-3-16b, §29-3-16c, §29-3-16d, §29-3-17, §29-3-18, §29-3-19, §29-3-21, §29-3-22, §29-3-27, §29-3-28, §29-3-29, §29-3-30, and §29-3-32 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §15A-9-1, §15A-9-2, §15A-9-3, §15A-9-

4, §15A-9-5, §15A-9-6, §15A-9-7, §15A-9-8, §15A-9-9, §15A-9-10, §15A-9-11, §15A-9-12, §15A-9-13, §15A-9-14, §15A-9-15, §15A-9-16, §15A-9-17, §15A-9-18, §15A-9-19, §15A-9-20, §15A-9-21, §15A-9-22, §15A-9-23, §15A-9-24, and §15A-9-25; and to amend said code by adding thereto a new article, designated §15A-10-1, §15A-10-2, §15A-10-3, §15A-10-4, §15A-10-5, §15A-10-6, §15A-10-7, §15A-10-8, §15A-10-9, §15A-10-10, and §15A-10-11, all relating to separating the Fire Marshal from the Fire Commission; transferring the Fire Marshal from the State Fire Commission to the Department of Military Affairs and Public Safety; setting forth the appointment process for the Fire Marshal; setting forth qualifications, salary, and responsibilities of the State Fire Marshal; allowing the Fire Marshal to hire employees; allowing the Fire Marshal to hire a deputy, and setting the qualifications of the deputy; requiring new Fire Marshal 1, 2, 3, and deputies to become certified law-enforcement officers; setting forth powers and duties of the State Fire Marshal; setting forth additional powers and duties relating to law enforcement, statewide contracts, penalties, and authority to carry firearms; creating enforcement standards for the state building and fire codes; creating rule-making authority; allowing the appointment of advisory boards; setting forth the responsibilities of insurance companies in fire loss investigations; allowing the Fire Marshal to set fees; requiring an annual report; setting forth maintenance of fire hazard standards; allowing orders for repair or demolition; allowing orders to contain notice to comply and a right to appeal; providing standards for service of repair or demolition orders; clarifying who is responsible for cost of work or demolition; allowing an action to recover cost; requiring smoke detectors in one and two-family dwellings; requiring carbon monoxide detectors in residential units, schools, and day care facilities and setting forth penalties; allowing the use of live trees in public buildings under certain circumstances; setting forth safety standards for bed and breakfast establishments; setting forth standards for installation of propane gas systems; setting forth parameters to abate fire hazards; setting forth license denial, limitation, suspension, and revocation standards; creating an independent informal dispute process for licensees upon appeal; establishing demonstration building and equipment standards for

educational instruction for fire protection and prevention and abatement; creating crime of false alarm of fires and setting forth penalties; creating tax on insurance companies; setting forth general criminal penalties for violation; setting forth that the parts of the article are construed liberally; creating a severability section; allowing the Fire Marshal to award service weapons to retiring employees under certain conditions; allowing the Fire Marshal to dispose of unused firearms; continuing the Fire Commission, setting forth composition, qualifications, appointment, terms of office, removal, vacancies, and compensation and expenses; establishing chairperson, vice chairperson, meeting, and quorum requirements; creating rule-making authority for Fire Code, Building Code, and general rule-making authority; continuing the Hazardous Response Training Program; requiring public hearing and notice prior to promulgation of Fire Code; setting forth commission's powers and conduct of public hearing; setting forth commission's powers, duties, and authority; setting forth authority over volunteer fire department training, and equipment, and creating rule-making authority for such; continuing courtesy certification of firefighters in surrounding states to serve as volunteer firefighters; and continuing the Fire Service Equipment and Training Fund.

Referred to the Committee on Government Organization.

Senator Weld offered the following resolution:

**Senate Concurrent Resolution 16**—Requesting the Division of Highways name bridge number 35-43-0.01 (35A054), locally known as Middle Creek School Bridge, carrying CR 43 over Middle Wheeling Creek in Ohio County, the “Firefighter Marvin Layton Hughes Memorial Bridge”.

Whereas, Marvin Layton Hughes was born on October 12, 1924, in Dallas, Marshall County, West Virginia; and

Whereas, Marvin Layton Hughes took a job at the railroad during World War II, to do his part getting coal to the steel mills for the war effort. He later worked as a security guard at the Division of Highways in Triadelphia, West Virginia; and

Whereas, Marvin Layton Hughes was known in Dallas, West Virginia, as the “unofficial mayor” and served as a member of the Dallas Volunteer Fire Department for 44 years prior to his death on July 27, 1998; and

Whereas, Marvin Layton Hughes loved serving his community and walked the roads picking up trash, in no official capacity, just for the beautification of his community; and

Whereas, Marvin Layton Hughes raised two daughters, who followed his example of community service, and are part of the Dallas Volunteer Fire Department; and

Whereas, It is fitting that an enduring memorial be established to commemorate Marvin Layton Hughes and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 35-43-0.01 (35A054), locally known as Middle Creek School Bridge, carrying CR 43 over Middle Wheeling Creek in Ohio County, the “Firefighter Marvin Layton Hughes Memorial Bridge”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “Firefighter Marvin Layton Hughes 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.

Senator Ihlenfeld offered the following resolution:

**Senate Concurrent Resolution 17**—Requesting the Division of Highways name bridge number: 35-43-0.01 (35A054), locally known as Middle Creek School Bridge, carrying CR 43 over

Middle Wheeling Creek in Ohio County, the “U.S.M.C. PFC Manuel P. Markos Memorial Bridge”.

Whereas, Manuel P. Markos was born in Utah on October 27, 1924, the second child of Paul S. Markos (Markakis) and Diamanto Tsuhlares Markos of Short Creek, West Virginia; and

Whereas, Growing up in Short Creek, West Virginia, Manuel P. Markos had three siblings: Nick P. Markos, born on May 9, 1923, who died on July 17, 2002; Stella M. Markos (Sfamenos), born on August 23, 1929, who still resides in Short Creek; and Goldie M. Markos (Basil), born on February 6, 1937, who also still resides in Short Creek; and

Whereas, Manuel P. Markos’ parents immigrated to the United States through Ellis Island from the village of Hania on the island of Crete, Greece; and

Whereas, Manuel P. Markos’ older brother, Nick, was a member of the U.S. Army and fought in the Rhineland Campaign in central Europe in World War II, and received an honorable discharge following the war; and

Whereas, Manuel P. Markos attended school at Beech Bottom Elementary and Junior High and then Wellsburg High School. He worked at Markos Grocery Store, the family business, while attending school; and

Whereas, Manuel P. Markos left Wellsburg High School during his senior year to enlist in the U.S. Marine Corps. He entered active service, was assigned to the Fifth Division, and had the rank of PFC. PFC Manuel P. Markos was killed in action on February 19, 1945, the day that the U.S.M.C. invaded the Japanese island of Iwo Jima. The battle of Iwo Jima endured from February 19 until March 26, 1945; and

Whereas, Religion was an important part of PFC Manuel P. Markos’ life. He was a life-time member of Saint John the Divine Greek Orthodox Church in Wheeling, West Virginia, where he was baptized and later, when his remains were returned from Iwo Jima,

had his funeral. He is buried at Greenwood Cemetery in Wheeling, West Virginia; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S.M.C. PFC Manuel P. Markos and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 35-43-0.01 (35A054), locally known as Middle Creek School Bridge, carrying CR 43 over Middle Wheeling Creek in Ohio County, the “U.S.M.C. PFC Manuel P. Markos Memorial Bridge”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U.S M.C. PFC Manuel P. Markos 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.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 15,** Kaylee Grace Whetzel 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 Resolution 24,** Congratulating Lukas and Gabby Newcomer, of Noble Farms, Inc., for winning Conservation Farm of Year Award.

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



At the request of Senator Pitsenbarger, 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, and on this question, Senator Trump demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Blair, Mann, and Stollings—3.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 24) adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Pitsenbarger, Smith, Maynard, Sypolt, Baldwin, Romano, and Trump regarding the adoption of Senate Resolution 24 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 11:36 a.m., the Senate recessed to present Senate Resolution 24.

The Senate reconvened at 11:40 a.m. and resumed business under the seventh order.

**Senate Resolution 25**, Congratulating George Washington High School Patriots boys' tennis team for winning 2019 Class AAA State Tennis Championship.

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

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.

**Senate Resolution 26**, Congratulating George Washington High School Patriots volleyball team for winning 2019 Class AAA State Volleyball Championship.

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

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

**Senate Resolution 27**, Congratulating George Washington High School Patriots boys' soccer team for winning 2019 Class AAA State Championship.

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

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

On motion of Senator Takubo, at 11:47 a.m., the Senate recessed to present Senate Resolutions 25, 26, and 27.

The Senate reconvened at 11:54 a.m. and proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 449**, Authorizing Department of Commerce promulgate legislative rules.

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: Azinger, Baldwin, Beach, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith,

Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Blair, Mann, and Stollings—3.

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. 449) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Blair, Mann, and Stollings—3.

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. 449) 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 550**, Permitting leashed dogs track mortally wounded deer or bear.

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: Azinger, Baldwin, Beach, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith,

Swope, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—30.

The nays were: Sypolt—1.

Absent: Blair, Mann, and Stollings—3.

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. 550) 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 642**, Correcting incorrect code citation in WV Consumer Credit and Protection 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: Azinger, Baldwin, Beach, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Blair, Mann, and Stollings—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 642) passed with its title.

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

**Eng. House Bill 4103**, Relating to office of drug control policy.

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

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

The Senate proceeded to the ninth order of business.

**Senate Bill 281**, Removing residency requirement for persons applying for reappointment to municipal police dept.

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

**Com. Sub. for Senate Bill 511**, Regulating pawnbrokers.

On second reading, coming up in regular order, was reported by the Clerk.

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

**Com. Sub. for Senate Bill 534**, Removing workers' compensation exclusion for temporary legislative employees.

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 547**, Relating to employer testing, notice, termination, and forfeiture of unemployment compensation.

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

**Senate Bill 552**, Requiring contracts of \$25,000 or more be competitively bid.

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.

At the request of Senator Takubo, unanimous consent being granted, the following bills and joint resolution on first reading were considered read a first time and ordered to second reading:

**Com. Sub. for Senate Bill 240**, Requiring hotels and restaurants secure manhole covers of certain grease traps.

**Com. Sub. for Senate Bill 267**, Creating offenses of conversion of leased or rented personal property.

**Com. Sub. for Senate Bill 308**, Creating criminal penalties for violation of orders issued for protection of victims of financial exploitation.

**Senate Bill 510**, Making permanent land reuse agency or municipal land bank's right of first refusal on certain tax sale properties.

And,

**Com. Sub. for Senate Joint Resolution 7**, Preserving the Separation of Powers Amendment.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Roberts.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill:

**Senate Bill 538**: Senator Cline.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions:

**Com. Sub. for Senate Bill 240**: Senator Cline;

**Com. Sub. for Senate Bill 308**: Senator Jeffries;

**Com. Sub. for Senate Bill 551**: Senator Woelfel;

**Senate Bill 611:** Senator Roberts;

**Senate Bill 623:** Senator Cline;

**Senate Bill 657:** Senators Cline and Sypolt;

**Senate Bill 659:** Senators Beach and Cline;

**Senate Bill 661:** Senator Cline;

**Senate Bill 663:** Senator Stollings;

**Senate Bill 665:** Senator Sypolt;

**Senate Bill 666:** Senator Sypolt;

**Senate Bill 667:** Senator Plymale;

**Com. Sub. for Senate Joint Resolution 7:** Senators Azinger, Cline, and Maynard;

**Senate Concurrent Resolution 15:** Senators Beach, Lindsay, and Stollings;

**Senate Resolution 24:** Senators Beach, Hamilton, Lindsay, Plymale, and Stollings;

**Senate Resolution 25:** Senators Beach, Lindsay, Plymale, Stollings, and Sypolt;

**Senate Resolution 26:** Senators Beach, Lindsay, Plymale, Stollings, and Sypolt;

And,

**Senate Resolution 27:** Senators Beach, Lindsay, Plymale, Stollings, and Sypolt.

On motion of Senator Takubo, at 12:12 p.m., the Senate adjourned until Monday, February 3, 2020, at 11 a.m.

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## MONDAY, FEBRUARY 3, 2020

The Senate met at 11:05 a.m.

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

Prayer was offered by the Reverend Brian O'Donnell, S. J., Executive Secretary, Catholic Conference of West Virginia, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Donna J. Boley, a senator from the third district.

Pending the reading of the Journal of Friday, January 31, 2020,

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

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

The Senate then proceeded to the third order of business.

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

**Eng. Com. Sub. for House Bill 2338**—A Bill to amend and reenact §17A-10-3a of the Code of West Virginia, 1931, as amended, relating to allowing the owner of an antique military vehicle to display alternate registration insignia that is compatible with the vehicle's original markings in lieu of a registration plate; and defining terms.

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



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 4179**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-59-1, §16-59-2, §16-59-3, §16-59-4, §16-59-5, §16-59-6, §16-59-7, §16-59-8, §16-59-9, §16-59-10, §16-59-11, §16-59-12, §16-59-13, §16-59-14, and §16-59-15, all relating to enacting the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact; entering into the Compact with all jurisdictions also enacting the Compact; stating purpose of Compact; defining terms; identifying member states as home states; retaining authority of member state to require license under circumstances not covered by Compact; setting conditions for home state’s license to authorize practice in a remote state under the Compact; requiring member states to recognize licenses issued by another member state under certain conditions; setting requirements for individuals to exercise privilege to practice; setting scope of practice; making individuals practicing in remote states subject to that state’s laws; authorizing remote states to take action against individual’s privilege to practice within that state under certain circumstances; providing effect of restrictions on license on Compact privileges; setting conditions of practicing in remote state under Compact terms; defining relationship of Compact with Emergency Management Assistance Compact; setting terms and requirements for certification of veterans, certain service members, and their spouses; recognizing exclusive power of home states to impose adverse action against license issued by home state; providing consequences for Compact participation if individual’s license is subject to adverse action by home state; requiring member states to report adverse actions against licenses; authorizing states to take action against individual’s privilege to practice within that state; requiring home state EMS authority investigate and take appropriate action based on reported conduct in remote state; authorizing alternative programs in lieu of adverse action; authorizing member state’s EMS authority to issue subpoenas; authorizing member state’s EMS authority to issue certain cease and desist orders; establishing Interstate Commission

for EMS Personnel Practice; providing venue; maintaining state sovereign immunity; providing for membership; providing for voting; requiring annual meetings; requiring meetings to be public; providing exceptions; authorizing Commission prescribe bylaws and/or rules to govern conduct; granting certain powers to Commission; providing for financing for the Commission; making validity of annual assessment against state contingent upon funds being appropriated by the Legislature or otherwise being made available; providing for qualified immunity of certain persons; requiring Commission defend certain persons for actions arising out of actions occurring within the scope of duties related to the Commission; requiring Commission indemnify and hold harmless certain persons under certain circumstances; providing for development and maintenance of coordinated database and reporting system; requiring member states provide certain information to coordinated database; requiring notification by coordinated database administrator of adverse action taken against individual in member state; authorizing member state to designate information not to be shared with the public without express permission of contributing state; providing for removal of information from database when required to be expunged; authorizing rulemaking Commission; providing scope of rulemaking; providing procedures for rulemaking; authorizing emergency rulemaking by the Commission; providing that Commission rules are not binding on the State of West Virginia until they have been authorized as legislative rules; providing timeline and procedure for proposing legislative rules; authorizing emergency rulemaking; directing state government to enforce Compact and take necessary actions to effectuate its purposes and intent; directing courts take judicial notice of Compact and rules promulgated pursuant to Compact; providing procedures for the Commission to follow if member state has defaulted; authorizing member state be terminated from the Compact under certain conditions; setting terms of termination; authorizing appeal; authorizing mediation and binding dispute resolution between Commission and member state; authorizing enforcement of the Compact by the Commission; authorizing legal action; establishing venue; providing for venue in West Virginia; providing implementation date for the Compact; making any state joining

after implementation subject to rules as they exist when the Compact is adopted; authorizing member state withdraw from the Compact; maintaining member state authority to enter into licensure or cooperative agreements with nonmember state; authorizing amendment of the Compact; providing for liberal construction; providing for severability of the Compact if it is found to violate constitution of member state; directing Emergency Medical Services Advisory Council review decisions of the Commission; and authorizing Emergency Medical Services Advisory Council make recommendation to Legislature for withdrawal from the Compact.

Referred to the Committee on the Judiciary.

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

**Eng. House Bill 4359**—A Bill to amend and reenact §33-6-34 of the Code of West Virginia, 1931, as amended, relating to increasing the filing fees for insurers; permitting multiple insurers to make a single filing with a fee collected from each one; defining a term; and deleting an effective date.

Referred to the Committee on Banking and Insurance.

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 4381**—A Bill to amend and reenact §20-2B-7 of the Code of West Virginia, 1931, as amended, relating to lifetime hunting, fishing, and trapping licenses for adopted children; and providing for resident children who have been legally adopted and have not yet reached their 12th birthday to obtain their lifetime hunting, fishing, and trapping license for one half of the adult fee for a period of two years from the date of entry of the order or decree of adoption.

Referred to the Committee on Natural Resources.

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

**Eng. Com. Sub. for House Bill 4470**—A Bill to amend and reenact §49-4-722 of the Code of West Virginia, 1931, as amended, relating to persons 18 years of age or older in the custody of the Bureau of Juvenile Services; and authorizing the Commissioner of the Division of Corrections and Rehabilitation to designate a unit in one or more institutions to house adults remaining under the juvenile jurisdiction of the circuit court to ensure that such persons are not within sight or sound of adult inmates.

Referred to the Committee on the Judiciary.

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

**Eng. House Bill 4476**—A Bill to amend and reenact §15-9B-1, §15-9B-2, and §15-9B-4 of the Code of West Virginia, 1931, as amended, all relating to providing for the collection, submission, testing, retention, and disposition of forensic evidence in sexual assault cases; transferring some duties of the Division of Justice and Community to the Division of Administrative Services; requiring sexual assault forensic examination kits collected by health care providers to be directly submitted to the West Virginia State Police Forensic Laboratory; providing for the development of a strategic plan on certain protocols; authorizing the Sexual Assault Forensic Examination Commission to recommend rules and report to the Legislature; establishing procedures; defining terms; establishing misdemeanor penalties; and granting rule-making authority.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 3rd day of February, 2020, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

**(Com. Sub. for H. B. 2696)**, Creating an additional index system for state-owned lands.

And,

**(H. B. 4130)**, Relating to competitive bidding for government construction contracts arising out of declared states of emergency.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
Moore Capito,  
*Chair, House Committee.*

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 291**, Requiring PEIA and health insurance providers provide mental health parity.

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

**Com. Sub. for Senate Bill 291** (originating in the Committee on Health and Human Resources)—A Bill to repeal §33-15-4a of the Code of West Virginia, 1931, as amended; to repeal §33-16-3a of said code; to amend and reenact §5-16-7 of said code; to amend said code by adding thereto a new section, designated §33-15-4u; to amend said code by adding thereto a new section, designated §33-16-3ff; to amend and reenact §33-24-4 of said code; to amend said code by adding thereto a new section, designated §33-24-7u;

to amend and reenact §33-25-6 of said code; to amend said code by adding thereto a new section, designated §33-25-8r; and to amend said code by adding thereto a new section, designated §33-25A-8u, all relating to requiring the Public Employees Insurance Agency and other health insurance providers to provide mental health parity between behavioral health, mental health, substance use disorders, and medical and surgical procedures; providing definitions; providing for mandatory annual reporting; providing for rulemaking; and setting forth an effective date.

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

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

The bill (Com. Sub. for S. B. 291), under the original double committee reference, was then referred to the Committee on Finance.

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 482**, Eliminating permit requirement for storing concealed handgun in vehicle on school property for persons over 21.

And reports the same back with the recommendation that it 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 620**, Authorizing Division of Corrections and Rehabilitation approve home plans for inmates.

And reports the same back with the recommendation that it 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 625**, Creating one-day annual license to permit charitable auction of sealed rare, antique, or vintage liquor bottles.

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

**Com. Sub. for Senate Bill 625** (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 §60-7-8b, relating to creating one-day annual license for a licensed private club in partnership with a nonprofit permitting the charitable auction of sealed rare, antique, or vintage liquor bottles; setting license fee; establishing license requirements; and providing certain limited exceptions.

And,

**Senate Bill 629**, Clarifying alcohol by volume percentage for certain wines.

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

**Com. Sub. for Senate Bill 629** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §60-8-2, §60-8-18, and §60-8-29 of the Code of West Virginia, 1931, as amended, all relating to clarifying various aspects of wine, specifically the alcohol by volume percentage for table wine, wine, and fortified wine; adding the definition of “nonfortified dessert wine”; clarifying penalties for failure to meet requirements; replacing bond requirements that secure the payment of taxes by distributors, suppliers, certain wineries, and certain farm wineries who are acting as either suppliers or distributors in a limited capacity with an affidavit; and providing penalties for failure to pay taxes and maintain good standing with the state.

With the recommendation that the two committee substitutes 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 Joint Resolution 9**, Amendment Authorizing Legislature to Eliminate or Lower Ad Valorem Tax on Motor Vehicles and Any Other Tangible Personal Property.

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

**Com. Sub. for Senate Joint Resolution 9** (originating in the Committee on the Judiciary)—Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof, by adding thereto a new section, designated section one-d, relating generally to ad valorem taxation and assessment of tangible personal property; authorizing the Legislature to exempt one or more species of tangible personal property from taxation; authorizing the Legislature to reduce the rate of taxation or



assessment for one or more species of tangible personal property; authorizing different statewide rates of taxation, statewide rates of assessment, and statewide methods of valuation for different species of tangible personal property; clarifying that the Legislature and levying bodies remain subject to constitutional limits on rate of taxation and assessment; authorizing the Legislature to classify property as real or personal for taxation purposes; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

With the recommendation that the committee substitute be adopted; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

The resolution (Com. Sub. for S. J. R. 9), under the original double committee reference, was then referred to the Committee on Finance.

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

**By Senator Tarr:**

**Senate Bill 684**—A Bill to amend and reenact §24-2-1 of the Code of West Virginia, 1931, as amended, relating to excluding electric-generating facilities designated as an exempt wholesale generator from being regulated by the commission; requiring electric-generating facilities owners or operators not designated an exempt wholesale generator to obtain a siting certificate from the commissioner prior to construction; requiring persons, entities, or corporations constructing or constructing and operating an electric-generating facility not designated an exempt wholesale generator to obtain a siting certificate from the commissioner prior to

construction; and excluding electric-generating facilities from siting requirements to make material modifications to facilities.

Referred to the Committee on Government Organization.

**By Senators Cline, Boley, Clements, and Roberts:**

**Senate Bill 685**—A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to required courses of instruction; and requiring that cursive be taught in West Virginia schools from the second grade through eighth grade.

Referred to the Committee on Education.

**By Senators Blair and Jeffries:**

**Senate Bill 686**—A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating to creating exemptions from contract and common carrier laws for certain motor vehicles.

Referred to the Committee on Government Organization.

**By Senators Trump, Hamilton, Palumbo, Hardesty, and Cline:**

**Senate Bill 687**—A Bill to amend and reenact §7-7-4 of the Code of West Virginia, 1931, as amended, relating to increasing the compensation of elected county officials.

Referred to the Committee on Government Organization.

**By Senator Takubo:**

**Senate Bill 688**—A Bill to amend and reenact §30-3-13a of the Code of West Virginia, 1931, as amended; to amend and reenact §30-14-12d of said code; to amend said code by adding thereto a new section, designated §33-15-4u; to amend said code by adding thereto a new section, designated §33-16-3ff; to amend said code by adding thereto a new section, designated §33-24-7u; and to amend said code by adding thereto a new section, designated §33-25-8r, all relating to telemedicine practice; addressing originating site of a telemedicine encounter and permissible telemedicine technologies; and requiring insurance coverage for telemedicine services in the same manner as any other covered services.

Referred to the Committee on Health and Human Resources.

Senators Smith and Sypolt offered the following resolution:

**Senate Concurrent Resolution 18**—Requesting the Division of Highways name bridge number 39-68/8-000.01 (39A234), locally known as King’s Trees Bridge, carrying CR 68/8 over Interstate 68 in Preston County, the “William ‘Bill’ Thurman King Memorial Bridge”.

Whereas, Mr. King was born on June 24, 1925, in Bruceton Mills, Preston County, West Virginia; and

Whereas, Mr. King was a Technician Fifth Grade, Battery A of the 364th Field Artillery in the United States Army, in the 1940s, honorably discharged in 1946; and

Whereas, Mr. King was honored in his military service with the European-African-Middle Eastern Theater Ribbon; the Good Conduct Medal; the World War II Victory Ribbon; and the Army Occupation Medal (Germany); and

Whereas, From the late 1940s until the 1980s, Mr. King was a bus operator for the Board of Education; and

Whereas, Naming this bridge is an appropriate recognition of Mr. King’s contributions to his country and to the State of West Virginia; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 39-68/8-000.01 (39A234), locally known as King’s Trees Bridge, carrying County Route 68/8 over Interstate 68 in Preston County, the “William ‘Bill’ Thurman King Memorial Bridge”; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “William ‘Bill’ Thurman King Memorial Bridge”; and, be it

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

Which, under the rules, lies over one day.

Senator Tarr offered the following resolution:

**Senate Resolution 28**—Designating February 4, 2020, as West Virginia Homeschool Day at the Legislature.

Whereas, The State of West Virginia is committed to excellence in education; and

Whereas, The State of West Virginia recognizes that parental involvement and individualized attention to educational success are the unique and basic ingredients of homeschooling; and

Whereas, Homeschooled students exhibit self-confidence and good citizenship, and are prepared academically to meet the challenges of today's society; and

Whereas, Contemporary studies continue to confirm that children who are educated at home score exceptionally well on nationally normed achievement tests; and

Whereas, Homeschooled students have scored above the national average on the SAT and on the ACT tests; and

Whereas, Homeschooled students have been shown to be competitive with publicly and privately schooled students at the college level; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates February 4, 2020, as West Virginia Homeschool Day at the Legislature; and, be it

*Further Resolved*, That the Senate hereby recognizes all West Virginia homeschool families for their dedication to excellence and their success in the education of West Virginia's children; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Home Educators Association and the Christian Home Educators of West Virginia.

Which, under the rules, lies over one day.

Senators Takubo, Stollings, and Prezioso offered the following resolution:

**Senate Resolution 29**—Designating February 4, 2020, as West Virginia Alzheimer’s Association Day at the Capitol.

Whereas, Nearly one in three senior citizens who dies each year has Alzheimer’s or another dementia; and

Whereas, Over five million Americans are living with Alzheimer’s and as many as 16 million Americans will have the disease by 2050; and

Whereas, In 2017, 40,000 West Virginians ages 65 and older had an Alzheimer’s or dementia-related diagnosis. That number is expected to increase and will continue to rise to 44,000 by 2025; and

Whereas, The cost of caring for those with Alzheimer’s and other dementias was estimated to total \$259 billion in 2017 in the United States, increasing to \$1.1 trillion by midcentury; and

Whereas, Every 67 seconds someone develops Alzheimer’s in the United States, where it is the sixth-leading cause of death; and

Whereas, There are more than 300,000 caregivers in West Virginia and 108,000 of those are caring for someone with Alzheimer’s or another dementia. These caregivers provide almost \$2 billion in unpaid care each year; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates February 4, 2020, as West Virginia Alzheimer’s Association Day at the Capitol; and, be it

*Further Resolved*, That the Senate extends its sincere gratitude and appreciation to the West Virginia Alzheimer's Association for its dedication and commitment to helping those affected by Alzheimer's in West Virginia; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Alzheimer's Association.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 16**, Firefighter Marvin Layton Hughes 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 17**, USMC PFC Manuel P. Markos 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 281**, Removing residency requirement for persons applying for reappointment to municipal police dept.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Mann and Sypolt—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 281) 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 534**, Removing workers' compensation exclusion for temporary legislative employees.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Mann and Sypolt—2.

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. 534) 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 547**, Relating to employer testing, notice, termination, and forfeiture of unemployment compensation.

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

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 547 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Mann and Sypolt—2.

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. 547) 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 552**, Requiring contracts of \$25,000 or more be competitively bid.

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

Senator Prezioso requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate.

The Chair replied that any impact on Senator Prezioso would be as a member of a class of persons and that he would be required to vote.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano,



Rucker, Smith, Stollings, Swope, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Mann and Sypolt—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 552) passed with its title.

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

**Eng. House Bill 4103**, Relating to office of drug control policy.

Having been read a third time on Friday, January 31, 2020, and now coming up in regular order, was reported by the Clerk.

The question being “Shall Engrossed House Bill 4103 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Mann and Sypolt—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4103) passed with its title.

*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 240**, Requiring hotels and restaurants secure manhole covers of certain grease traps.

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 267**, Creating offenses of conversion of leased or rented personal property.

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

On motion of Senator Ihlenfeld, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On page one, section sixteen-a, line three, after the word “willfully” by inserting the words “and knowingly”;

And,

On page one, section sixteen-a, line eight, after the word “willfully” by inserting the words “and knowingly”.

Following discussion,

The question being on the adoption of Senator Ihlenfeld’s amendments to the bill, the same was put and prevailed.

The bill (Com. Sub. for S. B. 267), as amended, was then ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 308**, Creating criminal penalties for violation of orders issued for protection of victims of financial exploitation.

On second reading, coming up in regular order, was reported by the Clerk.

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

**Senate Bill 510**, Making permanent land reuse agency or municipal land bank's right of first refusal on certain tax sale properties.

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

**Com. Sub. for Senate Bill 511**, Regulating pawnbrokers.

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

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

On page five, after section three, by adding a new section, designated section four, to read as follows:

**§47-26-4. Providing information to law-enforcement agencies; providing information through third-party database.**

(a) The pawnbroker shall satisfy the requirements of §47-26-2 of this code by transmitting the pawn and purchase transaction information electronically to a database in accordance with this section: *Provided*, That paper copies shall be made available for an on-site inspection upon request of any appropriate law-enforcement authority.

(b) As used in this section:

“Database” means a computer database established and maintained by a third party engaged in the business of establishing and maintaining one or more databases;

“Permitted user” means a person authorized by law-enforcement personnel to access the database;

“Reportable data” means the information required to be recorded by pawnbrokers for pawn and purchase transactions pursuant to §47-26-2 of this code;

“Reporting pawnbroker” means a pawnbroker who transmits reportable data electronically to the database; and

“Search” means the accessing of a single database record.

(c) The database shall provide appropriate law-enforcement officials with the information contained in §47-26-2 of this code of this article to facilitate the investigation of alleged property crimes while protecting the privacy rights of pawnbrokers and pawnshop customers with regard to their transactions.

(d) The database shall enable reporting pawnbrokers to transmit to the database through the Internet reportable data for each pawn and purchase transaction. The database shall contain the pawn and purchase transaction information recorded by reporting pawnbrokers pursuant to this section. The database shall also contain security features and protections necessary to ensure that the reportable data maintained in the database can only be accessed by permitted users in accordance with the provisions of this section. Pawn and purchase transaction information shall maintain its confidential status and shall only be used for law-enforcement purposes consistent with the provisions of this article.

(e) A pawnbroker shall be responsible for establishing and maintaining the database. A pawnbroker may charge law-enforcement agencies for access to the database. Law-enforcement agencies may be charged directly by the third party or by the pawnbroker for access to the database, and the charge shall be reasonable in relation to the costs of the pawnbroker in establishing and maintaining the database.

(f) The information in the database may only be accessible through the Internet to permitted users who have provided a secure identification or access code to the database. A permitted user may access database information from any jurisdiction within this state. The database shall record, for each search, the identity of the permitted user, the pawn or purchase transaction involved in the search, and the identity of any customer accessed through the search. Each search record shall be made available to other permitted users within this state regardless of their jurisdiction.

(g) A pawnbroker shall meet the following requirements:

(1) Provide all reportable data to permitted users by transmitting it through the internet to the database;

(2) Transmit all reportable data for one business day to the database prior to the end of the following business day; and

(3) Make available for on-site inspection to any appropriate law-enforcement official, upon request, paper copies of any pawn or purchase transaction documents.

(h) If a reporting pawnbroker or permitted user discovers any error in the reportable data, notice of the error shall be given to the database, which has 30 days in which to correct the error. Any reporting pawnbroker experiencing a computer malfunction preventing the transmission of reportable data or receipt of search requests is allowed no more than 60 days to repair the malfunction, and during that period the pawnbroker is not in violation of this section if good faith efforts are made to correct the malfunction.

(i) A reporting pawnbroker is not obligated to incur any cost, other than Internet service costs, in preparing, converting, or delivering its reportable data to the database.

Following discussion,

The question being on the adoption of Senator Lindsay's amendment to the bill, the same was put and prevailed.

The bill (Com. Sub. for S. B. 511), as amended, was then ordered to engrossment and third reading.

**Com. Sub. for Senate Joint Resolution 7**, Preserving the Separation of Powers Amendment.

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

**Eng. House Bill 4496**, Removing the specific mandate of the Board of Risk and Insurance Management to purchase liability insurance for the Division of Corrections.

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

The Senate proceeded to the tenth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

**Com. Sub. for Senate Bill 190**, Modifying requirement that racetrack participate in WV Thoroughbred Development Fund by certain date.

**Senate Bill 300**, Updating certain terms in WV Corporation Net Income Tax Act.

**Com. Sub. for Senate Bill 316**, Relating to oil and gas conservation commission membership.

**Com. Sub. for Senate Bill 544**, Authorizing pharmacists and pharmacy interns administer vaccines.

**Com. Sub. for Senate Bill 551**, Relating to Water and Wastewater Investment and Infrastructure Improvement Act.

**Com. Sub. for Senate Bill 560**, Permitting nursing home use trained individuals administer medication.

**Eng. Com. Sub. for House Bill 4042**, Requiring agencies exempt from some or all of state purchasing requirements to adopt procedural rules.

**Eng. Com. Sub. for House Bill 4091**, Allowing for expedited oil and gas well permitting upon payment of applicable expedited fees.

And,

**Eng. House Bill 4393**, Relating to making suffocation and asphyxiation crimes.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Blair, Prezioso, Romano, Weld, Facemire, Tarr, Lindsay, Azinger, Plymale, and Takubo.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Stollings, unanimous consent being granted, it was ordered that the Journal show had Senator Stollings been present in the chamber on Friday, January 31, 2020, he would have voted “yea” on the passage of Engrossed Committee Substitute for Senate Bill 449, Engrossed Committee Substitute for Senate Bill 550, and Engrossed Senate Bill 642.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill:

**Senate Bill 672:** Senator Beach.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions:

**Senate Bill 85:** Senator Romano;

**Senate Bill 97:** Senator Romano;

**Senate Bill 235:** Senator Romano;

**Senate Bill 236:** Senator Romano;

**Senate Bill 237:** Senator Romano;

**Senate Bill 238:** Senator Romano;

**Senate Bill 247:** Senator Romano;

**Senate Bill 250:** Senator Romano;

**Senate Bill 251:** Senator Romano;

**Senate Bill 252:** Senator Romano;

**Senate Bill 279:** Senator Rucker;

**Senate Bill 482:** Senator Azinger;

**Senate Bill 628:** Senator Romano;

**Senate Bill 634:** Senator Romano;

**Senate Bill 657:** Senator Roberts;

**Senate Bill 669:** Senator Roberts;

**Senate Bill 672:** Senators Baldwin and Romano;

**Senate Bill 673:** Senator Romano;

**Senate Bill 675:** Senator Baldwin;

**Senate Bill 676:** Senator Roberts;

**Senate Bill 678:** Senator Cline;

**Senate Bill 679:** Senator Baldwin and Woelfel;

**Senate Bill 683:** Senator Cline;

**Com. Sub. for Senate Joint Resolution 9:** Senator Maynard;

**Senate Concurrent Resolution 5:** Senator Roberts;

**Senate Concurrent Resolution 16:** Senators Beach, Lindsay, and Romano;

And,

**Senate Concurrent Resolution 17:** Senators Beach, Lindsay, Romano, and Unger.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:13 p.m., the Senate adjourned until tomorrow, Tuesday, February 4, 2020, at 11 a.m.

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## TUESDAY, FEBRUARY 4, 2020

The Senate met at 11:07 a.m.

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

Prayer was offered by the Reverend Rick Swearingin, Madison United Methodist Church, Madison, West Virginia.

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

Pending the reading of the Journal of Monday, February 3, 2020,

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

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

The Senate then proceeded to the third order of business.

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

**Eng. Com. Sub. for House Bill 3049**—A Bill to amend and reenact §16-1-9a of the Code of West Virginia, 1931, as amended, relating to public health; improving dissemination of boiled water advisories to affected communities through local health departments and local emergency management 911 answering points; requiring boiled water advisories to be communicated through alert mass notification systems.

Referred to the Committee on Health and Human Resources.

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

**Eng. Com. Sub. for House Bill 4484**—A Bill to amend and reenact §22-18-22 of the Code of West Virginia, 1931, as amended, relating to the Hazardous Waste Management Fund; extending the termination date from June 30, 2020, to June 30, 2025, thereby allowing the continuance of the annual certification fees for facilities that manage hazardous waste and allowing the continuance of the fund into which the fees are deposited.

Referred to the Committee on Energy, Industry, and Mining.

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 4600**—A Bill amend and reenact §8-22-26 of the Code of West Virginia, 1931, as amended, relating to the use of beneficiaries of a death benefit from a municipal policemen's or firemen's pension and relief fund in the calculation of the distribution of premium tax proceeds.

Referred to the Committee on Pensions.

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 4601**—A Bill to amend and reenact §8-22-25a of the Code of West Virginia, 1931, as amended, relating to the distribution of premium tax proceeds to municipal policemen's and firemen's pension and relief funds which have members participating in a deferred retirement option plan.

Referred to the Committee on Pensions.

### **Executive Communications**

The Clerk then presented a communication from His Excellency, the Governor, advising that on February 3, 2020, he had approved **Enr. Committee Substitute for Senate Bill 94**.

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 136**, Prohibiting certain misleading lawsuit advertising practices.

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

**Com. Sub. for Senate Bill 136** (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-28-1, §47-28-2, §47-28-3, and §47-28-4, all relating to prohibiting certain misleading lawsuit advertising practices; providing civil and criminal penalties for violations of this article; providing for certain disclosures and warnings in lawsuit advertising for the protection of patients; and imposing criminal penalties.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Com. Sub. for Senate Bill 138**, Incentives for consolidating local governments.

**Com. Sub. for Senate Bill 142**, Expanding Coyote Control Program through voluntary assessment on breeding cows.

And,

**Com. Sub. for Senate Bill 522**, Relating to compensation awards to crime victims.

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

Respectfully submitted,

Craig Blair,  
*Chair.*

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 203**, Allowing certain deductions from personal income tax refunds.

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

Respectfully submitted,

Craig Blair,  
*Chair.*

Senator Azinger, 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 279**, Requiring dental insurance plans honor assignment made in writing by person covered.

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 the Judiciary.

Respectfully submitted,

Michael T. Azinger,  
*Chair.*

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

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 615**, Declaring certain claims against state as moral obligations of state.

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

**Com. Sub. for Senate Bill 615** (originating in the Committee on Finance)—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.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,  
*Chair.*

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 623**, Allowing noncitizen of US be eligible for teaching certificate.

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

**Com. Sub. for Senate Bill 623** (originating in the Committee on Education)—A Bill to amend and reenact §18A-3-1 and §18A-3-1f of the Code of West Virginia, 1931, as amended, all relating to making a noncitizen of the United States eligible for a certificate

to teach or an alternative program teacher certificate if he or she holds a valid Permanent Resident Card, Employment Authorization Document, or work permit issued by the United States Citizenship and Immigration Services.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

**By Senators Maroney, Takubo, Palumbo, Roberts, Rucker, Stollings, and Weld:**

**Senate Bill 689**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-53-1, §33-53-2, §33-53-3, §33-53-4, and §33-53-5, all relating to enacting the Requiring Accountable Pharmaceutical Transparency, Oversight, and Reporting Act; providing a short title; providing for definitions; outlining reporting requirements drug manufacturers and health benefit plan issuers to the Auditor; outlining the required pharmaceutical data required by the Auditor; directing the Auditor to create a searchable pharmaceutical transparency website; protecting confidentiality of patient information; providing registration requirements to drug manufacturers and health benefit plan issuers; and outlining penalties when a health benefit plan or drug manufacturer submits inaccurate, or fails to submit, information to the Auditor.

Referred to the Committee on Health and Human Resources.

**By Senator Maynard:**

**Senate Bill 690**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated

§5B-2-17; to amend said code by adding thereto a new article, designated §5B-2J-1, §5B-2J-2, §5B-2J-3, §5B-2J-4, and §5B-2J-5; to amend and reenact §17-2A-11 of said code; to amend said code by adding thereto a new section, designated §17-2A-11a; to amend said code by adding thereto a new article, designated §17A-13-1; and to amend and reenact §20-5-2 of said code, all relating to overland recreation; creating an Overland Recreation Fund for development and maintenance of public roads suitable for overland recreation; revising digital road map requirements; requiring an inventory and mapping of state forest roads; describing allowable uses of the Overland Recreation Fund; defining terms; requiring the development of a comprehensive recreation plan and plans for the construction and maintenance of suitable roads; establishing a program of grants and cooperative agreements to develop and maintain suitable roads and access thereto; mandating review of expenditures; providing for appeals of grant or agreement decisions; requiring rulemaking; permitting the operation of street-legal special purpose vehicles on highways; providing for registration of street-legal special purpose vehicles; establishing licensing and equipment requirements for street-legal special purpose vehicles; granting the Recreational Trails Advisory Board authority to use funds from the Overland Recreation Fund for the sole purpose of building an overland trail system in West Virginia; setting forth the responsibilities of the Division of Motor Vehicles, the Division of Natural Resources, and the Division of Tourism; and allowing primitive overland camping on state land.

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

**By Senator Rucker:**

**Senate Bill 691**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-3-1j, relating to additional alternative preparation programs for teachers; providing that certain programs adopted by the State Board of Education are separate from specified programs; providing that programs are subject to state board rules; and providing that programs may be an alternative to college and university programs for teacher education.

Referred to the Committee on Education.

**By Senator Trump:**

**Senate Bill 692**—A Bill to amend and reenact §62-3-8 of the Code of West Virginia, 1931, as amended, relating to clarifying that persons charged with a felony offense or offenses are entitled to a separate trial as to their guilt or innocence upon moving therefor; and further clarifying that the statutory right to a separate trial preempts any provisions of law or judicial rule to the contrary.

Referred to the Committee on the Judiciary.

**By Senator Lindsay:**

**Senate Bill 693**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13FF-1, §11-13FF-2, §11-13FF-3, §11-13FF-4, §11-13FF-5, §11-13FF-6, and §11-13FF-7, all relating generally to creating a personal income tax credit for volunteer firefighters in West Virginia; providing for definitions; providing for a tax credit for a volunteer firefighter for personal income tax in a taxable year; providing for a tax credit limitation of \$5,000 for a single person; providing for a tax credit limitation of \$10,000 of persons filing tax returns jointly under certain conditions; providing that the tax credit for volunteer firefighters must be used in the taxable year and cannot be carried forward; providing for documentation of eligibility for the tax credit; providing for required contents of the documentation evidencing eligibility for the tax credit; providing that the form must be sent to the Tax Commissioner to receive the tax credit; providing for rule-making authority; providing for reporting at certain time; and providing for an effective date.

Referred to the Committee on Finance.

**By Senators Rucker, Azinger, Clements, Maroney, and Maynard:**

**Senate Bill 694**—A Bill to amend and reenact §61-2-29 and §61-2-29a of the Code of West Virginia, 1931, as amended, all relating to penalties for neglect, emotional abuse, or death caused by a caregiver; setting penalty for emotional abuse of an incapacitated adult; setting penalty for abuse, neglect, or emotional



abuse of nonverbal special needs child; and setting penalty for causing death or allowing another to cause death of a nonverbal special needs child.

Referred to the Committee on the Judiciary.

**By Senators Smith and Sypolt:**

**Senate Bill 695**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-6b; to amend said code by adding thereto a new section, designated §17-3-11; and to amend said code by adding thereto a new article, designated §17-30-1, §17-30-2, §17-30-3, §17-30-4, and §17-30-5, all relating generally to enhancing maintenance and repair of the state's roads and highways; establishing roads accountability and transparency; directing the State Auditor to develop and maintain a searchable website of funding actions and expenditures relating to state and public roads; setting forth the minimum content to be contained in the website; directing the Commissioner of Highways to provide information and data to the State Auditor; requiring an annual update to the Joint Committee on Government and Finance; creating the Special Road Repair Fund as a subaccount of the State Road Fund; authorizing the commissioner to transfer certain funds into the subaccount for certain purposes; creating the Enhanced Road Repair and Maintenance Program; stating legislative finding and purpose of program; requiring Division of Highways county supervisors consult with county commissions and legislators to submit project requests to the Division of Highways; setting forth a funding formula; setting forth requirements concerning bidding, vendors, and contracts with private vendors; specifying uses of Special Road Repair Fund; defining terms; providing requirements for Commissioner of Highways and districts; requiring for rulemaking; and requiring reporting by Division of Highways and Legislative Auditor.

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

**By Senator Hamilton:**

**Senate Bill 696**—A Bill to amend and reenact §5-11-9 of the Code of West Virginia, 1931, as amended, relating to the Pay Transparency Act of 2020; 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 an 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 the Workforce; and then to the Committee on the Judiciary.

**By Senators Pitsenbarger, Baldwin, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Palumbo, Prezioso, Smith, Swope, Sypolt, Takubo, and Trump:**

**Senate Bill 697**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-2-5a, relating to requiring compensation be made to certain members of the State Police for off-duty time when they are required to be on standby to be called back to work; requiring off-duty State Police officers who are called back to work or appear in court be compensated a minimum amount; and providing a housing cost stipend for those officers who reside in, and are assigned to, one of the top five counties in median monthly housing costs.

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

**By Senator Lindsay:**

**Senate Bill 698**—A Bill to amend and reenact §18A-4-15 of the Code of West Virginia, 1931, as amended, relating to the employment of retirees as substitute bus operators.

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

Senators Hamilton and Pitsenbarger offered the following resolution:

**Senate Concurrent Resolution 19**—Requesting the Division of Highways name bridge number 42-219/00-038.13 (42A139), locally known as Isner Creek Bridge, carrying US 219 over Isner Creek in Randolph County, the “U. S. M.C. LCPL Fred Michael Kerns Memorial Bridge”.

Whereas, Fred Michael Kerns was born on October 15, 1948, in Weston, West Virginia, the son of Fred G. and Thelma Marie Glover Kerns; and

Whereas, LCP Fred Michael Kerns was sworn into the United States Marine Corps after graduating from Buckhannon - Upshur High School in 1966, and commenced active duty in 1967; and

Whereas, On October 3, 1968, LCP Fred Michael Kerns arrived in Vietnam, where he served as an air crewman aboard helicopters with Marine Light Attack Helicopter Squadron 167 (HML-167), Marine Air Group 16 (MAG-16), First Marine Air Wing, Third Marine Amphibious Force; and

Whereas, LCP Fred Michael Kerns was killed on July 29, 1969, as a result of a nonhostile helicopter crash in Quam Nam Providence, South Vietnam; and

Whereas, LCP Fred Michael Kerns was awarded the Air Medal, Combat Action Ribbon, Republic of Vietnam Campaign Medal, Vietnam Service Medal, National Defense Medal, Presidential Unit Citation, Vietnam Gallantry Cross Unit Citation, and Combat Aircrew Badge; and

Whereas, LCP Fred Michael Kerns’ name is listed on the Vietnam Memorial Wall in Washington, D. C., Panel 20W, Line 71; and

Whereas, LCP Fred Michael Kerns was one of several hundred West Virginia residents, and one of over 17 Randolph County residents, to make the ultimate sacrifice for his county during the Vietnam War. He is buried at the Masonic Cemetery, Weston, West Virginia; and

Whereas, LCP Fred Michael Kerns, on the date of his death, left his father Fred Kerns, his mother Thelma Kerns and three brothers: Terry Lee, Alan William and Stephen Craig Kerns; and

Whereas, It is fitting that an enduring memorial be established to commemorate LCP Fred Michael Kerns and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 42-219/00-038.13 (42A139), locally known as Isner Creek Bridge, carrying US 219 over Isner Creek in Randolph County, the “U. S. M.C. LCPL Fred Michael Kerns Memorial Bridge”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U.S.M.C. LCPL Fred Michael Kerns 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 Smith and Sypolt offered the following resolution:

**Senate Resolution 30**—Designating February 5, 2020, as Tucker County Day at the Legislature.

Whereas, The Tucker County Cultural District Authority was established to promote the cultural, artistic, historical, educational, and recreational opportunities available in Tucker County; and

Whereas, Tucker County is home to two downhill ski areas, one cross country ski center, endless winter activities for all ages, and has established itself as a winter destination; and

Whereas, Tucker County is home to three West Virginia state parks, namely: Canaan Valley Resort State Park; Blackwater Falls

State Park; and Fairfax Stone State Park, and Monongahela National Forest; and

Whereas, Tucker County enjoys a location within a few hours' drive of one of the most populated cities in the eastern United States; and

Whereas, Tucker County is home to three breweries, the only cultural district authority in West Virginia, the Potomac Stone, the newly installed paragliding site at Canaan Valley Resort, the Splash Park in Parsons, and the soon-to-be Tucker County Boulder Park; and

Whereas, Tucker County is not only a year-round outdoor recreation destination, but is now emerging as an art and cultural destination, with its eccentric small towns that attract outdoor enthusiasts, artists, and beer and music lovers; and

Whereas, On the occasion of Tucker County Day at the Legislature, we hereby recognize Tucker County and its citizens for its contributions to the great state of West Virginia; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates February 5, 2020, as Tucker County Day at the Legislature; and, be it

*Further Resolved,* That the Senate extends its sincere gratitude and appreciation to the many important contributions the citizens and businesses of Tucker County make to the state of West Virginia; and, be it

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

Which, under the rules, lies over one day.

Senator Stollings offered the following resolution:

**Senate Resolution 31**—Designating February 5, 2020, as Cancer Survivorship Day at the Capitol.

Whereas, West Virginia will experience 12,440 new cases of cancer this year; and

Whereas, In 2019, 4,820 people will die from cancer in West Virginia; and

Whereas, Cancer will cost the United States economy an estimated \$216 billion in medical costs and lost productivity; and

Whereas, Lawmakers play a key role in preventing cancer by passing policies to reduce tobacco use and exposure to secondhand smoke, and increase healthy eating and active living; and

Whereas, Lawmakers can also advance policies that will increase access to life-saving screenings, improve quality of life with increased access to palliative care, fund research, and expand access to care; and

Whereas, There are 14.5 million cancer survivors alive in the United States and 107,520 cancer survivors in West Virginia because of the efforts of researchers, doctors, volunteers, and lawmakers; and

Whereas, This progress must continue through collaboration between lawmakers and citizens to end cancer as a major health issue; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates February 5, 2020, as Cancer Survivorship Day at the Capitol; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the American Cancer Society's Cancer Action Network.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 18**, William “Bill” Thurman King 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 Resolution 28**, Designating February 4, 2020, as WV Homeschool Day.

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

At the request of Senator Rucker, 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, and on this question, Senator Rucker demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 28) adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Rucker and Tarr regarding the adoption of Senate Resolution 28 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 11:30 a.m., the Senate recessed to present Senate Resolution 28.

The Senate reconvened at 11:34 a.m. and resumed business under the seventh order.

**Senate Resolution 29**, Designating February 4, 2020, as WV Alzheimer's Association Day.

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

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

Thereafter, at the request of Senator Palumbo, and by unanimous consent, the remarks by Senators Stollings and Takubo regarding the adoption of Senate Resolution 29 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 11:41 a.m., the Senate recessed to present Senate Resolution 29.

The Senate reconvened at 11:46 a.m. and proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 240**, Requiring hotels and restaurants secure manhole covers of certain grease traps.

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

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 240 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.



The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 240) 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 267**, Creating offenses of conversion of leased or rented personal 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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 267) 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 510**, Making permanent land reuse agency or municipal land bank's right of first refusal on certain tax sale properties.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 510) 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 511**, Regulating pawnbrokers.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules.

**Eng. Com. Sub. for Senate Joint Resolution 7**, Preserving the Separation of Powers Amendment.

On third reading, coming up in regular order, was reported by the Clerk.

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

**Eng. House Bill 4496**, Removing the specific mandate of the Board of Risk and Insurance Management to purchase liability insurance for the Division of Corrections.

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

Pending discussion,

The question being “Shall Engrossed House Bill 4496 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4496) passed with its title.

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

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 190**, Modifying requirement that racetrack participate in WV Thoroughbred Development Fund by certain date.

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

**Senate Bill 300**, Updating certain terms in WV Corporation Net Income Tax Act.

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 308**, Creating criminal penalties for violation of orders issued for protection of victims of financial exploitation.

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

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

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

**CHAPTER 55. ACTIONS, SUITS AND ARBITRATION;  
JUDICIAL SALE**

**ARTICLE 7J. FINANCIAL EXPLOITATION OF AN  
ELDERLY PERSON, PROTECTED PERSON OR  
INCAPACITATED ADULT.**

**§55-7J-5. Action to freeze assets; burden of proof; options the  
court may exercise.**

(a) An elderly person, protected person or incapacitated adult may bring an action to enjoin the alleged commission of financial exploitation and may petition the court to freeze the assets of the person allegedly committing the financial exploitation in an amount equal to, but not greater than, the alleged value of lost property or assets for purposes of restoring to the victim the value of the lost property or assets. The burden of proof required to freeze the assets of a person allegedly committing financial exploitation shall be a preponderance of the evidence. Upon a finding that the elderly person, protected person or incapacitated adult has been formally exploited, the court may:

(1) Grant injunctive relief;

(2) Order the violator to, in escrow an amount of money equivalent to the value of the misappropriated assets for distribution to the aggrieved elderly person, protected person or incapacitated adult;

(3) Order the violator to return to the elderly person, protected person or incapacitated person any real or personal property which was misappropriated; or

(4) Provide for the appointment of a receiver;

(b) In an action under section one of this article, the court may void or limit the application of contracts or clauses resulting from the financial exploitation.

(c) In an action brought under this article, upon the filing of the complaint or on the appearance of any defendant, claimant or other party, or at any later time, the court may require the plaintiff, defendant, claimant or other party or parties to post security, or additional security, in a sum the court directs to pay all costs, expenses and disbursements that are awarded against that party or that the party may be directed to pay by any interlocutory order, by the final judgment or after appeal.

(d) An order entered under this section shall state that a violation of the order may result in criminal prosecution under §61-2-29b of this code and state the penalties therefor.

## **CHAPTER 61. CRIMES AND THEIR PUNISHMENT**

### **ARTICLE 2. CRIMES AGAINST THE PERSON**

#### **§61-2-29b. Financial exploitation of an elderly person, protected person or incapacitated adult; penalties; definitions.**

(a) Any person who financially exploits an elderly person, protected person or an incapacitated adult in the amount of less than \$1,000 is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or confined in jail for not more than one year, or both fined and confined.

(b) Any person who financially exploits an elderly person, protected person or an incapacitated adult in the amount of \$1,000 or more is guilty of a felony and, upon conviction thereof, shall be fined not more than \$10,000 and imprisoned in a state correctional facility not less than two nor more than 20 years.

(c) Any person convicted of a violation of this section shall, in addition to any other penalties at law, be subject to an order of restitution.

(d) In determining the value of the money, goods, property or services referred to in subsection (a) of this section, it shall be permissible to cumulate amounts or values where such money, goods, property or services were fraudulently obtained as part of a common scheme or plan.

(e) Financial institutions and their employees, as defined by §31A-2A-1 of this code and as permitted by subsection thirteen, section four of said article, others engaged in financially related activities, as defined by §31A-8C-1 of this code, caregivers, relatives and other concerned persons are permitted to report suspected cases of financial exploitation to state or federal law-enforcement authorities, the county prosecuting attorney and to the Department of Health and Human Resources, Adult Protective Services Division or Medicaid Fraud Division, as appropriate. Public officers and employees are required to report suspected cases of financial exploitation to the appropriate entities as stated above. The requisite agencies shall investigate or cause the investigation of the allegations.

(f) When financial exploitation is suspected and to the extent permitted by federal law, financial institutions and their employees or other business entities required by federal law or regulation to file suspicious activity reports and currency transaction reports shall also be permitted to disclose suspicious activity reports or currency transaction reports to the prosecuting attorney of any county in which the transactions underlying the suspicious activity reports or currency transaction reports occurred.

(g) Any person or entity that in good faith reports a suspected case of financial exploitation pursuant to this section is immune from civil liability founded upon making that report.

(h) For the purposes of this section:

(1) “Incapacitated adult” means a person as defined by section twenty-nine of this article;

(2) “Elderly person” means a person who is 65 years or older;

(3) “Financial exploitation” or “financially exploit” means the intentional misappropriation or misuse of funds or assets of an elderly person, protected person or incapacitated adult, but shall not apply to a transaction or disposition of funds or assets where the accused made a good-faith effort to assist the elderly person, protected person or incapacitated adult with the management of his or her money or other things of value; and

(4) “Protected person” means any person who is defined as a “protected person” in §44A-1-4 of this code and who is subject to the protections of chapter forty-four-a or forty-four-c of this code.

(i) Notwithstanding any provision of this code to the contrary, acting as guardian, conservator, trustee or attorney for or holding power of attorney for an elderly person, protected person or incapacitated adult shall not, standing alone, constitute a defense to a violation of subsection (a) of this section.

(5) Any person who willfully violates a material term of an order entered pursuant to §55-7J-5 of this code is guilty of a misdemeanor and, upon conviction thereof, shall;

(1) For the first offense, be fined not more than \$1,000 or confined in jail not more than 90 days, or both fined and confined; and

(2) For a second or subsequent offense, be fined not more than \$2,500 or confined in jail not more than one year, or both fined and confined.

The bill (Com. Sub. for S. B. 308), as amended, was then ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 316**, Relating to oil and gas conservation commission membership.

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 544**, Authorizing pharmacists and pharmacy interns administer vaccines.

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 551**, Relating to Water and Wastewater Investment and Infrastructure Improvement Act.

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 560**, Permitting nursing home use trained individuals administer medication.

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 4042**, Requiring agencies exempt from some or all of state purchasing requirements to adopt procedural rules.

On second reading, coming up in regular order, was reported by the Clerk.

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

**Eng. Com. Sub. for House Bill 4091**, Allowing for expedited oil and gas well permitting upon payment of applicable expedited fees.

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

**Eng. House Bill 4393**, Relating to making suffocation and asphyxiation crimes.



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

The Senate proceeded to the tenth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

**Senate Bill 482**, Eliminating permit requirement for storing concealed handgun in vehicle on school property for persons over 21.

**Senate Bill 620**, Authorizing Division of Corrections and Rehabilitation approve home plans for inmates.

**Com. Sub. for Senate Bill 625**, Creating one-day annual license to permit charitable auction of sealed rare, antique, or vintage liquor bottles.

And,

**Com. Sub. for Senate Bill 629**, Clarifying alcohol by volume percentage for certain wines.

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senator Romano.

The Senate next proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions:

**Senate Bill 660**: Senator Roberts;

**Senate Bill 687**: Senator Stollings;

**Senate Bill 688**: Senators Baldwin, Cline, and Stollings;

**Senate Concurrent Resolution 18:** Senators Beach, Lindsay, and Stollings;

**Senate Resolution 28:** Senators Cline, Roberts, Rucker, and Smith;

And,

**Senate Resolution 29:** Senators Baldwin, Beach, Cline, Hamilton, Lindsay, Rucker, and Smith.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:06 p.m., the Senate adjourned until tomorrow, Wednesday, February 5, 2020, at 11 a.m.

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## WEDNESDAY, FEBRUARY 5, 2020

The Senate met at 11:11 a.m.

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

Prayer was offered by Pastor Richard Thompson, Pastor of Care Ministries, Bible Center Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Richard D. Lindsay II, a senator from the eighth district.

Pending the reading of the Journal of Tuesday, February 4, 2020,

At the request of Senator Stollings, 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 the following communications from various state agencies as required by the provisions of law:

Ethics Commission (Advisory Opinion) (§6B-2-3)

Treasurer, Office of the (Debt Position) (§12-6A-6)

The Senate 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 2164**—A Bill to amend and reenact §58-5-1 of the Code of West Virginia, 1931, as amended, relating to appeals as a matter of right in the West Virginia Supreme Court of Appeals; and providing that all appeals shall be afforded a full and meaningful review, an opportunity to be heard, and a written decision on the merits.

Referred to the Committee on the Judiciary.

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

**Eng. Com. Sub. for House Bill 2892**—A Bill to amend and reenact §62-1A-2 of the Code of West Virginia, 1931, as amended, relating to including and defining digital and virtual information in the definition of property that can be searched and seized by a warrant and clarifying that a search warrant issued for a computer, computer network, or other device containing electronic or digital information shall include the search of the contents of that device.

Referred to the Committee on the Judiciary.

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

**Eng. Com. Sub. for House Bill 4102**—A Bill to amend and reenact §16-46-3 and §16-46-6 of the Code of West Virginia, 1931,

as amended; and to amend and reenact §60A-9-4 of said code, all relating to opioid antagonists; prescribing an opioid antagonist; possessing an opioid antagonist; dispensing an opioid antagonist; providing an opioid antagonist; collecting data related to an opioid antagonist; requiring certain reporting of an opioid antagonist; providing immunity; making technical changes.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

**Eng. House Bill 4103**, Relating to office of drug control policy.

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

**Eng. Com. Sub. for House Bill 4137**—A Bill to amend and reenact §3-2-4, §3-2-5, and §3-2-29 of the Code of West Virginia, 1931, as amended, relating to allowing counties to store and maintain voter registration records in a digital format; directing the clerk of the county commission to follow designated statutory record destruction process and digital copy creation requirements; providing that physical voter registration records may be destroyed under designated statutory process; and, providing that following approval of the Secretary of State the clerk of the county commission may destroy original registration records, if digital or facsimile copies are made and stored in an electronic format in a designated secure manner.

Referred to the Committee on Government Organization.

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

**Eng. House Bill 4412**—A Bill to amend and reenact §15-1B-21 of the Code of West Virginia, 1931, as amended, relating to

providing education benefits to members of the West Virginia Army National Guard and West Virginia Air National Guard.

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

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

**Eng. Com. Sub. for House Bill 4434**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding there to a new section, designated §5B-1-9, relating to the study of the health care workforce; defining terms; directing the Department of Commerce to issue a report; setting forth the contents of the report; requiring certain entities to report information; and deeming any information received by the department for the purpose of creating the report to be confidential trade secrets which are exempt from disclosure.

Referred to the Committee on Health and Human Resources.

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 4th day of February, 2020, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

**(Com. Sub. for S. B. 323)**, Authorizing Department of Administration promulgate legislative rules.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
Moore Capito,  
*Chair, House Committee.*

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 96** (originating in the Committee on Government Organization), Prohibiting municipalities from limiting persons' rights to possess certain weapons.

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

**Com. Sub. for Com. Sub. for Senate Bill 96** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §8-12-5a of the Code of West Virginia, 1931, as amended, relating to prohibiting municipalities from limiting in any manner inconsistent with or in conflict with state law, the rights of persons to purchase, possess, transfer, own, carry, transport, sell, or store deadly weapons, firearms, or pepper spray; defining terms; extending restrictions on municipal regulation of firearms to pepper spray and deadly weapons; removing authority of municipalities to prohibit possession of deadly weapons or pepper spray in areas where temporary events are held; and limiting award of attorney's fees and costs to petitioners prevailing in certain actions.

With the recommendation that the committee substitute for 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 97**, Allowing senior judge to continue receiving per diem compensation beyond annual salary of sitting judge due to delay by Governor in filling vacancy.

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

**Com. Sub. for Senate Bill 97** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §51-9-10 of the Code of West Virginia, 1931, as amended, relating to adding a delay by the Governor in filling a judicial vacancy as an additional circumstance in which a senior judge or justice may continue to receive per diem compensation after the judge or justice has already received the amount of the annual salary of a sitting circuit judge.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 131**, Creating Tim Tebow Act.

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

**Com. Sub. for Senate Bill 131** (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-25c, relating to education; creating the Tim Tebow Act; setting forth purpose; defining terms; including Tebow students as students instructed at home or by a private tutor or enrolled in a private, parochial, or church school, or a school operated by a religious order, who do not attend a school that is a member of the West Virginia Secondary School Activities Commission; permitting Tebow students to participate in extracurricular activities sponsored by, or engaged in by, a member school that the

students would be authorized to attend; making a Tebow student who leaves a member school during the school year subject to the same transfer protocols that apply to any other member-to-member transfer; setting forth conditions for participation; allowing participation in curricular activities if a requirement of the extracurricular activity; setting forth provisions pertaining to fair treatment of Tebow students; requiring that any insurance provided by a district school board for participants in extracurricular activities cover a participating Tebow student; and clarifying that section does not guarantee that a student trying out for an interscholastic sport or other extracurricular activity that is under the authority of the West Virginia Secondary School Activities Commission will make the team or become part of another extracurricular activity.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*

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

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Bill 180**, Relating to Second Chance Driver's License Program.

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 Finance.

Respectfully submitted,

Charles H. Clements,  
*Chair.*



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

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 195**, Updating powers of personal representatives of deceased person's estate.

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

**Com. Sub. for Senate Bill 195** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §44-1-29 of the Code of West Virginia, 1931, as amended, relating to authorization for a personal representative, trustee, administrator, or executor of a deceased person's estate to transfer or amend deeds of conservation or preservation easements; removing authorization to execute deeds of conservation and preservation easements where a decedent did not sign or complete the deed or easement; defining the duty of the personal representative, trustee, administrator, or executor; and establishing conditions for the exercise of the authority to transfer or amend.

And,

**Senate Bill 670**, Amending service of process on nonresident persons or corporate entities.

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

**Com. Sub. for Senate Bill 670** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §56-3-33 of the Code of West Virginia, 1931, as amended, relating to amending the manner of service of process on nonresident persons or corporate entities.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 202**, Allowing one member of PSD board to be county commissioner.

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

Respectfully submitted,

Mark R. Maynard,  
*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 208**, Protecting consumers from unfair pricing practices during state of emergency.

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

**Com. Sub. for Senate Bill 208** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §46A-6J-2 and §46A-6J-3 of the Code of West Virginia, 1931, as amended, all relating to the protection of consumers from price gouging and unfair pricing practices during and shortly after a state of emergency; amending definition of “state of emergency”; and

authorizing the Governor to periodically review the scope and the time period for which prices for certain goods may not be changed following a state of emergency.

And,

**Senate Bill 678**, Waiving fines and fees for completing Getting Over Addicted Lifestyles Successfully Program.

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

**Com. Sub. for Senate Bill 678** (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 §15A-5-10, relating to the waiver of all penalties, costs, assessments, forfeitures, fines, and fees associated with criminal convictions for persons who successfully complete the Getting Over Addicted Lifestyles Successfully Program in jail for the purpose of obtaining a driver's license.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Bill 266**, Clarifying and updating language regarding Fairmont State alumni license plates.

And,

**Senate Bill 618**, Conforming WV law to federal distance requirements for locations of salvage yards.

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

Respectfully submitted,

Charles H. Clements,  
*Chair.*

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Com. Sub. for Senate Bill 275** (originating in the Committee on the Judiciary), Creating Intermediate Court of Appeals.

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

**Com. Sub. for Com. Sub. for Senate Bill 275** (originating in the Committee on Finance)—A Bill to amend and reenact §3-10-3a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §16-2D-16a; to amend said code by adding thereto a new section, designated §23-1-1h; to amend and reenact §23-5-1, §23-5-3, §23-5-5, §23-5-6, §23-5-8, §23-5-9, §23-5-10, §23-5-11, §23-5-12, §23-5-13, §23-5-15, and §23-5-16 of said code; to amend said code by adding thereto a new section, designated §23-5-8a; to amend and reenact §29A-5-4; to amend and reenact §29A-6-1 of said code; to amend said code by adding thereto a new section designated §51-2A-24 of said code; to amend and reenact §51-9-1a of said code; to amend said code by adding thereto a new article, designated §51-11-1, §51-11-2, §51-11-3, §51-11-4, §51-11-5, §51-11-6, §51-11-7, §51-11-8, §51-11-9, §51-11-10, §51-11-11, §51-11-12, §51-11-13, and §51-11-14; and to amend and reenact §58-5-1 of said code, all relating generally to the West Virginia Appellate Reorganization Act of 2020; providing that the Judicial Vacancy Advisory Commission shall assist the Governor in filling judicial vacancies in an Intermediate Court of Appeals; transferring jurisdiction over appeals of decisions of the Health Care Authority in certificate of need reviews from the Workers' Compensation Office of

Administrative Judges to the Intermediate Court of Appeals; transferring jurisdiction over objections filed in workers' compensation claims from the Office of Judges to the Workers' Compensation Board of Review; terminating the Office of Judges by a certain date and transferring all powers and duties, related to objections, from the Office of Judges to the board of review; providing that the Insurance Commissioner shall have administrative oversight and authority over the board of review; authorizing the board of review to hire hearing examiners meeting certain qualifications and classified as attorneys; requiring the chairman of the board of review to assign a member of the board to each objection; establishing the duties of board of review; requiring that all orders and decisions of the board of review pertaining to an objection be issued and signed by a single member of the board of review, with certain exceptions; permitting the board of review member assigned to an objection to delegate certain duties to a hearing examiner; establishing the administrative powers and duties of the board of review; increasing the limit on the annual salary of a board of review member; authorizing the board of review to promulgate rules of practice and procedure, and establishing a process therefor; establishing duties of the chairman of the board of review; providing that the administrative expenses of the board of review shall be included in annual budget of the Insurance Commissioner; providing that petitions for review of final decisions of the Workers' Compensation Board of Review must be made to the Intermediate Court of Appeals; establishing certain procedures and other requirements for appeals of board of review decisions made to the Intermediate Court of Appeals; providing that the Supreme Court of Appeals has discretion to review final decisions of the Intermediate Court of Appeals in workers' compensation claims; requiring that appeal of contested cases under the State Administrative Procedures Act be made to the Intermediate Court of Appeals; transferring jurisdiction to review family court final orders from circuit courts to the Intermediate Court of Appeals; creating an Intermediate Court of Appeals in West Virginia to be operational by a certain date; providing a short title; providing legislative findings; defining terms; establishing and defining two geographical districts of the Intermediate Court of Appeals; requiring a three-judge panel for

proceedings of each district of the Intermediate Court of Appeals; authorizing jurisdiction of the Intermediate Court of Appeals over certain matters; excluding certain matters from jurisdiction of the Intermediate Court of Appeals; providing that parties to an appeal in the Intermediate Court of Appeals shall have an opportunity for a full and meaningful review on the record of the lower tribunal and an opportunity to be heard; establishing a procedure by which parties to an appeal in the Intermediate Court of Appeals may file a motion for direct review of an appeal by the Supreme Court of Appeals in certain extraordinary circumstances; providing eligibility criteria for judges of the Intermediate Court of Appeals; providing a process for initial appointment of judges to the Intermediate Court of Appeals to fill vacancies in the Intermediate Court of Appeals upon its creation; providing for an initial election of judges to the Intermediate Court of Appeals for staggered terms; providing for the regular election of a judge to each district of the Intermediate Court of Appeals upon the expiration of a sitting judge's term; establishing a procedure for the filling of vacancies in unexpired judicial terms by appointment and in certain circumstances, subsequent election; providing that the Governor's judicial appointments must be made from a list of candidates submitted by the Judicial Vacancy Advisory Commission and are subject to advice and consent of the Senate; providing that judges of the Intermediate Court of Appeals may not be candidates for any elected public office during the judicial term; establishing certain requirements for the filing of appeals to the Intermediate Court of Appeals; clarifying that an appeal bond may be required before appeal to the Intermediate Court of Appeals may take effect; requiring the Chief Judge of the Intermediate Court of Appeals to publish and submit certain reports to the Legislature and Supreme Court of Appeals regarding pending cases; authorizing filing fees; providing for deposit of filing fees in a special revenue account to fund the State Police Forensic Laboratory; recognizing the constitutional authority of the Supreme Court of Appeals to exercise administrative authority over the Intermediate Court of Appeals; providing that procedures and operations of the Intermediate Court of Appeals shall comply with rules promulgated by the Supreme Court of Appeals; requiring that appeals to the Intermediate Court of Appeals and related filings be

filed with the Clerk of the Supreme Court of Appeals; providing that Intermediate Court of Appeals proceedings shall take place in publicly available facilities as arranged by the Administrative Director of the Supreme Court of Appeals; granting the Intermediate Court of Appeals discretion to require oral argument; authorizing the Administrative Director of the Supreme Court of Appeals to employ staff for Intermediate Court of Appeals operations; providing that the budget for Intermediate Court of Appeals operations shall be included in the appropriation for the Supreme Court of Appeals; authorizing the Intermediate Court of Appeals to issue opinions as binding precedent for lower courts; providing that the Intermediate Court of Appeals shall issue written decisions as a matter of right; providing for discretionary review of Intermediate Court of Appeals decisions by Supreme Court of Appeals; authorizing an annual salary, retirement benefits, and reimbursement of expenses for judges of the Intermediate Court of Appeals; providing for reimbursement of expenses of Intermediate Court of Appeals staff; providing internal effective dates; removing obsolete language from the code; and making technical corrections to the code.

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

Respectfully submitted,

Craig Blair,  
*Chair.*

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Com. Sub. for Senate Bill 517**, Creating State Parks and Recreation Endowment Fund.

And,

**Senate Bill 573**, Supplementing, amending, and increasing appropriations of public moneys for claims against state.

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

Respectfully submitted,

Craig Blair,  
*Chair.*

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 575**, Designating local fire department as safe-surrender site to accept physical custody of certain children from lawful custodian.

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

**Com. Sub. for Senate Bill 575** (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §49-4-201 and §49-4-202 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §49-4-206, all relating to allowing the governing entity of a local fire department to designate the premises of its fire department as a safe-surrender site to accept physical custody of a child who is 30 days old or younger from a parent or individual who has lawful custody of the child; and establishing criteria for the fire department as a safe-surrender site.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:



Your Committee on Government Organization has had under consideration

**Senate Bill 576**, Relating to management of public records.

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

**Com. Sub. for Senate Bill 576** (originating in the Committee on Government Organization)—A Bill to repeal §5A-8-6 and §5A-8-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5A-8-3, §5A-8-4, §5A-8-5, §5A-8-7, §5A-8-9, §5A-8-10, §5A-8-11, §5A-8-13, §5A-8-14, §5A-8-15, and §5A-8-17 of said code, all relating to records management of public records; defining terms; dissolving the formal advisory committee; updating the authority of the administrator; allowing for records of historical value; updating the authority of agency heads related to records management; providing for electronic storage and electronic formats for records; repealing the requirement that administrator must store agencies' essential records; removing the requirement that administrator notify agencies of essential records destruction; providing that administrator may approve request by agencies to destroy their essential records; and making technical changes.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

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

Your Committee on Military has had under consideration

**Senate Bill 600**, Creating special revenue account designated Military Authority Fund.

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

Respectfully submitted,

Ryan W. Weld,  
*Chair.*

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

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Bill 607**, Reporting motor vehicle crashes to owners.

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

**Com. Sub. for Senate Bill 607** (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17C-4-7 of the Code of West Virginia, 1931, as amended, relating to motor vehicle crash reports; and requiring the investigating law-enforcement officer, within 24 hours of a motor vehicle crash, to share the owner, operator, and insurance information for all persons involved in a crash with all other owners and operators involved in the crash who are requesting such information.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles H. Clements,  
*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 665**, Requiring persons convicted of certain crimes on or after March 8, 1995, provide DNA samples.

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

**Com. Sub. for Senate Bill 665** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §15-2B-6 of the Code of West Virginia, 1931, as amended, relating to requiring persons convicted of certain felonies since March 8, 1995, provide a DNA sample; and clarifying that persons and entities supervising or confining felons are required to obtain DNA samples from felons when requested to do so by the State Police.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 676**, Permitting fees from Child Abuse Registry be used for information technology support costs.

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

**Com. Sub. for Senate Bill 676** (originating in the Committee on Government Organization)—A Bill to amend and reenact §15-2C-6 of the Code of West Virginia, 1931, as amended, relating to permitting fees from the central abuse registry to be used for costs relating to information technology support and infrastructure; and permitting the term “criminal recordkeeping” to include data creation.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,  
*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

**Eng. Com. Sub. for House Bill 2086**, Uniform Real Property Electronic Recording Act.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

Your Committee on Military has had under consideration

**Eng. Com. Sub. for House Bill 2338**, Allowing the owner of an antique military vehicle to display alternate registration insignia.

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 Transportation and Infrastructure.

Respectfully submitted,

Ryan W. Weld,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on Transportation and Infrastructure.

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

Your Committee on the Judiciary has had under consideration

**Eng. House Bill 4007**, Born-Alive Abortion Survivors Protection Act.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Eng. Com. Sub. for House Bill 4058**, Relating to pharmacy benefit managers.

And has amended same.

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

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

**By Senator Cline:**

**Senate Bill 699**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-9-1, relating to recognizing and adopting the Outdoor Recreation Industry Confluence Accords.

Referred to the Committee on Natural Resources.

**By Senator Takubo:**

**Senate Bill 700**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-2-10, relating to permitting allopathic and osteopathic physicians to be exempt from specified traffic laws in emergency situations when responding to an emergency call; providing that physicians must still exercise due care for safety; and providing for rulemaking.

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

**By Senators Takubo and Stollings:**

**Senate Bill 701**—A Bill to amend and reenact §33-51-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §33-51A-1, §33-51A-2, §33-51A-3, §33-51A-4, and §33-51A-5, all relating to the regulation of pharmacy services administrative organizations.

Referred to the Committee on Health and Human Resources.

**By Senator Rucker:**

**Senate Bill 702**—A Bill to amend and reenact §18-2-7a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-2-7e, all relating to designating the specific grade levels to which the specified physical education requirements are applicable to; removing body composition testing as one of the components of a program the State Board of Education is required to prescribe; allowing a school

district to develop or adopt a program in which the subject of nutrition and exercise education is taught; setting forth requirements for program developed or adopted; allowing school districts to apply for funding to support the implementation of the program; creating the Nutrition and Exercise Education Fund from which moneys are to be awarded on a competitive basis to eligible school districts; requiring the Department of Education to annually submit a report to the Governor and the Legislative Oversight Commission on Education Accountability; removing requirement for a State Board of Education rule providing for the collection, reporting, and use of body mass index data; allowing a school district to make available to schools within the district a program in which the subject of nutrient and exercise education is taught; setting forth requirements applicable to the program; allowing school districts utilizing the program to be eligible to apply for funding from the Nutrition and Exercise Education Fund; setting forth requirements applicable to each school in a school district electing to participate in the program; allowing school districts to issue a request for proposals to contract with qualified service providers on a per student rate to provide certain programs and/or products; setting forth certain criteria that providers of programs and products must meet to be considered by school districts; and setting forth required program accountability measures.

Referred to the Committee on Education.

**By Senators Prezioso, Azinger, Beach, Clements, Hamilton, Plymale, Rucker, and Weld:**

**Senate Bill 703**—A Bill to amend and reenact §18B-1-1d of the Code of West Virginia, 1931, as amended, relating to an increase in the earning limit for employees who accept a separation incentive under this article and subsequently return to employment; and amending or removing obsolete, duplicative, or unnecessary language from state code.

Referred to the Committee on Education.

**By Senators Stollings, Baldwin, Beach, Clements, Facemire, Ihlenfeld, Jeffries, Palumbo, Prezioso, Rucker, Smith, Unger, and Woelfel:**

**Senate Bill 704**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated

§17A-3-15a, relating to providing that disabled veterans and veterans who received the purple heart may park free at metered parking spaces at any municipality in the state.

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

**By Senator Maynard:**

**Senate Bill 705**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-14-3a; to amend said code by adding thereto a new section, designated §29-3B-4a; and to amend said code by adding thereto a new section, designated §29-3D-4a, all relating to allowing military veterans with certain experience to qualify for examination for licensure; providing the qualifications to sit for a plumbers examination; providing qualifications to sit for an electricians examination; and providing qualifications to sit for an examination of a sprinkler fitter in training or a journeyman sprinkler fitter.

Referred to the Committee on the Workforce.

**By Senator Trump:**

**Senate Bill 706**—A Bill to amend and reenact §30-29-3 and §30-29-5 of the Code of West Virginia, 1931, as amended, all relating to the duties of the law-enforcement training and certification subcommittee; providing for a minimum of 800 classroom hours for a law-enforcement academy; clarifying that the required classroom hours shall be accumulated on the basis of a full-time curricula; authorizing the law-enforcement training and certification subcommittee to deny an application for the establishment of a new law-enforcement academy if it is determined that no need exists; requiring that a person seeking certification complete the approved law-enforcement training academy within 18 consecutive months of the commencement of employment as a law-enforcement officer; authorizing extensions of such requirement; requiring graduates of state law-enforcement academies successfully complete an entry level law-enforcement examination promulgated by the law-enforcement training and certification subcommittee prior to certification; establishing time



frames for completion of training requirements; and making technical corrections.

Referred to the Committee on Government Organization.

**By Senator Rucker:**

**Senate Bill 707**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2E-11a, relating to nursing career pathways; convening the West Virginia nursing career pathway workgroup; and developing and implementing a career pathway to address the unmet need for nursing assistants, licensed practical nurses, registered nurses, and registered nurses with a bachelor's degree in nursing.

Referred to the Committee on Education.

**By Senators Tarr, Plymale, Roberts, Rucker, Baldwin, Beach, Hardesty, Jeffries, Mann, Palumbo, Romano, Trump, Woelfel, Blair, Clements, Cline, Lindsay, and Stollings:**

**Senate Bill 708**—A Bill to amend and reenact §18C-3-3 of the Code of West Virginia, 1931, as amended, relating to establishing a loan repayment program for certified behavior analysts; and providing definitions.

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

**By Senators Hamilton, Prezioso, and Romano:**

**Senate Bill 709**—A Bill to amend and reenact §55-2-15 of the Code of West Virginia, 1931, as amended, relating to removing the limitation on actions for damages due to sexual assault or sexual abuse upon a minor.

Referred to the Committee on the Judiciary.

**By Senator Azinger:**

**Senate Bill 710**—A Bill to amend and reenact §30-3-13a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §30-3-13b; to amend and reenact §30-14-12d of said code; and to amend said code by adding thereto a new section, designated §30-14-12e, all relating to

practice of telemedicine; establishing a pilot program for members of Public Employees Insurance Agency; setting a sunset date for pilot program; providing for use of audio only engagement in certain circumstances; and providing for an independent audit.

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

**By Senator Trump:**

**Senate Bill 711**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §27-6B-1, §27-6B-2, §27-6B-3, §27-6B-4, §27-6B-5, §27-6B-6, §27-6B-7, §27-6B-8, §27-6B-9, and §27-6B-10, all relating generally to the juvenile jurisdiction of circuit courts; establishing procedures for determining competency and criminal responsibility in juvenile court proceedings; and clarifying distinctions between juvenile court and adult jurisdiction in matters of competence and criminal responsibility.

Referred to the Committee on the Judiciary.

**By Senators Plymale and Woelfel:**

**Senate Bill 712**—A Bill to amend and reenact §5-2-24c of the Code of West Virginia, 1931, as amended, relating to correcting the name of the Forensic Analysis Laboratory of the Marshall University Forensic Science Center.

Referred to the Committee on Education.

**By Senators Plymale, Mann, Romano, and Stollings:**

**Senate Bill 713**—A Bill to amend and reenact §5-16-5 of the Code of West Virginia, 1931, as amended, relating to the allocation of premiums for employers and employees in the Public Employees Insurance Agency.

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

**By Senator Plymale:**

**Senate Bill 714**—A Bill to amend and reenact §11-10-14a of the Code of West Virginia, 1931, as amended, relating to allowing

certain deductions to be made from individual personal income tax refunds; providing check-off for donations to the Make-A-Wish Foundation of Greater Pennsylvania and West Virginia for the purpose of granting wishes to children who reside in West Virginia and who have life-threatening medical conditions; providing for disposition of such donated moneys; establishing the Make-A-Wish Foundation of Greater Pennsylvania and West Virginia Fund as a special escrow fund in the State Treasury; providing for the administration and use of moneys in the fund; authorizing the Tax Commissioner to make certain deposits into the fund; and providing for reporting to the Joint Committee on Government and Finance.

Referred to the Committee on Finance.

**By Senator Lindsay:**

**Senate Bill 715**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5B-19, relating to creating the Patient Safety and Transparency Act.

Referred to the Committee on Health and Human Resources.

Senators Prezioso, Beach, Facemire, and Romano offered the following resolution:

**Senate Concurrent Resolution 20**—Requesting the Division of Highways name a portion of U.S. 19, starting at a point just north of the intersection of U.S. 19 and Country Club Road and continuing north to a point just south of the intersection of U.S. 19 and Cleveland Avenue, all within the city limits of Fairmont, the “U.S. Senator Joseph Rosier Memorial Highway”.

Whereas, Joseph Rosier was born in Wilsonburg, Harrison County, West Virginia, on January 24, 1870, and attended public schools in West Virginia. In 1890, at age 20, he began his teaching career in the village of Bristol, West Virginia, and was the principal of public schools in Salem, West Virginia, in 1891 and 1892; and

Whereas, Joseph Rosier served as superintendent of schools in Harrison County in 1893 and 1894 and was a member of the faculty

of Salem College from 1894 to 1896, and graduated from Salem College in 1895, where he also earned a master's degree; and

Whereas, Joseph Rosier was a teacher at Glenville State Normal School in 1915 and transformed that institution into Fairmont State Teacher's College and later Fairmont State College. He oversaw the college's move from a single building in downtown Fairmont to a new 120-acre campus on Locust Avenue, where the current Fairmont State University still thrives; and

Whereas, During the First World War, Joseph Rosier served as county food administrator and later as a consultant on education for the Works Progress Administration, all during his 30-year tenure as President of Fairmont State College; and

Whereas, Joseph Rosier was elected President of the National Education Association of the United States (NEA), the nation's largest professional employee organization, and served as national NEA President from 1931 through 1933; and

Whereas, On January 13, 1941, Joseph Rosier was appointed U.S. Senator from West Virginia to fill a vacancy created by Matthew Neeley's concurring inauguration as Governor and resignation from the U.S. Senate; and

Whereas, Upon his retirement as President of Fairmont State College in 1945, Joseph Rosier was named president emeritus, a title which, along with honorary doctorate degrees, he held until his death on October 7, 1951; and

Whereas, Joseph Rosier was elected to the West Virginia House of Delegates in 1946; and

Whereas, Joseph Rosier was appointed by President Harry S. Truman, his former colleague in the U.S. Senate, to represent the United States at the United Nations Educational Scientific Cultural Organization (UNESCO) and, at age 80, traveled abroad to Lebanon and Syria to attend a 1950 meeting of UNESCO; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Senator Joseph Rosier and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a portion of U.S. 19, starting at a point just north of the intersection of U.S. 19 and Country Club Road and continuing north to a point just south of the intersection of U.S. 19 and Cleveland Avenue, all within the city limits of Fairmont, the “U.S. Senator Joseph Rosier Memorial Highway”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of road as the “U.S. Senator Joseph Rosier Memorial Highway”; 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.

Senator Swope offered the following resolution:

**Senate Concurrent Resolution 21**—Requesting the Division of Highways name bridge numbers 28-077/00-002.95 (NB-SB) (28A176, 28A113), locally known as NB-SB East River bridges, carrying Interstate 77 over the East River, NS RR, and County 38/5 in Mercer County, the “U.S. Army SSG James ‘Junior’ Spurrier Memorial Bridge”.

Whereas, James “Junior” Spurrier was born on December 14, 1922, in Russell County, Virginia, and later came to live in Bluefield, West Virginia, where he attended local schools before leaving to assist his family on their farm; and

Whereas, Prior to his enlistment in the Army, James “Junior” Spurrier was an employee of the then-named Norfolk and Western Railway Company; and

Whereas, After the death of his mother in the summer of 1940, James “Junior” Spurrier enlisted in the United States Army; and

Whereas, James “Junior” Spurrier initially entered combat in the Pacific Theater where he served in the Army infantry; and

Whereas, After James “Junior” Spurrier was injured in New Guinea, he was returned to the United States for treatment and, when he was again deemed fit for duty, he returned for service, at his own request, to Europe. He distinguished himself as part of the 134th Infantry Regiment, 35th Infantry Division, and was promoted to the position of Staff Sergeant in 1944; and

Whereas, On September 16, 1944, near Lay-Saint-Christophe, France, SSG James “Junior” Spurrier spearheaded an assault upon a strongly defended hill position and he was able to kill more than 12 enemy soldiers and to force the surrender of 22 others; and

Whereas, On November 13, 1944, SSG James “Junior” Spurrier singlehandedly attacked and fought Germans occupying the village of Achain, France, repeatedly returning to his company’s command post with prisoners, and replenishing his ammunition from both American and enemy weapons to continue his attack on the occupied enemy forces. When the commanding officer learned that SSG James “Junior” Spurrier was engaging the enemy on one side of the village while the rest of the company was preparing to attack from the opposite side, he issued an unusual and memorable order, “Attack Achain! Company G from the east and Spurrier from the west.”; and

Whereas, As a result of his “. . . conspicuous gallantry and intrepidity at risk of his life above and beyond the call of duty in action against the enemy at Achain,” SSG James “Junior” Spurrier was presented with this country’s highest military decoration, the Medal of Honor; and

Whereas, At the conclusion of World War II, SSG James “Junior” Spurrier was one of the most decorated soldiers of that war, having received in addition to the Medal of Honor, two Purple Heart decorations, the Distinguished Service Cross, the Legion of

Merit Medal, and the Bronze Star Medal with one “V” device and one oak leaf cluster. In addition, the countries of France and Belgium have each awarded him with a *Croix de guerre* for his bravery and military virtue in fighting for the Allies; and

Whereas, SSG James “Junior” Spurrier has also been honored with a memorial dedicated to him in 2006 in the “Those Who Served Museum” in Mercer County, West Virginia, and has been remembered in speeches and cited as the “one man army” and the “best fighting soldier of World War II”; and

Whereas, SSG James “Junior” Spurrier passed away on February 25, 1984, and is interred in the Mountain Home National Cemetery in Johnson City, Tennessee; and

Whereas, It is fitting that an enduring memorial be established to commemorate SSG James “Junior” Spurrier and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge numbers 28-077/00-002.95 (NB-SB) (28A176, 28A113), locally known as NB-SB East River bridges, carrying Interstate 77 over the East River, NS RR, and County 38/5 in Mercer County, the “U.S. Army SSG James ‘Junior’ Spurrier Memorial Bridge”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U.S. Army SSG James ‘Junior’ Spurrier Memorial Bridge”, and that these signs also bear the notation “Medal of Honor Recipient”; 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.

Senator Swope offered the following resolution:

**Senate Concurrent Resolution 22**—Requesting the Division of Highways name bridge number 28-19-12.39 (2855160), locally known as Short Span Bridge over Glady Fork, carrying US 19 over Glady Fork in Mercer County, the “George M. Hall Memorial Bridge”.

Whereas, At a time when our nation was engaged in a Civil War, Mercer County resident George M. Hall risked life and limb to save the records of the county court and circuit court; and

Whereas, George M. Hall, a native of Dublin, Virginia, and born into slavery, was residing in Princeton, (then) Virginia in May 1862, when the Union Army entered the Mercer County seat. In order to prevent their enemy from benefitting from the supplies stored in Princeton, Confederate officers instructed soldiers occupying the town to burn residences as well as the county courthouse; and

Whereas, With the courthouse in flames, George M. Hall, who was about 19 years old at the time, entered it and saved the records that were stored in the county court clerk’s office. Harrison W. Straley, a prominent Princetonian and a contemporary of Mr. Hall’s, recounted Mr. Hall’s selfless act in his book, *Memoirs of Old Princeton*; and

Whereas, As Mr. Straley wrote of George M. Hall, “He was burned, lacerated, and for many weeks could not speak above a whisper, but an ungrateful County Court not only failed to remunerate him, but did not even thank him for his services to the county;” and

Whereas, As she prepared for the 2018 “Juneteenth” celebration at her church, retired Mercer County public schools educator, Peggy Johnson, discovered that after his selfless act of bravery and heroism, George M. Hall continued to live in Princeton where he worked as a shoemaker and, along with his wife, Melinda (Henderson) Hall, raised their family in Mercer County; and

Whereas, On June 12, 2018, the Mercer County Commission passed a resolution that served as a belated thank you to George M.



Hall for risking his life by entering the courthouse on May 15, 1862 to save the records of the county court clerk's office, records that still exist to this day. In addition, the commission thanked Peggy Johnson and Lois Miller of the Mercer County Historical Society for bringing this oversight to the commission's attention; and

Whereas, It is fitting that an enduring memorial be established to commemorate George M. Hall and his contributions to Princeton, Mercer County, and West Virginia; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 28-19-12.39 (2855160), locally known as Short Span Bridge over Glady Fork, carrying US 19 over Glady Fork in Mercer County, the "George M. Hall Memorial Bridge"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "George M. Hall 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, the Mercer County Historical Society, and the Mercer County Commission.

Which, under the rules, lies over one day.

Senators Weld and Hamilton offered the following resolution:

**Senate Resolution 32**—Designating February 6, 2020, as Veterans Visibility Day at the Legislature.

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

Whereas, Per capita, more citizens from West Virginia have served in our nation's armed forces than from any other state and

we are proud of our citizens who, despite danger, have done what they must for peace and freedom; and

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

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

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

*Resolved by the Senate:*

That the Senate hereby designates February 6, 2020, as Veterans Visibility Day at the Legislature; and, be it

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

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

Which, under the rules, lies over one day.

Senator Blair offered the following resolution:

**Senate Resolution 33**—Reaffirming the sister-state relationship between the State of West Virginia and Taiwan.

Whereas, The Republic of China (Taiwan) and the United States have enjoyed a long-standing partnership and share the common values of freedom, democracy, and human rights. In 2019, Taiwan ranked as the second-freest country in Asia by Freedom House, and ranked 10th among 180 world economies in

terms of economic freedom by the Heritage Foundation, demonstrating the strength and vitality of its democratic system and showcasing Taiwan as a beacon of democracy in the world; and

Whereas, The Taiwan Relations Act (TRA) was signed into law on April 10, 1979, codifying the historically close relations with Taiwan that had existed prior to January 1, 1979, and which serves as the foundation to preserve and promote continued bilateral bonds; and

Whereas, In 1982, President Ronald Reagan further clarified the importance and resilience of the U.S.-Taiwan relationship with the issuance of the Six Assurances, which together with the TRA, are the cornerstones of U.S. policy with respect to Taiwan; and

Whereas, The United States and Taiwan have forged ever closer economic and security relations over the last four decades based on their shared commitment to democracy, the rule of law, and free market principles; with the United States now Taiwan's second-largest trading partner and second-largest destination of Taiwanese outward investment; and with Taiwan the 11th-largest trading partner of the United States and a key destination for United States agricultural exports; and

Whereas, The State of West Virginia is proud of the sister-state relationship it has enjoyed with Taiwan since August 4, 1980, marked by strong bilateral trade, education, and cultural exchange. In 2017, the bilateral trade between West Virginia and Taiwan amounted to nearly \$64 million, making Taiwan our seventh-largest Asian trading partner, demonstrating that Taiwan is not only a friendly sister-state of West Virginia but also an important trading partner; and

Whereas, In the 2017-2018 academic year, 22,454 students from Taiwan studied in the U.S., making Taiwan the seventh-leading place of origin for students coming to the U.S. and contributed more than \$824 million to the U.S. economy, through their spending on tuition, accommodation, and living expenses; and

Whereas, West Virginia welcomes all opportunities for an even closer economic partnership to increase the trade and investment and endorses Taiwan's effort to secure the signing of a U.S.-Taiwan Bilateral Trade Agreement, to boost greater West Virginia exports to Taiwan, and to bring in more Taiwanese investments, such as the \$34 million project which Far Eastern New Century Corporation introduced in 2018; and

Whereas, Taiwan has been proven to be a very valuable contributor in a broad range of global issues, and it is necessary to be granted access to meaningfully participate in various international organizations including the World Health Organization (WHO), International Civil Aviation Organization (ICAO), United Nation Framework Convention on Climate Change (UNFCCC), and International Criminal Police Organization (INTERPOL); therefore, be it

*Resolved by the Senate:*

That the Senate hereby reaffirms the sister-state relationship between the State of West Virginia and Taiwan; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to Mr. Daniel Chou, Representative of the Taipei Economic and Cultural Representative Office in the United States.

Which, under the rules, lies over one day.

### **Petitions**

Senator Stollings presented a petition from Leah Kendrick and 628 West Virginia residents, requesting the Legislature to facilitate change in Medicaid eligibility for assisted living patients.

Referred to the Committee on Health and Human Resources.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 19**, USMC LCpl Fred Michael Kerns 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 Resolution 30**, Designating February 5, 2020, as Tucker County Day.

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

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

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Smith and Sypolt regarding the adoption of Senate Resolution 30 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 11:37 a.m., the Senate recessed to present Senate Resolution 30.

The Senate reconvened at 11:41 a.m. and resumed business under the seventh order.

**Senate Resolution 31**, Designating February 5, 2020, as Cancer Survivorship Day.

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

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

Thereafter, at the request of Senator Beach, and by unanimous consent, the remarks by Senator Stollings regarding the adoption of Senate Resolution 31 were ordered printed in the Appendix to the Journal.

At the request of Senator Weld, unanimous consent being granted, the remarks by Senators Takubo, Maroney, and Clements

regarding the adoption of Senate Resolution 31 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 11:52 a.m., the Senate recessed to present Senate Resolution 31.

The Senate reconvened at 11:56 a.m. and proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 190**, Modifying requirement that racetrack participate in WV Thoroughbred Development Fund by certain date.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (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. 190) 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 300**, Updating certain terms in WV Corporation Net Income Tax Act.

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

Pending discussion,

The question being “Shall Engrossed Senate Bill 300 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (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. 300) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (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. S. B. 300) 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 308**, Creating criminal penalties for violation of orders issued for protection of victims of financial exploitation.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (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. 308) 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 308**—A Bill to amend and reenact §55-7-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-2-29b of said code, all relating to creating the criminal offense of violating the terms of protection orders issued for the protection of persons who are victims or potential victims of financial exploitation; requiring orders of protection to state that violations of such orders may result in criminal prosecution; and establishing penalties for such offenses.

*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 316**, Relating to oil and gas conservation commission membership.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton,



Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (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. 316) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (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. 316) 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 544**, Authorizing pharmacists and pharmacy interns administer vaccines.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard,

Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (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. 544) 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 551**, Relating to Water and Wastewater Investment and Infrastructure Improvement 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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (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. 551) 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 560**, Permitting nursing home use trained individuals administer medication.

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

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 560 pass?”

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Clements, Cline, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, and Carmichael (Mr. President)—27.

The nays were: Baldwin, Beach, Hamilton, Pitsenbarger, Romano, Unger, and Woelfel—7.

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. 560) 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 Joint Resolution 7**, Preserving the Separation of Powers Amendment.

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

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Senate Joint Resolution 7 be adopted?”

On this question, the yeas were: Azinger, Blair, Boley, Clements, Cline, Hamilton, Mann, Maroney, Maynard, Pitsenbarger, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, and Carmichael (Mr. President)—20.

The nays were: Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Palumbo, Prezioso, Romano, Stollings, Unger, and Woelfel—13.

Absent: Plymale—1.

So, less than two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the resolution (Eng. Com. Sub. for S. J. R. 7) rejected.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Trump, Stollings, Woelfel, and Romano regarding Engrossed Committee Substitute for Senate Joint Resolution 7 were ordered printed in the Appendix to the Journal.

**Eng. Com. Sub. for House Bill 4091**, Allowing for expedited oil and gas well permitting upon payment of applicable expedited fees.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Plymale—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4091) passed with its title.

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

**Eng. House Bill 4393**, Relating to making suffocation and asphyxiation crimes.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Plymale—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4393) passed.

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

**Eng. House Bill 4393**—A Bill to amend and reenact §61-2-9d of the Code of West Virginia, 1931, as amended, relating to creating the criminal offenses of suffocation and asphyxiation; and establishing criminal penalties therefor.

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

The Senate proceeded to the ninth order of business.

**Senate Bill 482**, Eliminating permit requirement for storing concealed handgun in vehicle on school property for persons over 21.

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

**Senate Bill 620**, Authorizing Division of Corrections and Rehabilitation approve home plans for inmates.

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 625**, Creating one-day annual license to permit charitable auction of sealed rare, antique, or vintage liquor bottles.

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

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

On page two, section eight-b, line twenty-five, by striking out “\$500” and inserting in lieu thereof “\$100”.

Following discussion,

The question being on the adoption of Senator Rucker’s amendment to the bill, the same was put and prevailed.

The bill (Com. Sub. for S. B. 625), as amended, was then ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 629**, Clarifying alcohol by volume percentage for certain wines.

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 4042**, Requiring agencies exempt from some or all of state purchasing requirements to adopt procedural rules.

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

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

On page one, section twelve, line three, after the words “*et seq.*” by inserting the words “or §29A-3A-1 *et seq.*”

The bill (Eng. Com. Sub. for H. B. 4042), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

**Com. Sub. for Senate Bill 136**, Prohibiting certain misleading lawsuit advertising practices.

**Com. Sub. for Senate Bill 138**, Incentives for consolidating local governments.

**Com. Sub. for Senate Bill 142**, Expanding Coyote Control Program through voluntary assessment on breeding cows.

**Senate Bill 203**, Allowing certain deductions from personal income tax refunds.

**Com. Sub. for Senate Bill 522**, Relating to compensation awards to crime victims.

**Com. Sub. for Senate Bill 615**, Declaring certain claims against state as moral obligations of state.

And,

**Com. Sub. for Senate Bill 623**, Allowing noncitizen of US be eligible for teaching certificate.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Facemire, Romano, and Lindsay.

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

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were removed as co-sponsors of the following bills:

**Com. Sub. for Senate Bill 136:** Senator Romano;

And,

**Senate Bill 611:** Senator Roberts.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions:

**Senate Bill 49:** Senator Cline;

**Com. Sub. for Senate Bill 138:** Senators Palumbo and Roberts;

**Senate Bill 236:** Senator Maroney;

**Com. Sub. for Com. Sub. for Senate Bill 275:** Senator Roberts;

**Senate Bill 279:** Senator Roberts;

**Senate Bill 318:** Senator Cline;

**Senate Bill 506:** Senator Cline;

**Com. Sub. for Senate Bill 575:** Senator Rucker;

**Senate Bill 583:** Senator Cline;

**Senate Bill 600:** Senator Maroney;

**Com. Sub. for Senate Bill 607:** Senator Roberts;



**Senate Bill 618:** Senator Plymale;

**Senate Bill 628:** Senator Beach;

**Com. Sub. for Senate Bill 678:** Senators Romano and Woelfel;

**Senate Bill 687:** Senator Roberts;

**Senate Bill 689:** Senators Cline, Plymale, Prezioso, and Woelfel;

**Senate Bill 690:** Senator Cline;

**Senate Bill 691:** Senators Cline and Roberts;

**Senate Bill 693:** Senators Ihlenfeld, Smith, and Stollings;

**Senate Bill 694:** Senators Cline, Roberts, and Smith;

**Senate Bill 697:** Senators Plymale, Roberts, Stollings, and Woelfel;

**Senate Bill 698:** Senators Ihlenfeld and Stollings;

**Senate Resolution 30:** Senators Plymale and Stollings;

And,

**Senate Resolution 31:** Senators Baldwin, Cline, Plymale, Prezioso, Roberts, and Smith.

Pending announcement of meetings of standing and select committees of the Senate,

On motion of Senator Takubo, at 1:10 p.m., the Senate adjourned until tomorrow, Thursday, February 6, 2020, at 11 a.m.

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## THURSDAY, FEBRUARY 6, 2020

The Senate met at 11:07 a.m.

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

Prayer was offered by the Reverend Bret Layton, Superintendent of the West Virginia South District Church of the Nazarene, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael J. Romano, a senator from the twelfth district.

Pending the reading of the Journal of Wednesday, February 5, 2020,

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

At the request of Senator Takubo, and by unanimous consent, the provisions of Rule 54 of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to grant United States military veterans privileges of the floor for the day.

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

At the request of Senator Takubo, unanimous consent being granted, the Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 20**, US Senator Joseph Rosier Memorial Highway.

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**, US Army SSG James “Junior” Spurrier 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 22**, George M. Hall 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 Resolution 32**, Designating February 6, 2020, as Veterans Visibility Day.

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

At the request of Senator Weld, 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, and on this question, Senator Beach demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 32) adopted.

Thereafter, at the request of Senator Smith, and by unanimous consent, the remarks by Senators Weld, Stollings, and Baldwin regarding the adoption of Senate Resolution 32 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 11:28 a.m., the Senate recessed to present Senate Resolution 32.

The Senate reconvened at 11:34 a.m. and resumed business under the seventh order.

**Senate Resolution 33**, Reaffirming sister-state relationship between WV and Taiwan.

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

At the request of Senator Takubo, 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, and on this question, Senator Blair demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 33) adopted.

On motion of Senator Takubo, at 11:43 a.m., the Senate recessed to present Senate Resolution 33.

The Senate reconvened at 11:54 a.m. and, without objection, returned to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

**Eng. Com. Sub. for Senate Bill 311**, Relating to court-ordered community service.

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

**Eng. Com. Sub. for Senate Bill 357**, Authorizing Department of Revenue promulgate legislative rules.

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

**Eng. Com. Sub. for House Bill 2967**—A Bill to amend and reenact §11-22-2 of the Code of West Virginia, 1931, as amended, relating to phasing in elimination of state excise tax on privilege of transferring property and replacing it with county excise tax on certain date.

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

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

**Eng. Com. Sub. for House Bill 4090**—A Bill to amend and reenact §11-13A-3a of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §22-6-29a, all relating to creating and funding the Oil and Gas Abandoned Well Plugging Fund for use by the West Virginia Department of Environmental Protection to plug abandoned oil and gas wells without responsible operators; lowering the severance tax collected on production from certain

defined marginal oil and natural gas wells; requiring the collected lower severance taxes to be deposited in the fund; providing for a cap on the balance of the fund which can trigger a further reduction in the severance taxes on these certain defined marginal wells; providing an effective date for the lower tax rate; maintaining prior exemptions from the severance tax; providing for administration of the fund; providing specific purposes and limitations for use of the fund; providing reporting requirements for two funds, the Oil and Gas Reclamation Fund and the Oil and Gas Abandoned Well Plugging Fund; deleting a subsection of the code which expired by its own terms; and providing a short title.

Referred to the Committee on Finance.

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 4161**—A Bill to amend and reenact §16-38-1 and §16-38-3 of the Code of West Virginia, 1931, as amended, all relating to tattoos; making it illegal to scleral tattoo a person; defining the term “scleral tattoo;” and reordering definitions so they will be in alphabetical order.

Referred to the Committee on Health and Human Resources.

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 4356**—A Bill to amend and reenact §30-7-15 of the Code of West Virginia, 1931, as amended, relating to the administration of anesthetics.

Referred to the Committee on Health and Human Resources.

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 4375**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §30-32A-1, §30-32A-2, §30-32A-3, §30-32A-4, §30-32A-5, §30-32A-6, §30-32A-7, §30-32A-8, §30-32A-9, §30-32A-10, §30-32A-11, §30-32A-12, §30-32A-13, and §30-32A-14, all relating to joining the Audiology and Speech-Language Pathology Compact Commission; providing for a purpose; providing for definitions; providing for state participation in the compact; establishing the privilege to practice in member states; providing for procedures relating to licensing for active duty military personnel and their spouses; providing for procedures relating to adverse actions; establishing the Audiology and Speech-Language Pathology Compact Commission; providing for a data system available for use among the member states; providing for rule making authority of the Commission; providing for oversight, dispute resolution, and enforcement provisions of the Commission among the member states; providing for date of implementation among the member states; providing for applicability of the existing rules at the time a new member state joins the Commission; providing for withdrawal of any member states and conditions that must be met until withdrawal is effective; providing for a six month period before withdrawal is effective; providing for construction and severability of the provisions of the Compact; and providing for a binding effect of the laws and rules of the Compact among the member states.

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

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

**Eng. Com. Sub. for House Bill 4378**—A Bill to amend and reenact §18A-3-6 of the Code of West Virginia, 1931, as amended, relating to grounds for revocation or suspension of teaching certificates; authorizing suspensions; authorizing additional sanction options by the state superintendent with respect to violations; authorizing superintendent to issue subpoenas to aid investigation of allegations against persons subject to licensure;

requiring professional relationship with students; providing minimum revocation period for offenses and specifying offenses; and defining grooming a student or minor.

Referred to the Committee on Education.

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

**Eng. Com. Sub. for House Bill 4395**—A Bill to amend and reenact §60A-9-5 and §60A-9-5a of the Code of West Virginia, 1931, as amended, relating to removing the requirement that a veterinarian monitor the controlled substance monitoring database; and updating the code to reflect previous changes.

Referred to the Committee on Health and Human Resources.

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 4410**—A Bill to amend and reenact §31A-4-26 of the Code of West Virginia, 1931, as amended, relating to permitting directors and executive officers of a banking institution to borrow from a banking institution with which he or she is connected up to \$25,000 or five percent of unimpaired capital and surplus to a maximum aggregate amount of \$500,000 without the prior approval of a majority of the board of directors or discount committee of the banking institution.

Referred to the Committee on Banking and Insurance.

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

**Eng. Com. Sub. for House Bill 4414**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-20, relating to early language development; defining terms; developing early language resources;



setting forth types of communication; selecting assessment tools; creating an advisory committee; providing authority to the advisory committee; and requiring an annual report.

Referred to the Committee on Education.

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

**Eng. Com. Sub. for House Bill 4415**—A Bill to amend and reenact §15-3D-3 and the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §15-3D-9; to amend and reenact §49-6-103, §49-6-105, §49-6-106, §49-6-109, §49-6-110, §49-6-112, §49-6-113, and 49-6-114; and to amend said code by adding thereto a new section, designated §49-6-116, all relating to children; defining terms; creating a missing child advisory; updating terminology; requiring law-enforcement to investigate; requiring law-enforcement to issue an advisory; permitting the sharing of confidential information with the department in certain circumstances; establishing a foster child locator unit within the department; establishing duties of the unit; and requiring a report.

Referred to the Select Committee on Children and Families; and then to the Committee on Finance.

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

**Eng. Com. Sub. for House Bill 4438**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-23-12e, relating to licensing of advance deposit account wagering; defining terms; providing for source market fees; providing for certain distribution of source market fees derived from wagers of account holders; providing that advance deposit account wagers are authorized; conferring jurisdiction to Racing Commission; providing for the assessment and imposition of licensing and annual renewal fees; providing that

applicants may bear certain costs; prohibiting advance deposit account wagering in West Virginia unless conducted through an advance deposit account wagering licensee; exempting advance deposit account wagering from certain provisions of code; providing criminal penalties for accepting advance deposit account wagers without a license; providing authority for the Racing Commission to seek civil remedies and damages; providing for regulatory fee; providing that all advance deposit account wagers placed by residents within the state are considered to be wagering within West Virginia subject to the laws of this state and rules of the Racing Commission; and authorizing rulemaking and emergency rulemaking.

Referred to the Committee on Finance.

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 4559**—A Bill to amend and reenact §55-2-15 of the Code of West Virginia, 1931, as amended, relating to modifying the limitations on civil actions against the perpetrator of sexual assault or sexual abuse upon a minor.

Referred to the Committee on the Judiciary.

### **Executive Communications**

The Clerk then presented a communication from His Excellency, the Governor, advising that on February 5, 2020, he had approved **Enr. House Bill 4130**.

The Senate proceeded to the fourth order of business.

Senator Roberts, from the Committee on the Workforce, submitted the following report, which was received:

Your Committee on the Workforce has had under consideration

**Senate Bill 76**, Limiting liability of employers in cases where certain crime convictions are expunged.

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

**Com. Sub. for Senate Bill 76** (originating in the Committee on the Workforce)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-11-26c, relating to limiting the civil liability of employers in cases arising out of the employee's criminal or unlawful actions, or suitability for employment, if the misconduct or suitability relates to the criminal history record that has been expunged; and authorizing court to permit the inspection of sealed records.

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,

Rollan A. Roberts,  
*Chair.*

The bill (Com. Sub. for S. B. 76), under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 484**, Requiring free feminine hygiene products be provided to female prisoners.

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

**Com. Sub. for Senate Bill 484** (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

§15A-4-22; and to amend and reenact §49-2-906 of said code, all relating to requiring that free feminine hygiene products be provided to female prisoners in state correctional facilities and female juveniles in juvenile detention; specifying the time frame in which they must be provided; and defining a term.

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

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

The bill (Com. Sub. for S. B. 484), under the original double committee reference, was then referred to the Committee on Finance.

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 616**, Relating to employment grievance procedure for public employees.

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

**Com. Sub. for Senate Bill 616** (originating in the Committee on Government Organization)—A Bill to amend and reenact §6C-2-1, §6C-2-2, §6C-2-3, §6C-2-4, and §6C-2-6 of the Code of West Virginia, 1931, as amended, all relating to the employment grievance procedure for public employees; clarifying the scope of employee representation; limiting the number of grievances in which an employee representative may participate; restricting an employee representative's participation in disciplinary meetings; clarifying the amount of paid time off allowed for grievance preparation; clarifying that employers are not required to grant

access to state vehicles for grievances; providing for an exception to removal of a grievant's identity in employer's files; allowing waiver of the procedural level one in certain circumstances; and allowing the prevailing party in appeals to recover court costs and fees.

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,

Mark R. Maynard,  
*Chair.*

The bill (Com. Sub. for S. B. 616), under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on Pensions has had under consideration

**Senate Bill 654**, Allowing certain sheriffs transfer from PERS to Deputy Sheriff Retirement System.

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 Finance.

Respectfully submitted,

Michael T. Azinger,  
*Chair.*

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

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 657**, Allowing designation of tourism development districts.

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

**Com. Sub. for Senate Bill 657** (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-1-9, relating to authorizing the Department of Commerce to assist qualifying tourism development projects and tourism development expansion projects in the creation of tourism development districts by approved companies; preempting rights of certain municipalities; limiting certain rights of a municipality's home rule powers; establishing requirements of application for and designation of tourism development districts; providing that decision of development office regarding establishment of tourist development district is final; restricting number of such districts; providing for termination of tourism development districts; exempting districts and projects within them from certain municipal regulation and requirements; establishing that projects within tourism development districts are required to pay various taxes and comply with certain state laws, state building code, and inspection standards of development office; requiring Department of Transportation to participate in tourism development projects; providing that failure to continue the Tourism Development Act does not affect the provisions of this section and created tourism development districts; requiring rulemaking and promulgation of emergency rules; and providing severability.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

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

Your Committee on the Judiciary has had under consideration

**Eng. House Bill 2922**, Relating to requirements to obtain a final order of discharge and dismissal for possession of opiates or opioids.

And has amended same.

And,

**Eng. Com. Sub. for House Bill 4275**, Authorizing Department of Military Affairs and Public Safety promulgate legislative rules relating to the Fire Commission.

And has amended same.

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

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

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

Your Committee on the Judiciary has had under consideration

**Eng. House Bill 3039**, Relating to a court's consideration of the expression of a preference by a child in certain child custody matters.

And has amended same.

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

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

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

Your Committee on Military has had under consideration

**Eng. House Bill 4030**, Increasing limit for application for original appointment as a firefighter to 40 years of age for honorably discharged veterans.

And has amended same.

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

Respectfully submitted,

Ryan W. Weld,  
*Chair.*

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

**By Senator Takubo:**

**Senate Bill 716**—A Bill to amend and reenact §9-5-12 of the Code of West Virginia, 1931, as amended, relating to requiring Department of Health and Human Resources to make payment for tubal ligation without requiring at least 30 days between date of informed consent and date of sterilization.

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



**By Senators Maroney, Cline, Hamilton, Prezioso, Rucker, Swope, Sypolt, Takubo, Trump, and Weld:**

**Senate Bill 717**—A Bill to amend and reenact §9-6-1, §9-6-2, §9-6-3, §9-6-4, §9-6-5, §9-6-6, §9-6-7, §9-6-8, §9-6-9, §9-6-10, §9-6-11, §9-6-13, and §9-6-16 of the Code of West Virginia, 1931, as amended, all relating to adult protective services, abuse, neglect, vulnerable adults; amending the definition of “financial exploitation” to include the use of undue influence; redefining “caregiver”, defining “fiduciary” and “undue influence”; replacing old terms and adding new terms; providing for the release of investigative summaries of substantiated and unsubstantiated reports of abuse, neglect, or financial exploitation to certain individuals; adding employees of a financial institution as mandated reporters of suspected abuse, neglect, or financial exploitation; and providing for the release of suspicious financial transactions to Adult Protective Services.

Referred to the Committee on the Judiciary.

**By Senators Maroney, Cline, Hamilton, Prezioso, Rucker, Swope, Sypolt, Takubo, and Trump:**

**Senate Bill 718**—A Bill to amend and reenact §49-2-810 of the Code of West Virginia, 1931, as amended, relating to immunity from criminal and civil liability; and amending the provision of immunity to explicitly grant immunity from civil or criminal liability for individuals providing information or assistance to a good-faith report of child abuse or neglect.

Referred to the Committee on Health and Human Resources.

**By Senators Maroney, Cline, Prezioso, Rucker, Sypolt, Takubo, and Trump:**

**Senate Bill 719**—A Bill to amend and reenact §11-27-10a of the Code of West Virginia, 1931, as amended, relating to imposing a health care related provider tax on certain health care organizations.

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

**By Senators Maroney, Cline, Prezioso, Rucker, Swope, Sypolt, Takubo, and Trump:**

**Senate Bill 720**—A Bill to amend and reenact §16-49-1, §16-49-2, §16-49-3, §16-49-4, §16-49-5, §16-49-6, §16-49-7, and §16-49-8 of the Code of West Virginia, 1931, as amended, all relating to West Virginia Clearance for Access: Registry and Employment Screening; including the screening of West Virginia Department of Health and Human Resources employees in the background check process; and streamlining the variance procedures.

Referred to the Committee on Health and Human Resources.

**By Senators Maroney, Cline, Hamilton, Prezioso, Rucker, Takubo, Trump, and Weld:**

**Senate Bill 721**—A Bill to amend and reenact §27-9-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §27-17-3 of said code, all relating to centers and institutions that provide the care and treatment of mentally ill or intellectually disabled individuals and group residential homes treating behaviorally disabled individuals; including the ability to impose civil money penalties against such facilities for good cause; and updating obsolete terminology.

Referred to the Committee on Health and Human Resources.

**By Senators Boley, Azinger, Baldwin, Clements, Cline, Facemire, Hamilton, Ihlenfeld, Jeffries, Lindsay, Palumbo, Pitsenbarger, Plymale, Romano, Smith, Swope, Tarr, and Unger:**

**Senate Bill 722**—A Bill to amend and reenact §11-15-3c of the Code of West Virginia, 1931, as amended; and to amend and reenact §17A-3-23 of said code, all relating to special license plates for vehicles titled in the name of the Division of Public Transit or purchased by the Division of Public Transit for public use; and exempting those vehicles from motor vehicle sales tax.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Rucker:**

**Senate Bill 723**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-43, relating to requiring the West Virginia Department of Education to analyze statewide data collected on school disciplinary action and, based on the findings of this data, develop a statewide program intended to address the number of disciplinary actions taken by county school boards; and requiring the West Virginia Department of Education to prepare a report on the findings and provide a summary of the progress of the statewide program which shall be presented to the Legislative Oversight Commission on Education Accountability every two years.

Referred to the Committee on Education.

**By Senator Weld:**

**Senate Bill 724**—A Bill to amend and reenact §16A-2-1 of the Code of West Virginia, 1931, as amended, relating to including ulcerative colitis as a “serious medical condition”.

Referred to the Committee on Health and Human Resources.

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 725**—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2020, to the Department of Education, State Board of Education – State Department of Education, fund 8712, fiscal year 2020, organization 0402, to the Department of Education, State Board of Education – Vocational Division, fund 8714, fiscal year 2020, organization 0402, and to the Department of Education, State Board of Education – Aid for Exceptional Children, fund 8715, fiscal year 2020, organization 0402, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020.

Referred to the Committee on Finance.

Senator Stollings offered the following resolution:

**Senate Resolution 34**—Designating February 7, 2020, as Dental Hygienists Day at the Capitol.

Whereas, Dental hygienists, as licensed oral health care professionals, actively promote oral health care and prevention of oral disease. West Virginia currently has 1,412 total active dental hygienists; and

Whereas, As preventative specialists, dental hygienists contribute to the oral health of West Virginia residents and provide an essential service contributing to their total health; and

Whereas, Dental hygienists give their time and effort in order to provide oral health care to individuals of need, such as children, senior citizens, individuals with low income, and individuals with disabilities; and

Whereas, These services are essential in dental offices, public health facilities, schools, private organizations, and research facilities in providing the best possible oral health care for all citizens; and

Whereas, Promoting the importance of the issues and celebrating the successes of the profession and contributions of dental hygienists will lead to increased public awareness; and

Whereas, The Senate is pleased to join with the students representing BridgeValley Community and Technical College, West Liberty University, and West Virginia University, in promoting good oral health; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates February 7, 2020, as Dental Hygienists Day at the Capitol; and, be it

*Further Resolved,* The Senate urges all West Virginia citizens to recognize dental hygienists for the many valued services they provide and become more familiar with the practice of dental hygiene; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Dental Hygienists Day at the Capitol.

Which, under the rules, lies over one day.

Senators Beach and Romano offered the following resolution:

**Senate Concurrent Resolution 23**—Requesting the Joint Committee on Government and Finance study the West Virginia State Police’s increased duties and responsibilities and determine the number of full-time equivalent positions that are needed to meet the statutory mission of statewide enforcement of criminal and traffic laws, with emphasis on providing basic enforcement and citizen protection from criminal depredation throughout the state’s public streets, roads, and highways.

Whereas, The West Virginia State Police has been protecting the citizens of this state since 1919, investigating crimes, traffic accidents, providing crowd control, directing traffic, apprehending sexual predators and those who terrorize our neighborhoods, to ensure that we live in peace; and

Whereas, The West Virginia State Police has seen a decrease in manpower since 2001, when more than 700 troopers protected West Virginia, to currently only employing 615 troopers; and

Whereas, The West Virginia State Police’s duties and responsibilities have continued to grow during that same time period, which have included the sex offenders within the state that are required to register with the West Virginia State Police. In 2001, the sex offender registry had 1,468 sex offenders within the state and this has now grown to over 5,639 offenders, the tracking of which the West Virginia State Police is responsible; and

Whereas, In 2017, there were 833 drug overdose deaths reported in West Virginia involving opioids, making West Virginia the highest age-adjusted rate of drug overdose deaths involving opioids in the country; and

Whereas, The most recent figures reflect that the West Virginia State Police answered 159,552 calls for service for the citizens of West Virginia in a one-year period; and

Whereas, The Legislature finds that it should take an active role in studying, formulating, and implementing a plan to provide the necessary manpower, equipment, and resources needed for the West Virginia State Police to meet its statutory mission of statewide law enforcement; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to study the West Virginia State Police's increased duties and responsibilities and determine the number of full-time equivalent positions that are needed to meet the statutory mission of statewide enforcement of criminal and traffic laws, with emphasis on providing basic enforcement and citizen protection from criminal depredation throughout the state's public streets, roads and highways; and, be it

*Further Resolved*, That the Joint Committee on Government and Finance report to the Legislature, on the first day of the regular session of the Legislature, 2021, on its findings, conclusions and recommendations, together with drafts of any legislation to effectuate its recommendations; and, be it

*Further Resolved*, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation, be paid from legislative appropriations to the Joint Committee on Government and Finance.

Which, under the rules, lies over one day.

Senator Carmichael (Mr. President) offered the following resolution:

**Senate Concurrent Resolution 24**—Requesting the Division of Highways name bridge number 18-077/00-145.78 (NB-SB) (18A172), locally known as Sandy Creek NB-SB bridges, carrying

I-77 over Sandy Creek in Jackson County, the “Fire Chief Lee Thomas Memorial Bridge”.

Whereas, Fire Chief Lee Thomas was born on November 4, 1933, in Sandyville, West Virginia, and passed away on December 7, 2016; and

Whereas, Chief Lee Thomas was inducted into the United States Army on November 18, 1955, attained the rank of Specialist 4, and was honorably discharged on October 31, 1961; and

Whereas, Chief Lee Thomas was a charter member of the Sandyville Volunteer Fire Department, where he served for 48 years, 25 of which were as chief; and

Whereas, It is fitting that an enduring memorial be established to commemorate Fire Chief Lee Thomas and his contributions to his country, state, and his community; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 18-077/00-145.78 (NB-SB) (18A172), locally known as Sandy Creek NB-SB bridges, carrying I-77 over Sandy Creek in Jackson County, the “Fire Chief Lee Thomas Memorial Bridge”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “Fire Chief Lee Thomas Memorial Bridge”; and, be it

*Further Resolved,* That the Clerk of the Senate is hereby directed forward a copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senator Azinger offered the following resolution:

**Senate Concurrent Resolution 25**—Requesting the Joint Committee on Government and Finance study the impact of a

future electromagnetic pulse catastrophe on the state of West Virginia.

Whereas, Geomagnetic disturbances and electromagnetic pulses have the capability of producing significant damage to West Virginia's infrastructure and electronic equipment; and

Whereas, West Virginia's dependence on electricity was clearly demonstrated during the aftermath of the 2012 derecho which paralyzed much of the state; and

Whereas, West Virginia's vulnerability to severe threats is increasing daily through heightened use and dependence on electronic equipment; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby directed to study the impact of a future electromagnetic pulse catastrophe on the state of West Virginia; and, be it

Further Resolved, That the committee study strategies for prevention and mitigating potential damages caused by geomagnetic disturbances and electromagnetic pulses. In conducting its study, the Joint Committee on Government and Finance shall: (i) Study the nature and magnitude of potential threats to the state of West Virginia caused by geomagnetic disturbances and electromagnetic pulses; (ii) examine West Virginia's vulnerabilities to the potential negative impacts of geomagnetic disturbances and electromagnetic pulses; (iii) identify strategies to prevent and mitigate the effects of geomagnetic disturbances and electromagnetic pulses on West Virginia's infrastructure; (iv) estimate the feasibility and cost of such preventative and mitigation measures; and (v) make recommendations regarding strategies West Virginia should employ to better protect itself from and mitigate damages caused by geomagnetic disturbances and electromagnetic pulses; and, be it

*Further Resolved,* That the Joint Committee on Government and Finance report to the regular session of the Legislature 2021,



on its findings, conclusions, and recommendations together with drafts of any legislation necessary to effectuate its recommendations; and, be it

*Further Resolved*, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Which, under the rules, lies over one day.

Senator Maynard offered the following resolution:

**Senate Concurrent Resolution 26**—Urging the United States Congress to reopen public lands in the state of West Virginia.

Whereas, Off-highway vehicle recreation has demonstrated a tremendous economic benefit of at least \$43 billion throughout the United States and to West Virginia, in particular; and

Whereas, West Virginia has an unparalleled opportunity to replace lost jobs with new employment supporting off-highway vehicle recreation; and

Whereas, West Virginia currently suffers from the highest rates of drug overdose deaths, and the actual number of deaths due to opioid overdose has quadrupled since 2010, but wilderness therapy programs, outdoor recreation, and off-highway vehicle recreation have demonstrated positive health effects for veterans with post-traumatic stress disorder and individuals with opioid addictions; and

Whereas, Resumption of logging in the national forests will bring both economic benefits to the state and to the national budget as well as reduction in the potential for devastating wildfires through proper forest management and timbering practices; and

Whereas, The public benefits of maintaining West Virginia's recreation economy, opportunities for outdoor therapy, and vital logging industry provide powerful reasons to restore full access to nationally managed public lands in this state; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby urges the United States Congress to reopen public lands in the state of West Virginia; and, be it

*Further Resolved,* That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the representatives and senators elected by the citizens of West Virginia serving the citizens of West Virginia in the Congress of the United States in Washington, D. C.

Which, under the rules, lies over one day.

The Senate proceeded to the eighth order of business.

**Eng. Senate Bill 482**, Eliminating permit requirement for storing concealed handgun in vehicle on school property for persons over 21.

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

Pending discussion,

The question being “Shall Engrossed Senate Bill 482 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: Palumbo—1.

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. 482) 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 620**, Authorizing Division of Corrections and Rehabilitation approve home plans for inmates.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (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. 620) 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 625**, Creating one-day annual license to permit charitable auction of sealed rare, antique, or vintage liquor bottles.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (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. 625) 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 629,** Clarifying alcohol by volume percentage for certain wines.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (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. 629) 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 House Bill 4042,** Requiring agencies exempt from some or all of state purchasing requirements to adopt procedural rules.

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

Pending discussion,

The question being “Shall Engrossed Committee Substitute for House Bill 4042 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (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. 4042) passed with its title.

*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 136**, Prohibiting certain misleading lawsuit advertising practices.

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 138**, Incentives for consolidating local governments.

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 142**, Expanding Coyote Control Program through voluntary assessment on breeding cows.

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

**Senate Bill 203**, Allowing certain deductions from personal income tax refunds.

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 522**, Relating to compensation awards to crime victims.

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 615**, Declaring certain claims against state as moral obligations of state.

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 623**, Allowing noncitizen of US be eligible for teaching certificate.

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.

At the request of Senator Takubo, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

**Com. Sub. for Com. Sub. for Senate Bill 96**, Prohibiting municipalities from limiting persons' rights to possess certain weapons.

**Com. Sub. for Senate Bill 97**, Allowing senior judge to continue receiving per diem compensation beyond annual salary of sitting judge due to delay by Governor in filling vacancy.

**Com. Sub. for Senate Bill 131**, Creating Tim Tebow Act.

**Com. Sub. for Senate Bill 195**, Updating powers of personal representatives of deceased person's estate.

**Senate Bill 202**, Allowing one member of PSD board to be county commissioner.

**Com. Sub. for Senate Bill 208**, Protecting consumers from unfair pricing practices during state of emergency.

**Senate Bill 266**, Clarifying and updating language regarding Fairmont State alumni license plates.

**Com. Sub. for Com. Sub. for Senate Bill 275**, Creating Intermediate Court of Appeals.

**Com. Sub. for Senate Bill 517**, Creating State Parks and Recreation Endowment Fund.

**Senate Bill 573**, Supplementing, amending, and increasing appropriations of public moneys for claims against state.

**Com. Sub. for Senate Bill 575**, Designating local fire department as safe-surrender site to accept physical custody of certain children from lawful custodian.

**Com. Sub. for Senate Bill 576**, Relating to management of public records.

**Senate Bill 600**, Creating special revenue account designated Military Authority Fund.

**Com. Sub. for Senate Bill 607**, Reporting motor vehicle crashes to owners.

**Senate Bill 618**, Conforming WV law to federal distance requirements for locations of salvage yards.

**Com. Sub. for Senate Bill 665**, Requiring persons convicted of certain crimes on or after March 8, 1995, provide DNA samples.

**Com. Sub. for Senate Bill 670**, Amending service of process on nonresident persons or corporate entities.

**Com. Sub. for Senate Bill 676**, Permitting fees from Child Abuse Registry be used for information technology support costs.

**Com. Sub. for Senate Bill 678**, Waiving fines and fees for completing Getting Over Addicted Lifestyles Successfully Program.

**Eng. Com. Sub. for House Bill 2086**, Uniform Real Property Electronic Recording Act.

**Eng. House Bill 4007**, Born-Alive Abortion Survivors Protection Act.

And,

**Eng. Com. Sub. for House Bill 4058**, Relating to pharmacy benefit managers.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Smith.

The Senate then proceeded to the thirteenth order of business.

Senator Takubo called attention to today being the birthday of Casey Long, Analyst to the Senate President, and Richie Novak, Senate Technical Support, and on behalf of the Senate extended felicitations and good wishes to Casey Long and Richie Novak.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions:

**Com. Sub. for Senate Bill 76**: Senator Maroney;

**Com. Sub. for Com. Sub. for Senate Bill 96**: Senators Facemire and Romano;

**Com. Sub. for Senate Bill 97**: Senator Maroney;

**Com. Sub. for Senate Bill 131**: Senator Roberts;

**Senate Bill 284**: Senator Maroney;

**Senate Bill 478**: Senator Cline;



**Senate Bill 583:** Senator Maroney;

**Senate Bill 652:** Senator Plymale;

**Senate Bill 654:** Senator Plymale;

**Com. Sub. for Senate Bill 665:** Senator Maroney;

**Senate Bill 672:** Senator Unger;

**Com. Sub. for Senate Bill 676:** Senator Maroney;

**Senate Bill 693:** Senator Unger;

**Senate Bill 695:** Senator Rucker;

**Senate Bill 697:** Senator Unger;

**Senate Bill 699:** Senators Beach and Stollings;

**Senate Bill 700:** Senators Blair and Stollings;

**Senate Bill 701:** Senator Maroney;

**Senate Bill 702:** Senator Maroney;

**Senate Bill 703:** Senators Cline, Hardesty, Jeffries, and Romano;

**Senate Bill 704:** Senators Blair, Cline, Hardesty, Lindsay, Maroney, Plymale, Romano, and Trump;

**Senate Bill 705:** Senators Blair, Clements, and Cline;

**Senate Bill 706:** Senator Clements;

**Senate Bill 707:** Senators Cline, Maroney, Plymale, and Takubo;

**Senate Bill 708:** Senators Blair, Clements, Cline, Lindsay, and Stollings;

**Senate Bill 709:** Senators Baldwin and Lindsay;

**Senate Bill 710:** Senators Cline and Maroney;

**Senate Bill 712:** Senators Jeffries, Stollings, and Takubo;

**Senate Bill 713:** Senator Hardesty;

**Senate Bill 714:** Senator Stollings;

**Senate Bill 715:** Senator Romano;

**Senate Concurrent Resolution 6:** Senator Unger;

**Senate Concurrent Resolution 17:** Senator Weld;

**Senate Concurrent Resolution 20:** Senators Jeffries, Lindsay, and Stollings;

**Senate Concurrent Resolution 21:** Senators Beach, Jeffries, Lindsay, Romano, and Stollings;

**Senate Concurrent Resolution 22:** Senators Beach, Jeffries, Lindsay, Romano, and Stollings;

**Senate Resolution 32:** Senators Baldwin, Beach, Cline, Ihlenfeld, Jeffries, Lindsay, Plymale, Roberts, Romano, Rucker, Stollings, Trump, and Unger;

And,

**Senate Resolution 33:** Senators Baldwin, Cline, Lindsay, Plymale, Romano, Rucker, Stollings, Trump, and Unger.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:23 p.m., the Senate adjourned until tomorrow, Friday, February 7, 2020, at 11 a.m.

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## FRIDAY, FEBRUARY 7, 2020

The Senate met at 11:07 a.m.

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

Prayer was offered by Pastor Bill Tanzey, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Stephen Baldwin, a senator from the tenth district.

Pending the reading of the Journal of Thursday, February 6, 2020,

At the request of Senator Mann, 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 the following communication from a state agency as required by the provisions of law:

Special Investigations, Commission on (§4-5-2)

On motion of Senator Takubo, at 11:15 a.m., the Senate recessed to permit Matt Porter to address the Senate on behalf of the Frasure-Singleton Student Legislative Program.

The Senate reconvened at 11:16 a.m. and proceeded to the third order of business.

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

**Eng. Com. Sub. for House Bill 4352**—A Bill to amend and reenact §29-3B-4 and §29-3B-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §29-3C-4 of said code;

and to amend and reenact §29-3D-2 and §29-3D-6 of said code, all relating to licenses issued by the Fire Marshal; removing the use of post-criminal conduct in professional and occupational initial licensure or certification in decision making; creating a rational nexus requirement between prior criminal conduct and initial licensure or certification in decision making; providing criteria for the State Fire Marshal as licensing or certification authority to determine whether a criminal conviction has a rational nexus to an occupation; limiting licensure disqualification; authorizing persons to petition the State Fire Marshal as to whether a person's criminal records precludes licensure; and reducing the number of necessary hours as a qualification for licensure as a journeyman sprinkler fitter or sprinkler fitter in training.

Referred to the Committee on Government Organization.

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 4380**—A Bill to amend and reenact §4-10-10 of the Code of West Virginia, 1931, as amended, relating to updating the regulatory board review schedule.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amended title, passage as amended, of

**Eng. House Bill 4393**, Relating to making suffocation and asphyxiation crimes.

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

**Eng. Com. Sub. for House Bill 4509**—A Bill to amend and reenact §62-12-12 of the Code of West Virginia, 1931, as amended, relating to transferring the Parole Board to the Division of Corrections and Rehabilitation for purposes of administrative and

other support; removing the residency requirements pertaining to counties; removing the work substitution or qualification to serve on the board; specifying the powers and duties of the chairperson; setting forth the process for selecting a vice chairperson; specifying the powers and duties of the vice chairperson; clarifying how a vacancy occurs on the board; creating a temporary or substitute board member list; and clarifying how moneys for the board should be appropriated.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 38**, Requiring schools provide elective course on Hebrew Scriptures or Bible.

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

**Com. Sub. for Senate Bill 38** (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-9a, relating to allowing county boards of education to offer students in grade nine or above an elective social studies course on Hebrew Scriptures, Old Testament of the Bible, New Testament of the Bible, or Hebrew Scriptures and New Testament of the Bible; setting forth the purposes of the course; permitting students to use a translation of their choice; requiring county board of education to submit to the West Virginia Department of Education the course standards, including the teacher qualifications and required professional development; and imposing requirements applicable to the course, the county board of education, and the State Board of Education.

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,

Patricia Puertas Rucker,  
*Chair.*

The bill (Com. Sub. for S. B. 38), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 163**, Relating to municipal or county taxation of hotel rooms booked through marketplace facilitator.

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

**Com. Sub. for Senate Bill 163** (originating in the Committee on Government Organization)—A Bill to amend and reenact §7-18-3 and §7-18-4 of the Code of West Virginia, 1931, as amended, all relating to municipal or county taxation of hotel rooms booked through a marketplace facilitator; defining terms; providing for collection and remittance of the tax imposed by any municipality or county; requiring the marketplace facilitator to separately state the tax on all bills, invoices, accounts, books of account, and records relating to occupancy or use of a hotel room; and deeming all taxes collected be held in trust by the marketplace facilitator until remitted.

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

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

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

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 180**, Relating to Second Chance Driver's License Program.

And,

**Senate Bill 545**, Authorizing transfer of moneys from Insurance Commission Fund to Workers' Compensation Old Fund.

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

Respectfully submitted,

Craig Blair,  
*Chair.*

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Com. Sub. for Senate Bill 230**, Requiring State Board of Education provide routine education in suicide prevention.

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

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*

Senator Azinger, 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 284**, Creating WV Health Care Continuity Act.

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

**Com. Sub. for Senate Bill 284** (originating in the Committee on Banking and Insurance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-53-1, §33-53-2, §33-53-3, §33-53-4, §33-53-5, §33-53-6, §33-53-7, §33-53-8, §33-53-9, §33-53-10, §33-53-11, and §33-53-12, all relating to West Virginia Health Care Continuity Act; including provisions for the creation of a State Commission on Health Care Continuity, when the act becomes effective; the establishment of the West Virginia Patient Protection Pool risk-sharing program, and the involvement of the Joint Committee on Government and Finance; providing limitations on preexisting condition exclusions for health benefit plans; requiring rulemaking; requiring fairness in cost sharing and ratemaking; and including a conflict of laws provision.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Health and Human Resources.

Respectfully submitted,

Michael T. Azinger,  
*Chair.*



The bill (Com. Sub. for S. B. 284), under the original double committee reference, was then referred to the Committee on Health and Human Resources.

Senator Swope, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

**Senate Bill 478**, Creating WV Motorsports Entertainment Complex Investment Act.

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

**Com. Sub. for Senate Bill 478** (originating in the Committee on Economic Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-29-1, §11-29-2, §11-29-3, §11-29-4, and §11-29-5, all relating to creating the West Virginia Motorsports Entertainment Complex Investment Act; and creating a sales and use tax exemption for qualified companies that make a capital investment in any motorsport entertainment complex in the state.

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

Respectfully submitted,

Chandler Swope,  
*Chair.*

The bill (Com. Sub. for S. B. 478), under the original double committee reference, was then referred to the Committee on Finance.

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 490** (originating in the Committee on Agriculture and Rural Development), Relating to protection of animal and crop facilities.

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

**Com. Sub. for Com. Sub. for Senate Bill 490** (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 §61-3B-7, relating to criminal offenses against agricultural facilities; defining terms; describing prohibited acts; establishing criminal penalties; authorizing double damages for damage caused to agricultural facilities and equipment in the course of willful trespass; and allowing injunctive relief.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 571**, Expiring funds from State Excess Lottery Revenue Fund to various accounts.

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

**Com. Sub. for Senate Bill 571** (originating in the Committee on Finance)—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2020, in the amount of \$20,000,000 from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund, and making a supplementary

appropriation of public moneys out of the Treasury from the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2020, to the Department of Administration – Public Defender Services, fund 0226, fiscal year 2020, organization 0221.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,  
*Chair.*

Senator Smith, 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 583**, Creating program to further development of renewable energy resources.

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

**Com. Sub. for Senate Bill 583** (originating in the Committee on Energy, Industry, and Mining)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-10, relating to creating a program to further the development of renewable energy resources and renewable energy facilities for solar energy by modifying the powers and duties of the Public Service Commission; providing for legislative findings and declarations; providing for definitions; providing for an application process and program for multiyear comprehensive renewable energy facilities for electric utilities, as defined, to plan, design, construct, purchase, own, and operate renewable energy-generating facilities, energy-storage resources, or both; providing for commission review and approval of said programs; allowing cost recovery for said programs; providing for requirements for said programs; providing for application requirements and contents

in lieu of applications for certificates of public convenience and necessity; providing for public notice at the direction of the commission for anticipated rates and rate increases in interested counties; providing for a hearing on applications within 90 days of notice; defining circumstances when a hearing can be waived for lack of opposition; defining a time period of 150 days within which the commission shall issue a final order after the application date; requiring the commission to find the programs as in the public interest; requiring the commission, after notice and hearing, to approve applications and allow cost recovery for just and reasonable expenditures; establishing accounting methods, practices, rates of return, calculations, dates, and procedures relevant for cost recovery; requiring a utility to place in effect commission-approved rates that include cost recovery with certain defined items; defining “concurrent cost recovery”; requiring yearly application filings by the utility with the commission regarding cost recovery; providing for an effective date on passage; and providing for a sunset date.

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

Respectfully submitted,

Randy E. Smith,  
*Chair.*

At the request of Senator Blair, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Energy, Industry, and Mining.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 641**, Allowing WVCHIP flexibility in rate setting.

**Senate Bill 647**, Permitting physician assistants and advanced practice registered nurses issue do-not-resuscitate orders.

And,

**Senate Bill 664**, Adding physician's assistant to list of medical professionals capable of determining if individual lacks capacity.

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

Respectfully submitted,

Michael J. Maroney,  
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 653**, Increasing number of magistrates in Putnam County.

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

**Com. Sub. for Senate Bill 653** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §50-1-2 and §50-1-6 of the Code of West Virginia, 1931, as amended, relating generally to magistrate courts; establishing the number of magistrates to serve in each county of the state; increasing the number of magistrates to serve in certain counties beginning on January 1, 2021; and providing for the initial filling of vacancies in newly created magisterial offices.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

The bill (Com. Sub. for S. B. 653), under the original double committee reference, was then referred to the Committee on Finance.

Senator Smith, 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 655**, Relating to valuation of natural resources land property.

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 Finance.

Respectfully submitted,

Randy E. Smith,  
*Chair.*

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

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 662**, Removing restrictions on fiduciary commissioners.

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

**Com. Sub. for Senate Bill 662** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §44-3-1 of the Code of West Virginia, 1931, as amended, relating to removing language restricting more than two fiduciary commissioners being from the same political party.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 674**, Permitting DOH purchase hardware items and equipment from local seller.

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

**Com. Sub. for Senate Bill 674** (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-4-56, relating to permitting the Commissioner of the Division of Highways to purchase hardware items and equipment from a local seller rather than the holder of a state contract if the cost of the item or equipment is less than the cost from the holder of the state contract.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,  
*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

**Eng. Com. Sub. for House Bill 2602**, Including possession of known stolen property in the offense of receiving or transferring stolen property.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Eng. Com. Sub. for House Bill 2924**, Permitting the West Virginia Tourism Office to decide to contract with the Division of Highways to sell advertising space on the WV511 website.

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

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration



**Eng. House Bill 4141**, Requiring the Department of Administration to publish its comprehensive annual financial report by the end of December.

And has amended same.

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

Respectfully submitted,

Mark R. Maynard,  
*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

**Eng. House Bill 4179**, Recognition of Emergency Medical Services Personnel Licensure Interstate Compact.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

The Senate proceeded to the fifth order of business.

Senator Takubo, from the Select Committee on Children and Families, submitted the following report, which was received:

Your Select Committee on Children and Families has had under consideration

**Senate Bill 312**, Relating to child protective caseworkers.

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

**Com. Sub. for Senate Bill 312** (originating in the Select Committee on Children and Families)—A Bill to amend and reenact §30-30-16 and §30-30-18 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-30-30, all relating to provisional licensure requirements for social workers; creating licensure exception for Bureau for Children and Families service workers; and creating of registration process for service workers employed by the Bureau for Children and Families.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Health and Human Resources.

Respectfully submitted,

Tom Takubo,  
*Chair.*

The bill (Com. Sub. for S. B. 312), under the original double committee reference, was then referred to the Committee on Health and Human Resources.

Senator Takubo, from the Select Committee on Children and Families, submitted the following report, which was received:

Your Select Committee on Children and Families has had under consideration

**Eng. Com. Sub. for House Bill 4129**, Relating to adoption.

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

Respectfully submitted,

Tom Takubo,  
*Chair.*

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

**By Senators Cline, Boley, Blair, Mann, Maroney, Maynard, Roberts, Rucker, Smith, Sypolt, and Takubo:**

**Senate Bill 726**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-5G-1 and §18-5G-2, all relating to enacting the Commitment to Eliminating Common Core, Ensuring High-Quality Academic Standards, and Raising the Bar for Civic Literacy Act; setting forth the functions, mission, and goals of West Virginia's k-12 education system; providing findings; and requiring the State Board of Education to comprehensively review West Virginia's k-12 academic standards and provide recommended revisions.

Referred to the Committee on Education.

**By Senators Clements, Ihlenfeld, Maroney, and Romano:**

**Senate Bill 727**—A Bill to amend and reenact §22-15-11 of the Code of West Virginia, 1931, as amended, relating to disbursement of the funds in the Gas Field Highway Repair and Horizontal Drilling Waste Study Fund for highway road repair; providing that money from the fund is to be expended within the district where gas field and horizontal drilling waste is deposited; and updating grammatical style throughout the section.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Trump:**

**Senate Bill 728**—A Bill to amend and reenact §7-1-3n of the Code of West Virginia, 1931, as amended, relating to exempting all property used for agricultural purposes from county property maintenance codes and ordinances; and making such codes unenforceable.

Referred to the Committee on Government Organization.

**By Senators Mann, Azinger, Jeffries, Romano, and Weld:**

**Senate Bill 729**—A Bill to amend and reenact §7-14D-14 of the Code of West Virginia, 1931, as amended, relating to awards and benefits for disability under the Deputy Sheriff Retirement Act.

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

**By Senator Maynard:**

**Senate Bill 730**—A Bill to amend and reenact §18B-1-3 and §18B-1-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-1B-4 of said code; to amend and reenact §18B-2A-4 of said code; to amend and reenact §18B-2B-6 of said code; and to amend said code by adding thereto a new section, designated §18B-4-5b, all relating to regulation or restriction of the carrying of a concealed pistol or revolver by a person who holds a current license to carry a concealed deadly weapon; authorizing regulation or restriction on the carrying of concealed pistols or revolvers in certain circumstances or areas of an institution of higher education; eliminating authority of the Higher Education Policy Commission, the Council for Community and Technical College Education, and the institutional boards of governors to restrict or regulate the carrying of concealed pistols or revolvers in certain circumstances or areas of an institution of higher education; and designating these amendments as the Campus Self Defense Act.

Referred to the Committee on the Judiciary.

**By Senator Smith:**

**Senate Bill 731**—A Bill to amend and reenact §11-13A-3 of the Code of West Virginia, 1931, as amended, relating to limiting the two percent severance tax break on steam coal to the first six million tons of production per operator per year.

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

**By Senator Trump:**

**Senate Bill 732**—A Bill to amend and reenact §29-21-2 of the Code of West Virginia, 1931, as amended, relating to authorizing the payment of fees and reimbursement of expenses of attorneys

who participate on court teams or advisory bodies of specialty courts established by the Supreme Court of Appeals.

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

**By Senator Trump:**

**Senate Bill 733**—A Bill to amend and reenact §3-1-8 of the Code of West Virginia, 1931, as amended, relating to the criteria for political party status; and allowing a group of affiliated voters to become a recognized political party if the group's candidate receives at least one percent of the votes statewide in an election for either President or Governor.

Referred to the Committee on the Judiciary.

**By Senator Clements:**

**Senate Bill 734**—A Bill to amend and reenact §17-2A-17 of the Code of West Virginia, 1931, as amended, relating to clarifying the powers and duties of the Division of Highways in acquiring property for state road purposes to include depth as well as width; and updating antiquated language.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Takubo:**

**Senate Bill 735**—A Bill to amend and reenact §11-17-3 and §11-17-4b of the Code of West Virginia, 1931, as amended, all relating to excise tax on tobacco products; increasing excise tax levied and imposed on sale of cigarettes; and increasing excise tax levied and imposed on sale of e-cigarette liquid.

Referred to the Committee on Finance.

**By Senator Maynard:**

**Senate Bill 736**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-13A-9b, relating to public service districts' laying of water lines, sewer lines, utilities, or pipelines on state rights-of-way; limiting the onsite time required supervision by a state engineer;

and requiring payment and performance bonds to cover a reasonable length of time for defects to be discovered.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Azinger:**

**Senate Bill 737**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §21-11-21 and §21-11-22, all relating to requiring contractors performing work for government contracts on computers use software to verify the hours the contractor worked on the computer; providing that the automatic billing software applies for any contract over \$100,000; defining “executive agency” as any state agency; providing required aspects of automatic billing verification software; providing that contracts over \$1 million, when meeting certain conditions, are required to verify hours worked on a computer; requiring the Department of Administration provide reports relating to contracts over budget; providing that the Department of Administration will request information relating to contracts performed; providing for the contents of the required report; providing that the required report will be published on the Department of Administration’s website and given to the Joint Committee on Government and Finance; providing dates for receiving required information to complete the report; providing for limitations relating to continued payments for certain contracts; providing that hours worked on a computer under certain circumstances must be verified before receiving payment; providing that a contractor generating data cannot charge an executive agency for access to or retrieval of the data; and providing for exemptions from the requirements.

Referred to the Committee on Government Organization.

Senators Boley, Carmichael (Mr. President), Azinger, Baldwin, Beach, Blair, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, and Woelfel offered the following resolution:

**Senate Concurrent Resolution 27**—Requesting the Joint Committee on Government and Finance to study ways to make the State Capitol building more handicap accessible.

Whereas, For many years, the Legislature has attempted to assure the expansion of access to facilities, services, and programs to the handicapped as sound public policy; and

Whereas, There still exists ways to make the State Capitol more handicap accessible; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance study ways to make the State Capitol building more handicap accessible; and, be it

*Further Resolved*, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2021, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

*Further Resolved*, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Which, under the rules, lies over one day.

Senator Maynard offered the following resolution:

**Senate Concurrent Resolution 28**—Requesting the Division of Highways name bridge number 50-152-5.70 (50A112), locally known as Missouri Branch Beam Span, carrying West Virginia Route 152 over the West Fork of Twelvepole Creek in Wayne County, the “Curtis ‘Pap’ and Millie ‘Mammie’ Asbury Bridge”.

Whereas, Curtis Asbury was born on September 24, 1917, in Wayne, West Virginia, and his devoted wife, Millie Ferguson, was born on April 24, 1924. They were married in 1939; and

Whereas, Curtis and Millie Asbury established, owned, and operated Asbury's Grocery, located at the entrance to Cabwaylingo Park Road for 52 years. The grocery store became a vital resource for community members. For five decades, the store not only provided necessary food and other goods but was also a meeting place for community members to gather and discuss everything from politics to family life. The bus stop was outside and when the school children would go inside the store they would be met with a smile, a hug, and a piece of fruit or candy; and

Whereas, Almost every person in the community of Dunlow, West Virginia, has been touched by Curtis and Millie's kindness and generosity. The love they both had for their community was displayed by their hardworking, gentle, and giving spirits. They were devoted to making their small community a better place to live by always extending a helping hand, providing jobs, caring for the elderly, and encouraging and guiding the youth. They helped develop and organize their area by creating local churches, directing Sunday school classes, and working to fulfill the needs of the entire community. They treated everyone as their own family and were lovingly referred to as everyone's "Mammie" and "Pap"; and

Whereas, It is fitting that an enduring memorial be established to commemorate Curtis and Millie Asbury and their contributions to their community and our state; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 50-152-5.70 (50A112), locally known as Missouri Branch Beam Span, carrying West Virginia Route 152 over the West Fork of Twelvepole Creek, in Wayne County, the "Curtis 'Pap' and Mille 'Mammie' Asbury Bridge"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Curtis 'Pap' and Mille 'Mammie' Asbury 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.

Senator Sybolt offered the following resolution:

**Senate Concurrent Resolution 29**—Requesting the United States Drug Enforcement Administration and the United States Department of Agriculture to consider promulgating regulations authorizing a state that has been granted primary regulatory authority over the production of hemp in the state to take custody of cannabis plants to lower the tetrahydrocannabinol concentration of processed hemp.

Whereas, The Legislature is requesting the United States Drug Enforcement Administration and the United States Department of Agriculture to consider promulgating regulations authorizing a state that has been granted primary regulatory authority over the production of hemp in the state to take custody of cannabis sativa L. plants having a delta-9 tetrahydrocannabinol concentration on a dry weight basis which exceeds 0.3 percent but is less than 1.0 percent, for the purpose of applying technology and techniques to lower the tetrahydrocannabinol concentration of processed hemp to 0.3 percent or less; and

Whereas, Hemp is defined as the plant cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis; and

Whereas, A cannabis sativa L. plant having a THC concentration of more than 0.3 percent constitutes marijuana, a Schedule I controlled substance, and is subject to enforcement by the United States Drug Enforcement Administration; and

Whereas, The Interim Final Rule entitled, “Establishment of a Domestic Hemp Production Program”, promulgated by the

Agricultural Marketing Service of the United States Department of Agriculture on October 31, 2019, requires disposal of cannabis sativa L. plants having a THC concentration of greater than 0.3 percent, and does not expressly provide for remediation of such plants to lower the THC concentration of processed hemp to 0.3 percent or less; and

Whereas, The West Virginia Department of Agriculture is required to comply with federal requirements and restrictions pertaining to hemp and has sought primary regulatory authority over the production of hemp in this state; and

Whereas, There exists technology and techniques capable of lowering THC concentration of processed hemp to 0.3 percent or less; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby requests the United States Drug Enforcement Administration and the United States Department of Agriculture to consider promulgating regulations authorizing a state that has been granted primary regulatory authority over the production of hemp in the state to take custody of cannabis plants to lower the tetrahydrocannabinol concentration of processed hemp; and, be it

*Further Resolved,* That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the United States Drug Enforcement Administration and the United States Department of Agriculture, requesting their cooperation.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 23**, Requesting study of State Police's increased duties and responsibilities.

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

**Senate Concurrent Resolution 24**, Fire Chief Lee Thomas 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 25**, Requesting study on impact of future electromagnetic pulse catastrophe.

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

**Senate Concurrent Resolution 26**, Urging US Congress reopen public lands.

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

**Senate Resolution 34**, Designating February 7, 2020, as Dental Hygienists Day.

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

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

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Stollings regarding the adoption of Senate Resolution 34 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 11:31 a.m., the Senate recessed to present Senate Resolution 34.

The Senate reconvened at 11:35 a.m. and proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 136**, Prohibiting certain misleading lawsuit advertising practices.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: Lindsay—1.

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. 136) 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 136**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-28-1, §47-28-2, §47-28-3, §47-28-4, and §47-28-5, all relating to prohibiting certain misleading lawsuit advertising practices; providing civil and criminal penalties for violations of this article; providing for certain disclosures and warnings in lawsuit advertising for the protection of patients; imposing criminal penalties; and clarifying that the Supreme Court retains authority to regulate the practice of law.

*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 138**, Incentives for consolidating local governments.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (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. 138) 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 142**, Expanding Coyote Control Program through voluntary assessment on breeding cows.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (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. 142) 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 203**, Allowing certain deductions from personal income tax refunds.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (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. 203) 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 522**, Relating to compensation awards to crime victims.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (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. 522) 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 615,** Declaring certain claims against state as moral obligations of state.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (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. 615) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (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. 615) 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 623**, Allowing noncitizen of US be eligible for teaching certificate.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Hamilton, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: Facemire and Hardesty—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. 623) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Hamilton, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: Facemire and Hardesty—2.

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. 623) 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 Com. Sub. for Senate Bill 96,** Prohibiting municipalities from limiting persons' rights to possess certain weapons.

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

**Com. Sub. for Senate Bill 97,** Allowing senior judge to continue receiving per diem compensation beyond annual salary of sitting judge due to delay by Governor in filling vacancy.

On second reading, coming up in regular order, was reported by the Clerk.

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

**Com. Sub. for Senate Bill 131,** Creating Tim Tebow Act.

On second reading, coming up in regular order, was reported by the Clerk.

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

**Com. Sub. for Senate Bill 195,** Updating powers of personal representatives of deceased person's estate.

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

**Senate Bill 202**, Allowing one member of PSD board to be county commissioner.

On second reading, coming up in regular order, was reported by the Clerk.

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

**Com. Sub. for Senate Bill 208**, Protecting consumers from unfair pricing practices during state of emergency.

On second reading, coming up in regular order, was reported by the Clerk.

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

**Senate Bill 266**, Clarifying and updating language regarding Fairmont State alumni license plates.

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 275**, Creating Intermediate Court of Appeals.

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

On motion of Senator Ihlenfeld, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On page thirty-five, section sixteen, after line forty-five, by inserting the following:

**“CHAPTER 24. PUBLIC SERVICE COMMISSION.  
ARTICLE 5. REVIEW OF COMMISSION’S ACTION.**

**§24-5-1. Review of final orders of commission.**

Any party feeling aggrieved by the entry of a final order by the commission, affecting him or it, may present a petition in writing to the ~~Supreme Court of Appeals~~ Intermediate Court of Appeals, or to a judge thereof in vacation, within thirty days after the entry of such order, praying for the suspension of such final order. The applicant shall deliver a copy of such petition to the secretary of the commission on or before the date the same is presented to the court or the judge, and it shall be the duty of the secretary promptly to file with the clerk of said court all papers, documents, evidence and other records constituting the complete record in the case, or certified copies thereof, as were before the commission at the time of the entry of the order from which the appeal is taken. The court or judge shall fix a time for the hearing on the application, but such hearing, unless by agreement of the parties, shall not be held sooner than five days after its presentation; and notice of the time and place of such hearing shall be forthwith delivered to the secretary of the commission, so that the commission may be represented at such hearing by one or more of its members or by counsel. If the court or the judge after such hearing be of the opinion that a suspending order should issue, the court or the judge may require bond, upon such conditions and in such penalty, and impose such terms and conditions upon the petitioner, as are just and reasonable. The commission shall file with the court before the day fixed for the final hearing a written statement of its reasons for the entry of such order, and after arguments by counsel the court shall decide the matter in controversy as may seem to be just and right.

**CHAPTER 27. MENTALLY ILL PERSONS.****ARTICLE 5. INVOLUNTARY HOSPITALIZATION.****§27-5-5. Judicial review.**

Any individual adversely affected by any order of commitment entered by the circuit court under this article may seek review thereof by appeal to the state ~~Supreme Court of Appeals~~ Intermediate Court of Appeals and jurisdiction is hereby conferred upon such court to hear and entertain such appeals upon application

made therefor in the manner and within the time provided by law for civil appeals generally.

This section shall not be construed to in any way limit or precondition the right to seek release of such individual by habeas corpus.”;

On page thirty-eight, section one, after line nine, by inserting the following:

**“CHAPTER 49. CHILD WELFARE.**

**ARTICLE 4. COURT ACTIONS.**

**§49-4-102. Procedure for appealing decisions.**

Cases under this chapter, if tried in any inferior court, may be reviewed by writ of error or appeal to the circuit court, and if tried or reviewed in a circuit court, by writ of error or appeal to ~~the Supreme Court of Appeals~~ Intermediate Court of Appeals.

**§49-4-710. Waiver and transfer of jurisdiction.**

(a) Upon written motion of the prosecuting attorney filed at least eight days prior to the adjudicatory hearing and with reasonable notice to the juvenile, his or her counsel, and his or her parents, guardians or custodians, the court shall conduct a hearing to determine if juvenile jurisdiction should or must be waived and the proceeding transferred to the criminal jurisdiction of the court. Any motion filed in accordance with this section is to state, with particularity, the grounds for the requested transfer, including the grounds relied upon as set forth in subsection (d), (e), (f) or (g) of this section, and the burden is upon the state to establish the grounds by clear and convincing evidence. Any hearing held under this section is to be held within seven days of the filing of the motion for transfer unless it is continued for good cause.

(b) No inquiry relative to admission or denial of the allegations of the charge or the demand for jury trial may be made by or before the court until the court has determined whether the proceeding is to be transferred to criminal jurisdiction.

(c) The court shall transfer a juvenile proceeding to criminal jurisdiction if a juvenile who has attained the age of fourteen years makes a demand on the record to be transferred to the criminal jurisdiction of the court. The case may then be referred to magistrate or circuit court for further proceedings, subject to the court's jurisdiction.

(d) The court shall transfer a juvenile proceeding to criminal jurisdiction if there is probable cause to believe that:

(1) The juvenile is at least fourteen years of age and has committed the crime of treason under §61-1-1 of this code; the crime of murder under sections §61-2-1, §61-2-2, and §61-2-3 of this code; the crime of robbery involving the use or presenting of firearms or other deadly weapons under §61-2-12 of this code; the crime of kidnapping under §61-2-14a of this code; the crime of first degree arson under §61-2-1 of this code; or the crime of sexual assault in the first degree under section §61-8b-3 of this code;

(2) The juvenile is at least fourteen years of age and has committed an offense of violence to the person which would be a felony if the juvenile was an adult. However, the juvenile has been previously adjudged delinquent for the commission of an offense of violence to the person which would be a felony if the juvenile was an adult; or

(3) The juvenile is at least fourteen years of age and has committed an offense which would be a felony if the juvenile was an adult. However, the juvenile has been twice previously adjudged delinquent for the commission of an offense which would be a felony if the juvenile was an adult.

(e) The court may transfer a juvenile proceeding to criminal jurisdiction if there is probable cause to believe that the juvenile would otherwise satisfy the provisions of subdivision (1), subsection (d) of this section, but who is younger than fourteen years of age.

(f) The court may, upon consideration of the juvenile's mental and physical condition, maturity, emotional attitude, home or

family environment, school experience and similar personal factors, transfer a juvenile proceeding to criminal jurisdiction if there is probable cause to believe that the juvenile would otherwise satisfy the provisions of subdivision (2) or (3), subsection (d) of this section, but who is younger than fourteen years of age.

(g) The court may, upon consideration of the juvenile's mental and physical condition, maturity, emotional attitude, home or family environment, school experience and similar personal factors, transfer a juvenile proceeding to criminal jurisdiction if there is probable cause to believe that:

(1) The juvenile, who is at least fourteen years of age, has committed an offense of violence to a person which would be a felony if the juvenile was an adult;

(2) The juvenile, who is at least fourteen years of age, has committed an offense which would be a felony if the juvenile was an adult. However, the juvenile has been previously adjudged delinquent for the commission of a crime which would be a felony if the juvenile was an adult;

(3) The juvenile, who is at least fourteen years of age, used or presented a firearm or other deadly weapon during the commission of a felony; or

(4) The juvenile has committed a violation of §61A-4-401 of this code which would be a felony if the juvenile was an adult involving the manufacture, delivery or possession with the intent to deliver a narcotic drug. For purposes of this subdivision, the term narcotic drug has the same definition as that set forth in section one hundred one, article one of that chapter;

(5) The juvenile has committed the crime of second degree arson as defined in §61A-3-2 of this code involving setting fire to or burning a public building or church. For purposes of this subdivision, the term public building means a building or structure of any nature owned, leased or occupied by this state, a political subdivision of this state or a county board of education and used at the time of the alleged offense for public purposes. For purposes of

this subdivision, the term church means a building or structure of any nature owned, leased or occupied by a church, religious sect, society or denomination and used at the time of the alleged offense for religious worship or other religious or benevolent purpose, or as a residence of a minister or other member of clergy.

(h) For purposes of this section, the term offense of violence means an offense which involves the use or threatened use of physical force against a person.

(i) If, after a hearing, the court directs the transfer of any juvenile proceeding to criminal jurisdiction, it shall state on the record the findings of fact and conclusions of law upon which its decision is based or shall incorporate findings of fact and conclusions of law in its order directing transfer.

(j) A juvenile who has been transferred to criminal jurisdiction pursuant to subsection (e), (f) or (g) of this section, by an order of transfer, has the right to either directly appeal an order of transfer to the ~~supreme court of appeals~~ Intermediate Court of Appeals or to appeal the order of transfer following a conviction of the offense of transfer. If the juvenile exercises the right to a direct appeal from an order of transfer, the notice of intent to appeal and a request for transcript is to be filed within ten days from the date of the entry of any order of transfer, and the petition for appeal is to be presented to the ~~Supreme Court of Appeals~~ Intermediate Court of Appeals within forty-five days from the entry of the order of transfer. Article five, chapter fifty-eight of this code pertaining to the appeals of judgments in civil actions applies to appeals under this chapter except as modified in this section. The court may, within forty-five days of the entry of the order of transfer, by appropriate order, extend and reextend the period in which to file the petition for appeal for additional time, not to exceed a total extension of sixty days, as in the court's opinion may be necessary for preparation of the transcript. However, the request for a transcript was made by the party seeking appeal within ten days of entry of the order of transfer. In the event any notice of intent to appeal and request for transcript be timely filed, proceedings in criminal court are to be stayed upon motion of the defendant pending final action of the ~~Supreme Court of Appeals~~ Intermediate Court of Appeals.

**§49-4-712. Intervention and services by the department pursuant to initial disposition for status offenders; enforcement; further disposition; detention; out-of-home placement; department custody; least restrictive alternative; appeal; prohibiting placement of status offenders in a Division of Juvenile Services facility on or after January 1, 2016.**

(a) The services provided by the department for juveniles adjudicated as status offenders shall be consistent with part ten, article two of this chapter and shall be designed to develop skills and supports within families and to resolve problems related to the juveniles or conflicts within their families. Services may include, but are not limited to, referral of juveniles and parents, guardians or custodians and other family members to services for psychiatric or other medical care, or psychological, welfare, legal, educational or other social services, as appropriate to the needs of the juvenile and his or her family.

(b) If the juvenile, or his or her parent, guardian or custodian, fails to comply with the services provided in subsection (a) of this section, the department may petition the circuit court:

(1) For a valid court order, as defined in section two hundred seven, article one of this chapter, to enforce compliance with a service plan or to restrain actions that interfere with or defeat a service plan; or

(2) For a valid court order to place a juvenile out of home in a nonsecure or staff-secure setting, and/or to place a juvenile in custody of the department: *Provided*, That a juvenile adjudicated as a status offender may not be placed in an out-of-home placement, excluding placements made for abuse and neglect, if that juvenile has had no prior adjudications for a status or delinquency offense, or no prior disposition to a pre-adjudicatory improvement period or probation for the current matter: *Provided, however*, That if the court finds by clear and convincing evidence the existence of a significant and likely risk of harm to the juvenile, a family member or the public and continued placement in the home is contrary to the best interests of the juvenile, such juvenile



may be ordered to an out-of-home placement: *Provided further*, That the court finds the department has made all reasonable efforts to prevent removal of the juvenile from his or her home, or that such reasonable efforts are not required due to an emergent situation.

(c) In ordering any further disposition under this section, the court is not limited to the relief sought in the department's petition and shall make reasonable efforts to prevent removal of the juvenile from his or her home or, as an alternative, to place the juvenile in a community-based facility which is the least restrictive alternative appropriate to the needs of the juvenile and the community. The disposition may include reasonable and relevant orders to the parents, guardians or custodians of the juvenile as is necessary and proper to effectuate the disposition.

(d) (1) If the court finds that placement in a residential facility is necessary to provide the services under subsection (a) of this section, except as prohibited by subdivision (2), subsection (b) of this section, the court shall make findings of fact as to the necessity of this placement, stated on the record or reduced to writing and filed with the record or incorporated into the order of the court.

(2) The findings of fact shall include the factors that indicate:

(A) The likely effectiveness of placement in a residential facility for the juvenile; and

(B) The community services which were previously attempted.

(e) The disposition of the juvenile may not be affected by the fact that the juvenile demanded a trial by jury or made a plea of not guilty. Any order providing disposition other than mandatory referral to the department for services is subject to appeal to the ~~Supreme Court of Appeals~~ Intermediate Court of Appeals.

(f) Following any further disposition by the court, the court shall inquire of the juvenile whether or not appeal is desired and the response shall be transcribed; a negative response may not be construed as a waiver. The evidence shall be transcribed as soon as practicable and made available to the juvenile or his or her counsel,

if it is requested for purposes of further proceedings. A judge may grant a stay of execution pending further proceedings.

(g) A juvenile adjudicated solely as a status offender on or after January 1, 2016, may not be placed in a Division of Juvenile Services facility.

**§49-4-714. Disposition of juvenile delinquents; appeal.**

(a) In aid of disposition of juvenile delinquents, the juvenile probation officer assigned to the juvenile shall, upon request of the court, make an investigation of the environment of the juvenile and the alternative dispositions possible. The court, upon its own motion, or upon request of counsel, may order the use of a standardized screener, as defined in §49-1-206 of this code or, if additional information is necessary, a psychological examination of the juvenile. The report of an examination and other investigative and social reports shall not be relied upon the court in making a determination of adjudication. Unless waived, copies of the report shall be provided to counsel for the petitioner and counsel for the juvenile no later than 72 hours prior to the dispositional hearing.

(b) Following the adjudication, the court shall receive and consider the results of a needs assessment, as defined in §49-1-206 of this code, and shall conduct the disposition, giving all parties an opportunity to be heard. The disposition may include reasonable and relevant orders to the parents, custodians or guardians of the juvenile as is necessary and proper to effectuate the disposition. At disposition the court shall not be limited to the relief sought in the petition and shall, in electing from the following alternatives, consider the best interests of the juvenile and the welfare of the public:

(1) Dismiss the petition;

(2) Refer the juvenile and the juvenile's parent or custodian to a community agency for needed assistance and dismiss the petition;

(3) Upon a finding that the juvenile is in need of extra-parental supervision: (A) Place the juvenile under the supervision of a

probation officer of the court or of the court of the county where the juvenile has his or her usual place of abode or other person while leaving the juvenile in custody of his or her parent or custodian; and (B) prescribe a program of treatment or therapy or limit the juvenile's activities under terms which are reasonable and within the child's ability to perform, including participation in the litter control program established pursuant to §22-15A-3 of this code or other appropriate programs of community service;

(4) Upon a finding that a parent or custodian is not willing or able to take custody of the juvenile, that a juvenile is not willing to reside in the custody of his or her parent or custodian or that a parent or custodian cannot provide the necessary supervision and care of the juvenile, the court may place the juvenile in temporary foster care or temporarily commit the juvenile to the department or a child welfare agency. The court order shall state that continuation in the home is contrary to the best interest of the juvenile and why; and whether or not the department made a reasonable effort to prevent the placement or that the emergency situation made those efforts unreasonable or impossible. Whenever the court transfers custody of a youth to the department, an appropriate order of financial support by the parents or guardians shall be entered in accordance with §49-4-801 through §49-4-803 *et seq.* of this code and guidelines promulgated by the Supreme Court of Appeals;

(5) (A) Upon a finding that the best interests of the juvenile or the welfare of the public require it, and upon an adjudication of delinquency, the court may commit the juvenile to the custody of the Director of the Division of Corrections and Rehabilitation for placement in a juvenile services facility for the treatment, instruction and rehabilitation of juveniles. The court maintains discretion to consider alternative sentencing arrangements.

(B) Notwithstanding any provision of this code to the contrary, in the event that the court determines that it is in the juvenile's best interests or required by the public welfare to place the juvenile in the custody of the Division of Corrections and Rehabilitation, the court shall provide the Division of Corrections and Rehabilitation with access to all relevant court orders and records involving the underlying offense or offenses for which the juvenile was

adjudicated delinquent, including sentencing and presentencing reports and evaluations, and provide the division with access to school records, psychological reports and evaluations, needs assessment results, medical reports and evaluations or any other such records as may be in the court's possession as would enable the Division of Corrections and Rehabilitation to better assess and determine the appropriate counseling, education and placement needs for the juvenile offender.

(C) Commitments may not exceed the maximum term for which an adult could have been sentenced for the same offense and any such maximum allowable term of confinement to be served in a juvenile correctional facility shall take into account any time served by the juvenile in a detention center pending adjudication, disposition or transfer. The order shall state that continuation in the home is contrary to the best interests of the juvenile and why; and whether or not the state department made a reasonable effort to prevent the placement or that the emergency situation made those efforts unreasonable or impossible; or

(6) After a hearing conducted under the procedures set out in §27-5-4(c) and §27-5-4(d) of this code, commit the juvenile to a mental health facility in accordance with the juvenile's treatment plan; the director of the mental health facility may release a juvenile and return him or her to the court for further disposition. The order shall state that continuation in the home is contrary to the best interests of the juvenile and why; and whether or not the state department made a reasonable effort to prevent the placement or that the emergency situation made those efforts unreasonable or impossible.

The court shall make all reasonable efforts to place the juvenile in the least restrictive alternative appropriate to the needs of the juvenile and the community: *Provided*, That a juvenile adjudicated delinquent for a nonviolent misdemeanor offense may not be placed in an out-of-home placement within the Division of Corrections and Rehabilitation or the department if that juvenile has no prior adjudications as either a status offender or as a delinquent, or no prior dispositions to a pre-adjudicatory improvement period or probation for the current matter, excluding

placements made for abuse or neglect: *Provided, however*, That if the court finds by clear and convincing evidence that there is a significant and likely risk of harm, as determined by a needs assessment, to the juvenile, a family member or the public and that continued placement in the home is contrary to the best interest of the juvenile, such juvenile may be ordered to an out-of-home placement: *Provided further*, That the department has made all reasonable efforts to prevent removal of the juvenile from his or her home, or that reasonable efforts are not required due to an emergent situation.

(c) In any case in which the court decides to order the juvenile placed in an out-of-state facility or program, it shall set forth in the order directing the placement the reasons the juvenile was not placed in an in-state facility or program.

(d) The disposition of the juvenile shall not be affected by the fact that the juvenile demanded a trial by jury or made a plea of not guilty. Any disposition is subject to appeal to the ~~Supreme Court of Appeals~~ Intermediate Court of Appeals.

(e) Following disposition, the court shall inquire whether the juvenile wishes to appeal and the response shall be transcribed; a negative response shall not be construed as a waiver. The evidence shall be transcribed as soon as practicable and made available to the juvenile or his or her counsel, if the same is requested for purposes of further proceedings. A judge may grant a stay of execution pending further proceedings.

(f) Following a disposition under §49-4-714(b)(4), §49-4-714(b)(5), or §49-4-714(b)(6) of this code, the court shall include in the findings of fact the treatment and rehabilitation plan the court has adopted upon recommendation of the multidisciplinary team under §49-4-406 of this code.

(g) Notwithstanding any other provision of this code to the contrary, if a juvenile charged with delinquency under this chapter is transferred to adult jurisdiction and there tried and convicted, the court may make its disposition in accordance with this section in lieu of sentencing the person as an adult.”;

And,

On pages forty-two and forty-three, by striking out all of section five, and inserting in lieu thereof a new section, designated section five, to read as follows:

**§51-11-5. Jurisdiction; limitations.**

(a) The Intermediate Court of Appeals has no original jurisdiction.

(b) Unless specifically provided otherwise in this article, appeals of the following matters shall be made to the Intermediate Court of Appeals, which has appellate jurisdiction over such matters:

(1) Final judgments or orders of a circuit court in a civil case, entered after June 30, 2021;

(2) Judgments or final orders issued in any criminal proceeding in this state;

(3) Final judgments or orders of a family court, entered after June 30, 2021;

(4) Final judgments or orders of a circuit court concerning guardianship or conservatorship matters, pursuant to §44A-1-1 *et seq.* of this code;

(5) Judgments or final orders issued in any juvenile proceeding pursuant to §49-4-701 *et seq.* of this code;

(6) Judgments or final orders issued in child abuse and neglect proceedings pursuant to §49-4-601 *et seq.* of this code;

(7) Orders of commitment, pursuant to §27-5-1 *et seq.* of this code;

(8) Final judgments, orders, or decisions of an agency or an administrative law judge entered after June 30, 2021, heretofore appealable to the Circuit Court of Kanawha County pursuant to §29A-5-4 or any other provision of this code;

(9) Final orders or decisions of the Health Care Authority issued prior to June 30, 2021, in a certificate of need review, but transferred to the jurisdiction of the Intermediate Court of Appeals upon termination of the Office of Judges pursuant to §16-2D-16a of this code;

(10) Final orders or decisions issued by the Office of Judges after June 30, 2021, and prior to its termination, as provided in §16-2D-16 and §23-5-8a of this code;

(11) Final decisions of the Public Service Commission, pursuant to §24-5-1 of this code; and

(12) Final orders or decisions of the Workers' Compensation Board of Review pursuant to §23-5-1 *et seq.* of this code, entered after June 30, 2021.

(c) In appeals properly filed pursuant to subsection (b) of this section, the parties shall be afforded a full and meaningful review on the record of the lower tribunal and an opportunity to be heard.

(d) The Intermediate Court of Appeals does not have appellate jurisdiction over the following matters:

(1) Interlocutory appeals;

(2) Certified questions of law; and

(3) Extraordinary remedies, as provided in 53-1-1 *et seq.* of this code, and any appeal of a decision or order of another court regarding an extraordinary remedy.

Following discussion,

The question being on the adoption of Senator Ihlenfeld's amendments to the bill, and on this question, Senator Ihlenfeld demanded the yeas and nays.

The roll being taken, the yeas were: Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—14.

The nays were: Azinger, Blair, Boley, Clements, Cline, Hamilton, Mann, Maroney, Maynard, Pitsenbarger, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, and Carmichael (Mr. President)—20.

Absent: None.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Ihlenfeld's amendments to the bill rejected.

The bill (Com. Sub. for Com. Sub. for S. B. 275) was then ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 517**, Creating State Parks and Recreation Endowment Fund.

On second reading, coming up in regular order, was reported by the Clerk.

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

**Senate Bill 573**, Supplementing, amending, and increasing appropriations of public moneys for claims against state.

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 575**, Designating local fire department as safe-surrender site to accept physical custody of certain children from lawful custodian.

On second reading, coming up in regular order, was reported by the Clerk.

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



**Com. Sub. for Senate Bill 576**, Relating to management of public records.

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

**Senate Bill 600**, Creating special revenue account designated Military Authority Fund.

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

**Com. Sub. for Senate Bill 607**, Reporting motor vehicle crashes to owners.

On second reading, coming up in regular order, was reported by the Clerk.

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

**Senate Bill 618**, Conforming WV law to federal distance requirements for locations of salvage yards.

On second reading, coming up in regular order, was reported by the Clerk.

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

**Com. Sub. for Senate Bill 665**, Requiring persons convicted of certain crimes on or after March 8, 1995, provide DNA samples.

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 670**, Amending service of process on nonresident persons or corporate entities.

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 676**, Permitting fees from Child Abuse Registry be used for information technology support costs.

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 678**, Waiving fines and fees for completing Getting Over Addicted Lifestyles Successfully Program.

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 one, section ten, line three, after the word “all” by inserting the word “monetary”.

Following discussion,

The question being on the adoption of Senator Romano’s amendment to the bill, the same was put and prevailed.

The bill (Com. Sub. for S. B. 678), as amended, was then ordered to engrossment and third reading.

**Eng. Com. Sub. for House Bill 2086**, Uniform Real Property Electronic Recording Act.

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

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

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

**ARTICLE 4. UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT.**

**§39A-4-1. Short title.**

This article may be cited as the Uniform Real Property Electronic Recording Act.

**§39A-4-2. Definitions.**

In this article:

“Commissioner” means the Commissioner of the Division of Highways.

“Document” means information that is:

(A) Inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form; and

(B) Eligible to be recorded in the land records maintained by the clerk of the county commission, herein after “county clerk” or “clerk”.

“Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

“Electronic document” means a document that is received by the county clerk in an electronic form.

“Electronic signature” means an electronic sound, symbol, or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document.

“Person” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, instrumentality or any other legal or commercial entity.

“State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

**§39A-4-3. Validity of electronic documents.**

(a) If a law requires, as a condition for recording, that a document be an original, be on paper or another tangible medium or be in writing, the requirement is satisfied by an electronic document satisfying the requirements of this article.

(b) If a law requires, as a condition for recording, that a document be signed, the requirement is satisfied by an electronic signature.

(c) A requirement that a document or a signature associated with a document be notarized, acknowledged, verified, witnessed, or made under oath is satisfied if the electronic signature of the person authorized to perform that act, and all other information required to be included, is attached to or logically associated with the document or signature. A physical or electronic image of a stamp, impression, or seal need not accompany an electronic signature on a document that complies with the electronic notarization procedure under §39-4-19 of this code and §153 CSR 45.

**§39A-4-4. Recording of documents.**

(a) In this section, “paper document” means a document that is received by the county clerk in a form that is not electronic.

(b) A county clerk:

(1) Who implements any of the functions listed in this section shall do so in compliance with standards established by the Real Property Electronic Recording Standards Advisory Committee pursuant to §39A-4-5 of this code;

(2) May receive, index, store, archive, and transmit electronic documents;

(3) May provide for access to, and search and retrieval of, documents and information by electronic means;

(4) Who accepts electronic documents for recording shall continue to accept paper documents as authorized by state law and shall place entries for both types of documents in the same index;

(5) May convert paper documents accepted for recording into electronic form;

(6) May convert information recorded before the clerk began to record electronic documents into electronic form;

(7) May accept electronically any fee or tax relating to electronic recording of real property documents that the clerk is authorized to collect; and

(8) May agree with other officials of a state or a political subdivision thereof, or of the United States, on procedures or processes to facilitate the electronic satisfaction of prior approvals and conditions precedent to recording and the electronic payment of fees and taxes.

#### **§39A-4-5. Administration and standards.**

(a) For the purpose of keeping the standards and practices of county clerks in this state in harmony with the standards and practices of recording offices in other jurisdictions that enact substantially the Uniform Real Property Electronic Recording Act, and to keep the technology used by clerks in this state compatible with technology used by recording offices in other jurisdictions that enact substantially this act, the Secretary of State—shall establish the Real Property Electronic Recording Standards Advisory Committee, to, so far as is consistent with the purposes, policies, and provisions of this article, assist in the adoption, amendment, and repeal of standards and practices.

(b) The commissioner shall appoint at least 18 persons to serve on the committee. In selecting persons to serve on the committee, the commissioner shall appoint:

(1) At least one person who is an attorney who specializes in title work;

(2) At least one person who is a specialist in geographic information system (GIS) mapping;

(3) A representative Commissioner of the Division of Highways;

(4) A representative of the County Clerks' Association;

(5) A representative of the County Commissioners' Association;

(6) A representative of the State Auditor;

(7) A representative of the Governor's Office of Technology;

(8) A representative of the Division of Culture and History;

(9) A representative of the Community Bankers of West Virginia;

(10) A representative of the West Virginia Bankers' Association;

(11) A representative of the West Virginia Housing Development Fund;

(12) A representative of the Real Estate Division of the Department of Administration;

(13) A representative of the Property Tax Division of the Department of Tax and Revenue;

(14) A representative of the West Virginia Board of Professional Surveyors;

(15) A representative of the West Virginia Real Estate Commission;

(16) At least one representative representing the mineral extraction industry;

(17) A representative of the West Virginia College of Law with experience in real property law; and

(18) A representative of the Real Estate Lawyers Division of the West Virginia State Bar Association.

(c) In establishing, amending, and repealing standards and practices for the recording of documents in electronic form, storing electronic records, and setting up systems for searching for and retrieving these land records, the committee shall consider:

(1) Standards and practices of other jurisdictions;

(2) The most recent standards promulgated by national standard-setting bodies such as the Property Records Industry Association;

(3) The views of interested persons and governmental officials and entities;

(4) The needs of counties of varying size, population, and resources; and

(5) Standards requiring adequate information security protection to ensure that electronic documents are accurate, authentic, adequately preserved, and resistant to tampering.

(d) The Commissioner of the Division of Highways, or his or her designee, shall serve as chair of the Real Property Electronic Recording Standards Advisory Committee.

(e) The commissioner shall:

(1) Provide administrative support to the committee; and

(2) Propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code that contain the standards to implement this article.

(f) Each person, agency, board and organization on the committee shall cover his or her own expenses necessitated by participation on the committee.

(g) The commissioner shall submit a report to the Joint Committee on Government and Finance on or before January 1 of each year until its tasks are complete. The report shall include its efforts to adopt standards in accordance with the requirements of this article and recommendations for further legislative action necessary to effectuate the purposes of this article.

**§39A-4-6. Uniformity of application and construction.**

In applying and construing the Uniform Real Property Electronic Recording Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

**§39A-4-7. Relation to electronic signatures in global and national commerce act.**

This article modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act (15 U.S.C. §7001, *et seq.*) but does not modify, limit or supersede §101(c) of that act (15 U.S.C. §7001(c)) or authorize electronic delivery of any of the notices described in §103(b) of that act (15 U.S.C. §7003(b)).

The bill (Eng. Com. Sub. for H. B. 2086), as amended, was then ordered to third reading.

**Eng. House Bill 4007**, Born-Alive Abortion Survivors Protection Act.

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

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

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

**ARTICLE 2P. BORN-ALIVE ABORTION SURVIVORS PROTECTION ACT.**



**§16-2P-1. Born-Alive Abortion Survivors Protection Act.**

(a) Definitions. — For purposes of this section:

(1) “Abortion” has the same meaning as that set forth in §16-2F-2 of this code.

(2) “Attempt to perform an abortion” has the same meaning as that set forth in §16-2M-2 of this code.

(3) “Born alive” means the complete expulsion or extraction from its mother of the fetus, at any stage of development, who after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.

(4) “Fetus” has the same meaning as that set forth in §16-2M-2 of this code.

(5) “Licensed Medical Professional” means a person licensed under Chapter 30 of this code practicing within his or her scope of practice.

(6) “Physician” has the same meaning as set forth in §16-2M-2 of this code.

(7) “Reasonable medical judgment” has the same meaning as set forth in §16-2M-2 of this code.

(b) Prohibition. —

(1) If a physician performs or attempts to perform an abortion that results in a fetus being born alive the physician shall:

(A) Exercise the same degree of reasonable medical judgment to preserve the life and health of the child as a physician would render to any other fetus born alive at the same gestational age; and

(B) Ensure that the fetus born alive is immediately transported and admitted to a hospital.

(2) A person who has knowledge of a failure to comply with the requirements of this subsection shall report the failure to the applicable licensing board.

(c) Enforcement. —

(1) Any physician or other licensed medical professional who knowingly and willingly violates subsection (b) of this section is considered to have breached the standard of care owed to patients, and is subject to discipline from the applicable licensure board for that conduct, including, but not limited to, loss of professional license to practice.

(2) Any person, not subject to subdivision (1) of this subsection, who knowingly and willfully violates subsection (b) of this section is guilty of the unauthorized practice of medicine in violation of §30-3-13 of this code, and, upon conviction thereof, is subject to the penalties contained in that section.

(3) In addition to the penalties set forth in this section, a patient may seek any remedy otherwise available to the patient by applicable law.

(4) No penalty may be assessed against any patient upon whom an abortion is performed or attempted to be performed.

The bill (Eng. H. B. 4007), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 4058**, Relating to pharmacy benefit managers.

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

The following amendment to the bill, from the Committee on Health and Human Resources, was reported by the Clerk and adopted:

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

**ARTICLE 51. PHARMACY AUDIT INTEGRITY ACT.****§33-51-8. Licensure of pharmacy benefit managers.**

(a) A person or organization may not establish or operate as a pharmacy benefits manager in the State of West Virginia without first obtaining a license from the Insurance Commissioner pursuant to this section: *Provided*, That a pharmacy benefit manager registered pursuant to ~~§33-5-7~~ §33-51-7 of this code may continue to do business in the state until the Insurance Commissioner has completed the legislative rule as set forth in ~~§33-55-10~~ §33-51-10 of this code: *Provided, however*, That additionally the pharmacy benefit manager shall submit an application within six months of completion of the final rule. The Insurance Commissioner shall make an application form available on its publicly accessible Internet website that includes a request for the following information:

(1) The identity, address, and telephone number of the applicant;

(2) The name, business address, and telephone number of the contact person for the applicant;

(3) When applicable, the federal employer identification number for the applicant; and

(4) Any other information the Insurance Commissioner considers necessary and appropriate to establish the qualifications to receive a license as a pharmacy benefit manager to complete the licensure process, as set forth by legislative rule promulgated by the Insurance Commissioner pursuant to ~~§33-51-9(f)~~ §33-51-10 of this code.

(b) Term and fee. —

(1) The term of licensure shall be two years from the date of issuance.

(2) The Insurance Commissioner shall determine the amount of the initial application fee and the renewal application fee for the

registration. The fee shall be submitted by the applicant with an application for registration. An initial application fee is nonrefundable. A renewal application fee shall be returned if the renewal of the registration is not granted.

(3) The amount of the initial application fees and renewal application fees must be sufficient to fund the Insurance Commissioner's duties in relation to his/her responsibilities under this section, but a single fee may not exceed \$10,000.

(4) Each application for a license, and subsequent renewal for a license, shall be accompanied by evidence of financial responsibility in an amount of \$1 million.

(c) Licensure. —

(1) The Insurance Commissioner shall propose legislative rules, in accordance with ~~§33-51-9(f)~~ §33-51-10 of this code, establishing the licensing, fees, application, financial standards, and reporting requirements of pharmacy benefit managers.

(2) Upon receipt of a completed application, evidence of financial responsibility, and fee, the Insurance Commissioner shall make a review of each applicant and shall issue a license if the applicant is qualified in accordance with the provisions of this section and the rules promulgated by the Insurance Commissioner pursuant to this section. The commissioner may require additional information or submissions from an applicant and may obtain any documents or information reasonably necessary to verify the information contained in the application.

(3) The license may be in paper or electronic form, is nontransferable, and shall prominently list the expiration date of the license.

(d) Network adequacy. —

(1) A pharmacy benefit manager's network shall not be comprised only of mail-order benefits but must have a mix of mail-order benefits and physical stores in this state.

(2) A pharmacy benefit manager shall provide a pharmacy benefit manager's network report describing the pharmacy benefit manager's network and the mix of mail-order to physical stores in this state in a time and manner required by rule issued by the Insurance Commissioner pursuant to this section.

(3) Failure to provide a timely report may result in the suspension or revocation of a pharmacy benefit manager's license by the Insurance Commissioner.

(e) Enforcement. —

(1) The Insurance Commissioner shall enforce this section and may examine or audit the books and records of a pharmacy benefit manager providing pharmacy benefits management to determine if the pharmacy benefit manager is in compliance with this section: *Provided*, That any information or data acquired during the examination or audit is considered proprietary and confidential and exempt from disclosure under the West Virginia Freedom of Information Act pursuant to §29B-1-4(a)(1) of this code.

(2) The Insurance Commissioner ~~may~~ shall propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code regulating pharmacy benefit managers in a manner consistent with this chapter. Rules adopted pursuant to this section shall set forth penalties or fines, including, without limitation, monetary fines, suspension of licensure, and revocation of licensure for violations of this chapter and the rules adopted pursuant to this section.

(3) A person who violates this provision of this article or the legislative rules implementing its provisions may be fined not less than \$1,000 and not more than \$10,000 per violation.

(f) Applicability. —

(1) This section is applicable to any contract or health benefit plan issued, renewed, recredentialed, amended, or extended on or after July 1, 2019.

(2) The requirements of this section, and any rules promulgated by the Insurance Commissioner pursuant to ~~§33-51-9(f)~~ §33-51-10 of this code, do not apply to the coverage of prescription drugs under a plan that is subject to the Employee Retirement Income Security Act of 1974 or any information relating to such coverage.

**§33-51-10. Commissioner required to propose rules.**

The Insurance Commissioner ~~may~~ shall propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code that are necessary to effectuate the provisions of this article.

The bill (Eng. Com. Sub. for H. B. 4058), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

**Senate Bill 654**, Allowing certain sheriffs transfer from PERS to Deputy Sheriff Retirement System.

**Com. Sub. for Senate Bill 657**, Allowing designation of tourism development districts.

**Eng. House Bill 2922**, Relating to requirements to obtain a final order of discharge and dismissal for possession of opiates or opioids.

**Eng. House Bill 3039**, Relating to a court's consideration of the expression of a preference by a child in certain child custody matters.

**Eng. House Bill 4030**, Increasing limit for application for original appointment as a firefighter to 40 years of age for honorably discharged veterans.

And,

**Eng. Com. Sub. for House Bill 4275**, Authorizing Department of Military Affairs and Public Safety promulgate legislative rules relating to the Fire Commission.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Plymale, Takubo, and Sypolt.

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

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions:

**Com. Sub. for Senate Bill 163:** Senator Maroney;

**Com. Sub. for Senate Bill 230:** Senator Maroney;

**Com. Sub. for Senate Bill 583:** Senator Roberts;

**Senate Bill 628:** Senator Woelfel;

**Senate Bill 663:** Senator Woelfel;

**Senate Bill 664:** Senator Maroney;

**Senate Bill 709:** Senator Woelfel;

**Senate Bill 716:** Senator Stollings;

**Senate Bill 717:** Senator Stollings;

**Senate Bill 718:** Senators Facemire and Stollings;

**Senate Bill 719:** Senators Clements and Stollings;

**Senate Bill 720:** Senators Clements and Stollings;

**Senate Bill 721:** Senators Stollings and Woelfel;

**Senate Bill 722:** Senators Hardesty, Prezioso, and Stollings;

**Senate Bill 723:** Senators Cline and Stollings;

**Senate Bill 724:** Senators Stollings and Woelfel;

**Senate Joint Resolution 2:** Senator Sypolt;

**Senate Joint Resolution 3:** Senator Smith;

**Senate Joint Resolution 5:** Senator Smith;

**Senate Concurrent Resolution 14:** Senator Woelfel;

**Senate Concurrent Resolution 21:** Senator Woelfel;

**Senate Concurrent Resolution 23:** Senators Lindsay, Stollings, and Sypolt;

**Senate Concurrent Resolution 24:** Senators Lindsay, Romano, and Sypolt;

**Senate Concurrent Resolution 25:** Senator Sypolt;

**Senate Concurrent Resolution 26:** Senators Cline and Sypolt;

And,

**Senate Resolution 34:** Senators Cline, Jeffries, Lindsay, Plymale, and Prezioso.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:37 p.m., the Senate adjourned until Monday, February 10, 2020, at 11 a.m.

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## MONDAY, FEBRUARY 10, 2020

The Senate met at 11:04 a.m.

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

Prayer was offered by Pastor Matt Davis, Church at the Depot, Scott Depot, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael A. Woelfel, a senator from the fifth district.

Pending the reading of the Journal of Friday, February 7, 2020,

At the request of Senator Roberts, 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 concurrence by that body in the Senate amendment to, and the passage as amended, of

**Eng. Com. Sub. for House Bill 4042**, Requiring agencies exempt from some or all of state purchasing requirements to adopt procedural rules.

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

**Eng. Com. Sub. for House Bill 4083**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-16A-13b, relating to requiring the West Virginia Parkways Authority to accept the use of credit and debit cards for paying tolls on the West Virginia Turnpike.

Referred to the Committee on Transportation and Infrastructure.

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

**Eng. Com. Sub. for House Bill 4361**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §33-41-4a, and §33-41-11a; and to amend and reenact §33-41-2, §33-41-5, §33-41-8, §33-41-11, and §33-41-12 of said code, all relating to insurance law violations; defining “fraudulent insurance act”; allowing Insurance Commissioner to accept proceeds from court ordered forfeiture proceedings; creating special revenue fund; permitting courts to award cost of investigation to insurance fraud unit or other law-enforcement agency; requiring person engaged in the business of insurance to report to the Insurance Commissioner suspected insurance law violations; permitting insurance fraud unit to administer oaths or affirmations, execute search and arrest warrants, make arrests upon probable cause without a warrant, and participate in the prosecution of workers’ compensation fraud; making the commission of a fraudulent insurance act a violation of law; mandating that a person convicted of a felony involving dishonesty, breach of trust, or a law reasonably related to the business of insurance is disqualified from participating in the business of insurance; requiring insurance companies to have antifraud initiatives; allowing the Insurance Commissioner to promulgate rules; and providing for criminal penalties and restitution for insurance law violations.

Referred to the Committee on the Judiciary.

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

**Eng. Com. Sub. for House Bill 4444**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-32-1, §29-32-2, §29-32-3, §29-32-4, §29-32-5, all relating to establishing Medals of Valor for emergency

medical service members, firefighters, and law-enforcement officers; establishing the Medal of Valor; establishing criteria for awarding the Medal of Valor; prohibiting awarding of Medal of Valor in any manner than otherwise set forth in this article; establishing the Firefighters Honors Board to recommend persons to receive the Medal of Valor; establishing the Law-Enforcement Honor Board to recommend persons to receive the Medal of Valor; establishing the Emergency Medical Services Honor Board to recommend persons to receive the Medal of Valor; providing duties and purpose of each board; setting forth the membership of each board, the manner of membership selection, and the terms and conditions of service; setting forth process for identifying candidates to receive Medal of Valor; setting forth process for considering candidates to receive Medal of Valor; providing for submission of nominated persons to Speaker of the House of Delegates and President of the Senate; directing Governor to issue Medal of Valor to nominee upon adoption of concurrent resolution by Legislature; and directing the Department of Arts, Culture and History create design for Medal of Valor.

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

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

**Eng. Com. Sub. for House Bill 4453**—A Bill to amend and reenact §30-18-2, §30-18-3, §30-18-5, §30-18-6, and §30-18-9 of the Code of West Virginia, 1931, as amended, all relating to the eligibility and application requirements for private investigator and security guard licensure; recognizing military service; removing a disparate out of state license fee; removing the ambiguous reference to moral turpitude as grounds for disqualification; and by capping the license renewal fee.

Referred to the Committee on Government Organization.

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 4466**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-53-1, §33-53-2, §33-53-3, §33-53-4, §33-53-5, §33-53-6 and §33-53-7, all relating to certificates of insurance for certain types of insurance; and addressing form requirements, limitations on use, notice requirements, applicability, enforcement, penalties and rulemaking.

Referred to the Committee on Banking and Insurance.

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 4477**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-27A-1, §33-27A-2, §33-27A-3, §33-27A-4, §33-27A-5, §33-27A-6, §33-27A-7, §33-27A-8, §33-27A-9, §33-27A-10, §33-27A-11, §33-27A-12, §33-27A-13, and §33-27A-14, all relating to creating the enactment and operation of the West Virginia mutual to mutual insurance holding company act.

Referred to the Committee on the Judiciary.

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

**Eng. House Bill 4502**—A Bill to repeal §33-12B-4a and §33-12B-11a of the Code of West Virginia, 1931, as amended; to amend and reenact §33-12B-1, §33-12B-2, §33-12B-3, §33-12B-4, §33-12B-5, §33-12B-6, §33-12B-7, §33-12B-8, §33-12B-9, §33-12B-10, §33-12B-11, and §33-12B-13 of said code; and to amend said code by adding thereto a new section, designated §33-12B-15, all relating to insurance adjusters; defining terms; providing licensure requirements for company, independent, and public adjusters; providing exceptions to adjuster license

requirements; permitting temporary licensure for emergency company and independent adjusters; providing for qualifications for a resident adjuster license; authorizing the Insurance Commissioner to conduct criminal history checks for prospective adjusters; providing for adjuster lines of authority; providing for revocation or suspension of adjuster license; providing for civil penalty against adjusters; requiring adjusters to complete continuing education; and providing for an effective date.

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

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 4515**—A Bill to amend and reenact §20-2-30 of the Code of West Virginia, 1931, as amended; relating to eligibility for license or permit application and unlawful acts when applying for a license or permit.

Referred to the Committee on Natural Resources.

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 4585**—A Bill to amend and reenact §49-2-810 of the Code of West Virginia, 1931, as amended, relating to immunity from criminal and civil liability and amending the provision of immunity to explicitly grant immunity from civil or criminal liability for individuals providing information or assistance to a good faith report of child abuse or neglect.

Referred to the Committee on the Judiciary.

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

**Eng. House Bill 4607**—A Bill to amend and reenact §30-27-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact said code by adding thereto a new section, designated §30-27-17a, all relating to authorizing the operation of mobile shops for hair, nail, cosmetology, and aesthetics services; defining “mobile shop”; establishing prerequisites for operation of a mobile shop; specifying mandatory features and systems; setting the term of licenses; and requiring shop identification and display of license.

Referred to the Committee on Government Organization.

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 4664**—A Bill to amend and reenact §17C-5-2 and §17C-5-2a of the Code of West Virginia, 1931, as amended, clarifying that the offense of driving under the influence of alcohol, controlled substances, or drugs must, in instances not causing bodily injury or death, be for circumstances where the operator is upon a public highway, or is on a private road; and clarifying the definition of “in this state” for purposes of enforcement of these measures.

Referred to the Committee on the Judiciary.

### **Executive Communications**

The Clerk then presented a communication from His Excellency, the Governor, advising that on February 7, 2020, he had approved **Enr. Committee Substitute for House Bill 2696**.

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 10th day of February, 2020, presented to His Excellency, the Governor, for his action, the following bills,

signed by the President of the Senate and the Speaker of the House of Delegates:

**(H. B. 4103)**, Relating to office of drug control policy.

And,

**(H. B. 4393)**, Relating to making suffocation and asphyxiation crimes.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
Moore Capito,  
*Chair, House Committee.*

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 232**, Removing outdated prohibitions against electronic or mechanical ticket dispensers and readers.

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

**Com. Sub. for Senate Bill 232** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §47-21-2, §47-21-20, and §47-21-26 of the Code of West Virginia, 1931, as amended, all relating to charitable raffles; removing outdated prohibitions against electronic or mechanical ticket dispensers and readers and associated digital fundraising platforms; limiting types and numbers of mechanical or electronic ticket dispenser systems; and removing restriction that a licensee may only use raffle equipment obtained from another licensee.

And,

**Senate Bill 638**, Creating new private club licenses and requirements.

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

**Com. Sub. for Senate Bill 638** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §60-7-2, §60-7-6, §60-7-8a, and §60-7-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-8-27 of said code, all relating to creating new private club licenses and requirements for a private multivendor fair and festival license, private night club license, private tennis club license, and a private wedding venue license; setting private club license requirements; setting private club license fees; setting private club hours of operations; and permitting certain exceptions to the accompanied minor requirements.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

The Senate proceeded to the fifth order of business.

Senator Takubo, from the Select Committee on Children and Families, submitted the following report, which was received:

Your Select Committee on Children and Families has had under consideration

**Senate Bill 288**, Relating to family planning and child spacing.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 288** (originating in the Select Committee on Children and Families)—A Bill to amend and reenact §16-2B-1 of the Code of West Virginia, 1931, as amended, relating to family planning and child spacing; extending family planning resources provided by Bureau for Public Health to other



entities; providing that Bureau for Medical Services shall not require multiple office visits for women who select long-acting reversible contraceptive (LARC) methods unless medically necessary; requiring Bureau for Medical Services to provide payment for LARC devices and services; authorizing Bureau for Public Health to make LARC products available in practitioner offices without upfront practitioner costs; requiring Bureau for Public Health to develop statewide plan and providing requirements for plan; and requiring annual report by Department of Health and Human Resources.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Tom Takubo,  
Chair.

At the request of Senator Blair, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Select Committee on Children and Families.

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

**By Senator Maynard:**

**Senate Bill 738**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-9-1, relating to creating the Flatwater Trail Commission; describing role, function, and duties of the commission; establishing criteria qualifications for the appointment of members; specifying duties; declaring the responsibilities of the Department of Commerce regarding the commission; providing for reimbursement of the expenses for members; and defining a quorum to conduct business.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

**By Senators Swope, Clements, and Maynard:**

**Senate Bill 739**—A Bill to amend and reenact §8-12-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-16-18 of said code; to amend and reenact §8-19-4 of said code; to amend and reenact §8-20-10 of said code; to amend and reenact §16-13-16 of said code; to amend and reenact §16-13A-9 of said code; to amend and reenact §24-2-1, §24-2-4a, and §24-2-11 of said code; to amend said code by adding thereto a new article, designated §24-2H-1, §24-2H-2, §24-2H-3, §24-2H-4, §24-2H-5, §24-2H-6, §24-2H-7, §24-2H-8, and §24-2H-9; and to amend and reenact §31-15A-9 of said code, all relating to authorizing the Public Service Commission to protect the consumers of distressed and failing water and wastewater utilities by ordering various corrective measures up to and including acquisition of a failing utility by a capable water or wastewater utility; clarifying Public Service Commission jurisdiction over water and sewer utilities owned by political subdivisions; establishing uniformity in the class of publications required by municipalities and public service districts for the revision in rates; providing a time period for the filing of and resolution of complaints filed at the Public Service Commission regarding actions of public service districts and municipalities; cleaning up language regarding reference to other sections of the code regarding notice requirements for municipal utilities; regarding time period pertaining to the filing of appeals and the resolution of appeals for rate and construction projects decided by county commissions; adding language to allow the commission to order the acquisition of failing water and wastewater utilities; and allowing water and/or wastewater utilities access to public funds at below market rates and grants to repair, replace, and improve acquired failing utilities.

Referred to the Committee on Government Organization.

**By Senator Blair:**

**Senate Bill 740**—A Bill to amend and reenact §18-10L-5 of the Code of West Virginia, 1931, as amended, relating to clarifying

authorized uses of the Ron Yost Personal Assistance Services Fund.

Referred to the Committee on Finance.

**By Senators Palumbo, Jeffries, and Lindsay:**

**Senate Bill 741**—A Bill to amend and reenact §8-12-16 of the Code of West Virginia, 1931, as amended, relating to authorizing municipalities to enact ordinances that allow the municipal court to place a structure, dwelling, or building into receivership under certain circumstances.

Referred to the Committee on Government Organization.

**By Senators Palumbo, Jeffries, and Lindsay:**

**Senate Bill 742**—A Bill to amend and reenact §21-5-5c of the Code of West Virginia, 1931, as amended, relating to psychophysiological detection of deception examinations by law-enforcement officers; authorizing law-enforcement officers with a Class II license to conduct examinations of employees of other law-enforcement agencies; and requiring certain legislative rules pertaining to psychophysiological detection of deception examinations to include a provision requiring video recording of the examinations.

Referred to the Committee on the Judiciary.

**By Senator Unger:**

**Senate Bill 743**—A Bill to amend and reenact §4-2-1 and §4-2-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §4-2-6a; and to amend and reenact §4-3-3c of said code, all relating to the establishment of the Office of Regulatory and Fiscal Affairs under the Joint Committee on Government and Finance; clarifying the duties of the Legislative Auditor; creating the Office of Regulatory and Fiscal Affairs as an advisory body to the Legislature; establishing processes for the conduct of fiscal notes and economic impact analysis; requiring state agencies to provide information to the Office of Regulatory and Fiscal Affairs upon request; authorizing certain members of the Legislature to request an

economic impact analysis of the rules of the state; permitting the chairs of the Joint Committee on Government and Finance to request certain performance reviews and analysis of existing statutes; and clarifying the organization of joint legislative agencies.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

**By Senators Palumbo and Lindsay:**

**Senate Bill 744**—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to directing the State Fire Commission to promulgate a legislative rule related to code official certification standards with certain amendments.

Referred to the Committee on the Judiciary.

**By Senators Tarr, Blair, Smith, and Swope:**

**Senate Bill 745**—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to the creation of an exemption to the State Sales and Use Tax for the rental of equipment among corporations with a minimum of 50 percent common ownership.

Referred to the Committee on Finance.

**By Senator Maroney:**

**Senate Bill 746**—A Bill to amend and reenact §16-4E-6 of the Code of West Virginia, 1931, as amended, relating to providing contracted managed care companies with the Bureau for Medical Services may be provided data from the uniform maternal screening tool regarding their own covered lives.

Referred to the Committee on Health and Human Resources.

Senator Tarr offered the following resolution:

**Senate Resolution 35**—Congratulating Gary Young, West Virginia's Outstanding Tree Farmer for 2020.

Whereas, Gary Young, of West Columbia, West Virginia, owns and manages an 898-acre tree farm in Putnam County, West Virginia; and

Whereas, Gary Young was selected as West Virginia's Outstanding Tree Farmer for 2020 by the West Virginia Tree Farm Committee and its state sponsor, the West Virginia Forestry Association; and

Whereas, This outstanding tree farmer made a formal commitment to sound forest management practices by enrolling in the West Virginia Tree Farm Program; and

Whereas, Gary Young is committed to the long-term productivity of his property by implementing a forest management program that promotes good growth, improves the overall quality of the property, and generates income from the possible sale of forest products; and

Whereas, Gary Young manages stands for wildlife habitat, clean water, and controlling invasive species, and shares his conservation ethic with other landowners; and

Whereas, A primary objective of the West Virginia Tree Farm Program is to successfully enhance wildlife and recreation; therefore, be it

*Resolved by the Senate:*

That the Senate hereby congratulates Gary Young, West Virginia's Outstanding Tree Farmer for 2020; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to Gary Young.

Which, under the rules, lies over one day.

Senators Sypolt, Smith, and Hamilton offered the following resolution:

**Senate Resolution 36**—Recognizing the 75th birthday of Smokey Bear.

Whereas, Shortly after the start of World War II, Japanese submarines surfaced near the California coast and fired shells that exploded on an oil field close to the Los Padres National Forest; and

Whereas, Americans feared that more Japanese attacks would cause substantial loss of life and property; and

Whereas, With many American men, including experienced firefighters, deployed to fight in World War II, communities were forced to look for alternative resources to minimize forest fire occurrence and encourage rapid suppression; and

Whereas, To reduce the number of preventable forest fires, the affected communities began urging all Americans to be more conscientious of his or her role in forest fire prevention; and

Whereas, The United States Forest Service then organized the Cooperative Forest Fire Prevention Program with the assistance of the War Advertising Council and the Association of State Foresters to rally Americans and convince them that being more careful with fire would help America win the war; and

Whereas, The Cooperative Forest Fire Prevention Program included memorable slogans such as, “Forest Fires Aid the Enemy” and “Our Carelessness, Their Secret Weapon” that were promoted throughout the country; and

Whereas, The Smokey Bear Wildfire Prevention Campaign is the longest-running public service advertising campaign in United States history; and

Whereas, Since the program’s creation in 1944, it has been instrumental in educating generations of Americans on the importance of exercising good judgement to prevent or stop the spread of forest fires; and

Whereas, The Smokey Bear Prevention Program remains a crucial part of the West Virginia Division of Forestry’s fire prevention curriculum today; and

Whereas, Through the Division of Forestry's coordinated efforts with local schools and community leaders, Smokey Bear sightings are still responsible for educating adults and exciting children throughout West Virginia today; and

Whereas, On August 9, 2019, Smokey Bear celebrated his 75th birthday by reminding Americans that, "Only You Can Prevent Wildfires" at numerous celebrations throughout the United States; therefore, be it

*Resolved by the Senate:*

That the Senate hereby recognizes the 75th birthday of Smokey Bear; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to Smokey Bear and the West Virginia Division of Forestry.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 27**, Requesting study on ways to make State Capitol building more handicap accessible.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Government Organization.

**Senate Concurrent Resolution 28**, Curtis "Pap" and Millie "Mammie" Asbury 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 29**, Requesting DEA and USDA promulgate rule allowing state to take custody of certain cannabis plants for testing on lowering THC levels in processed hemp.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Sypolt, 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.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Com. Sub. for Senate Bill 96**, Prohibiting municipalities from limiting persons' rights to possess certain weapons.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Committee Substitute for Senate Bill 96 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, Blair, Boley, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Mann, Maroney, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—30.

The nays were: Lindsay and Palumbo—2.

Absent: Beach and Facemire—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 96) 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 195**, Updating powers of personal representatives of deceased person's estate.

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: Azinger, Baldwin, Blair, Boley, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Facemire—2.

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. 195) 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 266**, Clarifying and updating language regarding Fairmont State alumni license plates.

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: Azinger, Baldwin, Blair, Boley, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Facemire—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 266) 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 Com. Sub. for Senate Bill 275**, Creating Intermediate Court of Appeals.

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 Committee Substitute for Committee Substitute for Senate Bill 275 pass?”

Senators Palumbo, Ihlenfeld, Romano, Woelfel, Lindsay, Weld, and Trump, respectively, requested rulings from the Chair as to whether they should be excused from voting under Rule 43 of the Rules of the Senate.

The Chair replied that any impact on Senators Palumbo, Ihlenfeld, Romano, Woelfel, Lindsay, Weld, and Trump, respectively, would be as members of a class of persons and that they would be required to vote.

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Cline, Mann, Maroney, Maynard, Pitsenbarger, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, and Carmichael (Mr. President)—18.

The nays were: Baldwin, Clements, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—14.

Absent: Beach and Facemire—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 275) 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 573**, Supplementing, amending, and increasing appropriations of public moneys for claims against state.

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: Azinger, Baldwin, Blair, Boley, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Facemire—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 573) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Blair, Boley, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Facemire—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 573) 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 576**, Relating to management of public 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: Azinger, Baldwin, Blair, Boley, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Facemire—2.

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. 576) 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 600**, Creating special revenue account designated Military Authority Fund.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Blair, Boley, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith,

Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Facemire—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 600) 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 665**, Requiring persons convicted of certain crimes on or after March 8, 1995, provide DNA samples.

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: Azinger, Baldwin, Blair, Boley, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Facemire—2.

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. 665) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Blair, Boley, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings,

Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Facemire—2.

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. 665) 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 670**, Amending service of process on nonresident persons or corporate 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: Azinger, Baldwin, Blair, Boley, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Facemire—2.

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. 670) 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 676**, Permitting fees from Child Abuse Registry be used for information technology support costs.

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: Azinger, Baldwin, Blair, Boley, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Facemire—2.

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. 676) 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 678**, Waiving fines and fees for completing Getting Over Addicted Lifestyles Successfully Program.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 678 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Blair, Boley, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Facemire—2.

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. 678) 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 House Bill 2086**, Uniform Real Property Electronic Recording 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: Azinger, Baldwin, Blair, Boley, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Facemire—2.

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. 2086) passed with its title.

*Ordered,* That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. House Bill 4007**, Born-Alive Abortion Survivors Protection Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed House Bill 4007 pass?”



On the passage of the bill, the yeas were: Azinger, Baldwin, Blair, Boley, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Facemire—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4007) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

**Eng. House Bill 4007**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2P-1, relating to creating the Born-Alive Abortion Survivors Protection Act generally; defining terms requiring medical practitioners to use the same degree of reasonable medical judgment to preserve the life of a fetus which is born alive as would be used in a live non-abortion birth of the same gestational age; making the failure to exercise such judgment a crime; establishing penalties; and making failure to exercise such judgment a violation of medical licensure standards.

*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 4058**, Relating to pharmacy benefit managers.

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: Azinger, Baldwin, Blair, Boley, Clements, Cline, Hamilton, Hardesty, Ihlenfeld,

Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Facemire—2.

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. 4058) passed with its title.

*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 97**, Allowing senior judge to continue receiving per diem compensation beyond annual salary of sitting judge due to delay by Governor in filling vacancy.

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 131**, Creating Tim Tebow Act.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Baldwin, the following amendment to the bill was reported by the Clerk:

On page five, section twenty-five-c, after line eighty-six, by inserting the following:

## **ARTICLE 9A. PUBLIC SCHOOL SUPPORT.**

### **§18-9A-2. Definitions.**

For the purpose of this article:

(a) “State board” means the West Virginia Board of Education.

(b) “County board” or “board” means a county board of education.

(c) “Professional salaries” means the state legally mandated salaries of the professional educators as provided in §18A-4-1 *et seq.* of this code.

(d) “Professional educator” shall be synonymous with and shall have the same meaning as “teacher” as defined in §18-1-1 of this code, and includes technology integration specialists.

(e) “Professional instructional personnel” means a professional educator whose regular duty is as that of a classroom teacher, librarian, attendance director, or school psychologist. A professional educator having both instructional and administrative or other duties shall be included as professional instructional personnel for that ratio of the school day for which he or she is assigned and serves on a regular full-time basis in appropriate instruction, library, attendance, or psychologist duties.

(f) “Professional student support personnel” means a “teacher” as defined in §18-1-1 of this code who is assigned and serves on a regular full-time basis as a counselor or as a school nurse with a bachelor’s degree and who is licensed by the West Virginia Board of Examiners for Registered Professional Nurses. Professional student support personnel shall also include professional personnel providing direct social and emotional support services to students, as well as professional personnel addressing chronic absenteeism. For all purposes except for the determination of the allowance for professional educators pursuant to §18-9A-4 of this code, professional student support personnel are professional educators.

(g) “Service personnel salaries” means the state legally mandated salaries for service personnel as provided in §18A-4-8a of this code.

(h) “Service personnel” means all personnel as provided in §18A-4-8 of this code. For the purpose of computations under this article of ratios of service personnel to net enrollment, a service employee shall be counted as that number found by dividing his or

her number of employment days in a fiscal year by 200: *Provided*, That the computation for any service person employed for three and one-half hours or fewer per day as provided in §18A-4-8a of this code shall be calculated as one-half an employment day.

(i) “Net enrollment” means the number of pupils enrolled in special education programs, kindergarten programs, and grades one to 12, inclusive, of the public schools of the county. Net enrollment further shall include:

(1) Adults enrolled in vocational programs: *Provided*, That net enrollment includes no more than 2,500 of those adults counted on the basis of full-time equivalency and apportioned annually to each county to support Advanced Career Education programs, as provided in §18-2E-11 of this code, in proportion to the adults participating in vocational programs counted on the basis of full-time equivalency: *Provided further*, That beginning with the 2021 fiscal year and every year thereafter, a career technical education center may only receive the funding for enrollment as authorized by this paragraph if the center has satisfied the requirements of §18-2E-11 of this code;

(2) Students enrolled in early childhood education programs as provided in §18-5-44 of this code, counted on the basis of full-time equivalency;

(3) A pupil may not be counted more than once by reason of transfer within the county or from another county within the state, and a pupil may not be counted who attends school in this state from another state;

(4) The enrollment shall be modified to the equivalent of the instructional term and in accordance with the eligibility requirements and rules established by the state board; and

(5) For the purposes of determining the county’s basic foundation program only, for any county whose net enrollment as determined under all other provisions of this definition is less than 1,400, the net enrollment of the county shall be increased by an amount to be determined in accordance with the following:

(A) Divide the state's lowest county student population density by the county's actual student population density;

(B) Multiply the amount derived from the calculation in §18-9A-2(i)(5)(A) of this code by the difference between 1,400 and the county's actual net enrollment;

(C) Add the amount derived from the calculation in paragraph (B) of this subdivision to the county's actual net enrollment and increase that total amount by 10 percent; and

(D) If the net enrollment as determined under this subdivision is greater than 1,400, the calculated net enrollment shall be reduced to 1,400; and

(E) During the 2008-2009 interim period and every three interim periods thereafter, the Legislative Oversight Commission on Education Accountability shall review this subdivision to determine whether these provisions properly address the needs of counties with low enrollment and a sparse population density.

(6) For the purposes of determining the county's basic foundation program only, the county's net enrollment shall be increased by the equivalent of 0.25 full-time equivalent students for each non-public school student that is permitted to participate in public school extracurricular activities under the provisions of §18-2-25c of this code during the most recently completed school-year.

(j) "Sparse-density county" means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition of "net enrollment", to the square miles of the county is less than five.

(k) "Low-density county" means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition of "net enrollment", to the square miles of the county is equal to or greater than five but less than 10.

(l) “Medium-density county” means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition of “net enrollment”, to the square miles of the county is equal to or greater than 10 but less than 20.

(m) “High-density county” means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition of “net enrollment”, to the square miles of the county is equal to or greater than 20.

(n) “Levies for general current expense purposes” means 85 percent of the levy rate for county boards of education calculated or set by the Legislature pursuant to §11-8-6f of this code.

(o) “Technology integration specialist” means a professional educator who has expertise in the technology field and is assigned as a resource teacher to provide information and guidance to classroom teachers on the integration of technology into the curriculum.

(p) “State aid eligible personnel” means all professional educators and service personnel employed by a county board in positions that are eligible to be funded under this article and whose salaries are not funded by a specific funding source such as a federal or state grant, donation, contribution, or other specific funding source not listed.

(q) The amendments to this section during the 2019 First Extraordinary Session of the Legislature shall be effective for the 2019-2020 funding year, and the provisions of this section existing immediately prior to the 2019 First Extraordinary Session of the Legislature remain in effect for funding years prior to the 2019-2020 funding year.

Following discussion,

The question being on the adoption of Senator Baldwin’s amendment to the bill (Com. Sub. for S. B. 131), the same was put.

The result of the voice vote being inconclusive, Senator Plymale demanded a division of the vote.

A standing vote being taken, there were 13 “yeas” and 19 “nays”.

Whereupon, Senator Carmichael (Mr. President) declared Senator Baldwin’s amendment to the bill rejected.

On motion of Senator Baldwin, the following amendments to the bill (Com. Sub. for S. B. 131) were next reported by the Clerk and considered simultaneously:

On page two, section twenty-five-c, line eighteen, by striking out the words “A Tebow student may” and inserting in lieu thereof the words “A county board of education may permit a Tebow student to”;

On page three, section twenty-five-c, line fifty-four, by striking out the word “and”;

On page four, section twenty-five-c, line fifty-six, after the word “participates” by changing the period to a semicolon and inserting the word “and”;

And,

On page four, section twenty-five-c, after line fifty-six, by inserting a new subdivision, designated subdivision (7), to read as follows:

(7) The county board of education approves the Tebow student’s participation in extracurricular activities sponsored by, or engaged in by, a member school.

Following discussion,

Senator Roberts requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate.

The Chair replied that any impact on Senator Roberts would be as a member of a class of persons and that he would be required to vote.

The question being on the adoption of Senator Baldwin's amendments to the bill, the same was put and did not prevail.

On motion of Senator Baldwin, the following amendment to the bill (Com. Sub. for S. B. 131) was next reported by the Clerk:

On page three, section twenty-five-c, line forty-one, by striking out the word "one" and inserting in lieu thereof the words "at least two".

Following discussion,

The question being on the adoption of Senator Baldwin's amendment to the bill, the same was put and did not prevail.

The bill (Com. Sub. for S. B. 131) was then ordered to engrossment and third reading.

**Senate Bill 202**, Allowing one member of PSD board to be county commissioner.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

**Com. Sub. for Senate Bill 208**, Protecting consumers from unfair pricing practices during state of emergency.

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 517**, Creating State Parks and Recreation Endowment Fund.



On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 575**, Designating local fire department as safe-surrender site to accept physical custody of certain children from lawful custodian.

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 607**, Reporting motor vehicle crashes to owners.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 618**, Conforming WV law to federal distance requirements for locations of salvage yards.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Clements, the following amendment to the bill was reported by the Clerk and adopted:

On page three, section four, line fifty-seven, after the word "occurred." by inserting the following: The amendments to this section do not apply to any salvage yard holding a license on the effective date of the amendment and reenactment of this section by the Legislature in 2020.

The bill (S. B. 618), as amended, was then ordered to engrossment and third reading.

**Senate Bill 654**, Allowing certain sheriffs transfer from PERS to Deputy Sheriff Retirement System.

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 657**, Allowing designation of tourism development districts.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Rucker, the following amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

## **ARTICLE 1. DEPARTMENT OF COMMERCE.**

### **§5B-1-9. Authority to assist qualifying tourism development projects and tourism development expansion projects; legislative findings.**

(a) The Department of Commerce may assist qualifying tourism development projects and tourism development expansion projects by approved companies pursuant to §5B-2E-1 et seq. of this code which are located in, or partially in, municipalities with a population of 2,000 or less, effective as of the effective date of the most recent census, as specified in §8-1-4 of this code relating to the creation of tourism development districts.

(b) The Legislature finds and declares that the general welfare and material well-being of the citizens of the state depend, in large measure, upon the development and expansion of tourism in the state, and that, beyond the creation and expansion of tourism development projects and tourism development expansion projects, it is in the best interest of the state to induce and assist in tourism development in small municipalities through the creation of tourism development districts, in order to advance the public purposes of relieving unemployment by preserving and creating jobs, and preserving and creating new and greater sources of revenues for the support of public services provided by the state and local government; and that tourism development districts are of paramount importance to the state and its economy and for the state's contribution to the national economy.

It is the intent of the Legislature to occupy the whole field of the creation and regulation of tourism development districts. The

stated purpose of this section is to promote uniform and consistent application of the act within the state.

(c) This section prohibits:

(1) Certain municipalities, whether by ordinance, resolution, administrative act or otherwise, from enacting, adopting, implementing, or enforcing ordinances, regulations, or rules which limit, in any way, the creation of, and acquisition, construction, equipping, development, expansion, and operation of any tourism development project or tourism development expansion project in a tourism development district; and

(2) Certain municipalities from imposing or enforcing local laws and ordinances concerning the creation or regulation of any tourism development district and any tourism development project or tourism development expansion project therein.

(d) Any developer or owner of a tourism development project or tourism development expansion project which has been determined by the West Virginia Development Office, pursuant to §5B-2E-1 *et seq.* of this code, to be an approved company and which has entered into an agreement with the development office pursuant to §5B-2E-6 of this code to provide the approved company with a credit against the West Virginia consumers sales and service tax imposed by §11-15-1 *et seq.* of this code may apply to the development office for designation of a tourism development district encompassing the area where the tourism development project or the tourism development expansion project is to be acquired, constructed, equipped, developed, expanded, and operated: *Provided*, That notwithstanding any provision of §11-15-1 *et seq.* of this code to the contrary, only tourism development projects and tourism development expansion projects with aggregate projected costs of construction, reconstruction, restoration, rehabilitation, or upgrading of not less than \$25 million shall be eligible for designation as a tourism development district.

(e) Applicants for the creation of a tourism development district shall demonstrate that the district, when designated, will create significant economic development activity:

(1) Applicants shall submit a development plan that provides specific details on proposed financial investment, direct and indirect jobs to be created, and the viability of the proposed tourism development district; and

(2) The applicant shall own or control all real property within the proposed tourism development district and shall provide evidence of such ownership or control in the application to the development office.

(f) The proposed district shall be entirely or partially within the corporate limits of a municipality which has a population of 2,000 or less as of the effective date of the most recent census, as specified in §8-1-4 of this code.

(g) All costs for the application shall be borne by the applicant.

(h) The application submitted by the applicant to the development office pursuant to §5B-2E-1 *et seq.* of this code may be considered by the development office to be sufficient to meet some or all of the requirements of this section.

(i) The decision of the development office to designate a tourism development district shall be final.

(j) The total number of approved tourism development districts may not exceed five. When the total number of designated tourism development districts equals five, no further designations may be approved by the development office.

(k) Each tourism development district shall terminate by operation of law 99 years from the date approved by the development office, unless a shorter time period for termination is agreed to by the applicant and the development office. The development office may terminate a tourism development district if the development office determines that the tourism development project or tourism development expansion project has been abandoned or ceased operations for five consecutive years.

(l) In accordance with subsection (b) of this section, and notwithstanding any provision of this code to the contrary, or any

municipality's home rule powers with respect to ordinances and ordinance procedures, designated tourism development districts, and the tourism development projects and/or tourism development expansion projects therein, may not be subject to the following:

(1) Municipal zoning, historic preservation, horticultural, noise, viewshed, lighting, development, or land use ordinances, restrictions, limitations, or approvals;

(2) Municipal regulation of the sale of alcoholic liquor, nonintoxicating beer, or wine for consumption within the tourism development district;

(3) Municipal building permitting, inspection, or code enforcement;

(4) Municipal license requirements;

(5) The legal jurisdiction of the municipality in which the tourism development district is entirely or partially located, except as specifically provided in this article;

(6) The implementation of any tax, fee, or charge by the municipality, except as specifically provided in this section; or

(7) Any requirement under state law for the consent or approval of the municipality in which the tourism development district is entirely or partially located of any state or county action pursuant to this code, specifically including, but not limited to, §7-11B-1 *et seq.* of this code, for formal consent of the governing body of a municipality for county or state action regarding the establishment of tax increment financing development or redevelopment districts or the approval of tax increment financing development or redevelopment plans.

(m) Notwithstanding the creation of the tourism development district, the owner, operator, or manager, as applicable, and all concessions and licensees thereof, of the tourism development project or tourism development expansion project located therein shall:

(1) Pay business and occupation tax, if applicable, pursuant to §8-13-5 of this code, to the municipality in the same manner as any other business or commercial venture located within the municipality;

(2) Collect and remit municipal sales and service tax and municipal use tax, if applicable, pursuant to §8-1-5a of this code, to the municipality in the same manner as any other business or commercial venture located within the municipality;

(3) Pay ad valorem real and personal property tax pursuant to the same millage rates as any other business or commercial venture located within the municipality;

(4) Collect and remit hotel occupancy tax, if applicable, to the municipality or county in accordance with §7-18-1 of this code;

(5) Pay all municipal service fees enacted pursuant to §8-13-13 of this code, including, but not limited to, fire, police, sanitation, or city service fees;

(6) Pay all municipal utility rates, fees, and charges for utilities used or consumed during construction and operation of premises within the tourism development district, including, but not limited to, water, sewer, storm water, and garbage and recycling collection: *Provided*, That (i) the rates, fees, and charges for such services shall be based on the cost of providing such service and the municipality shall enter into a contract for each such service with the developer and any contracts for water service or sewer service with the municipality shall be subject to review and approval by the Public Service Commission of West Virginia; and (ii) the developer shall only be required to pay any capacity improvement fee or impact fee to the extent that capital additions, betterments, and improvements must be designed, acquired, constructed, and equipped by the municipality to provide such service to the project and any such capacity improvement fee or impact fee for water or sewer service shall be subject to review and approval by the Public Service Commission of West Virginia;

(7) Comply with state laws, regulations, and licensure requirements concerning state control of alcoholic liquors pursuant to chapter 60 of this code;

(8) Be entitled to municipal police protection and municipal fire protection, if available, in the same manner as any other business or commercial venture located within the municipality;

(9) Be designed, acquired, constructed, and equipped pursuant to the state building code in accordance with §8-12-13 of this code and corresponding state rule 87 CSR 4; and

(10) Provide for inspection of the design, acquisition, construction, and equipping, and any subsequent expansion of the tourism development project or the tourism development expansion project pursuant to standards approved by the West Virginia Development Office.

(n) The West Virginia Department of Transportation may take actions necessary in support of the development of any tourism development project or tourism development expansion project in a tourism development district specifically, including, but not limited to, the development or improvement of such highways, roads, thoroughfares, and sidewalks within the municipality in which the tourism development district is partially or entirely located.

(o) Failure of the Legislature to renew the Tourism Development Act, §5B-2E-1 *et seq.* of this code may not in any way, modify or alter the designation and vested rights of any tourism development district created prior to the failure of the Legislature to renew the Tourism Development Act and any such tourism development district shall continue to exist beyond the termination of the Tourism Development Act.

(p) The development office shall propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code to implement this section, and the rules shall include, but not be limited to:

(1) The application and time line process;

(2) A non-binding review of the existing planning and zoning ordinances of any municipality in which the tourism development district is located;

(3) Notice provisions;

(4) The method and time line for receiving statements of support or opposition from any municipality within or partially within the tourism development district;

(5) Additional application consideration criteria; and

(6) Application fees sufficient to cover the costs of consideration of an application.

(q) The development office shall promulgate emergency rules pursuant to §29A-3-15 of this code by July 1, 2020, to facilitate the initial implementation of this section.

(r) Pursuant to §2-2-10 of this code, if any provision of this section or the application thereof to any person or circumstance is held unconstitutional or invalid, the unconstitutionality or invalidity shall not affect other provisions or applications of this section, and to this end the provisions of this section are declared to be severable.

Following discussion,

The question being on the adoption of Senator Rucker's amendment to the bill, the same was put and prevailed.

The bill (Com. Sub. for S. B. 657), as amended, was then ordered to engrossment and third reading.

**Eng. House Bill 2922**, Relating to requirements to obtain a final order of discharge and dismissal for possession of opiates or opioids.

On second reading, coming up in regular order, was read a second time.



The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

#### **ARTICLE 4. OFFENSES AND PENALTIES.**

##### **§60A-4-407a. Authorizing additional requirements to obtain a final order of discharge and dismissal for persons charged with possession of controlled substances.**

(a) Notwithstanding any provision of this code to the contrary, when a person pleads guilty or is found guilty of a violation of §60A-4-401(c) of this code, or a municipal ordinance containing the same elements where the controlled substance possessed is listed in §60A-2-204 of this code, other than marijuana, or is a controlled substance listed in §60A-2-206, §60A-2-208, or §60A-2-210 of this code, the court may, as an additional condition for the entry of a final order of discharge or dismissal under §60A-4-407 of this code or a municipal ordinance containing the same or substantially the same provision, require the defendant to be:

- (1) Evaluated for admission into a drug court program; or
- (2) Participate in a drug treatment program.

(b) If a defendant is determined to be an appropriate candidate for admission to drug court or a drug treatment program, the court may make successful completion of a drug court or a drug treatment program a requirement for obtaining a final order of discharge and dismissal.

The bill (Eng. H. B. 2922), as amended, was then ordered to third reading.

**Eng. House Bill 3039**, Relating to a court's consideration of the expression of a preference by a child in certain child custody matters.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

## **CHAPTER 44. ADMINISTRATION OF ESTATES AND TRUSTS.**

### **ARTICLE 10. GUARDIANS AND WARDS GENERALLY.**

#### **§44-10-4. Right of minor to nominate guardian.**

(a) If the minor is above the age of fourteen years, he or she may in the presence of the circuit or family court, or in writing acknowledged before any officer authorized to take the acknowledgment of a deed, nominate his or her own guardian, who, if approved by the court, shall be appointed accordingly.

(b) If the minor is below the age of fourteen years and, if the court determines it is in the best interests of the minor, the court may consider the firm and reasonable preferences of a minor who, in the discretion of the court, is sufficiently matured that he or she can intelligently express a preference. He or she may in the presence of the circuit or family court, or in writing acknowledged before any officer authorized to take the acknowledgment of a deed, nominate his or her own guardian, who, if approved by the court, after giving that preference the weight warranted by the circumstances, shall be appointed accordingly.

~~(b)~~ (c) If the guardian nominated by the minor is not appointed by the court, or if the minor resides outside the state, or if, after being summoned, the minor neglects to nominate a suitable person, the court may appoint the guardian in the same manner as if the minor were under the age of fourteen years.

## **CHAPTER 48. DOMESTIC RELATIONS.**

**ARTICLE 9. ALLOCATION OF CUSTODIAL RESPONSIBILITY AND DECISION-MAKING RESPONSIBILITY OF CHILDREN.**

**§48-9-206. Allocation of custodial responsibility.**

(a) Unless otherwise resolved by agreement of the parents under §48-9-201 of this code or unless harmful to the child, the court shall allocate custodial responsibility so that, except to the extent required under §48-9-209 of this code, the custodial time the child spends with each parent may be expected to achieve any of the following objectives:

(1) To permit the child to have a meaningful relationship with each parent who has performed a reasonable share of parenting functions;

(2) To accommodate, if the court determines it is in the best interests of the child, the firm and reasonable preferences of a child who is 14 years of age or older; and ~~with regard to~~ accommodate, if the court determines it is in the best interests of the child, the firm and reasonable preferences of a child under 14 years of age, but sufficiently matured that he or she can intelligently express a voluntary preference for one parent, ~~to give that preference the weight warranted by the circumstances;~~

(3) To keep siblings together when the court finds that doing so is necessary to their welfare;

(4) To protect the child's welfare when, under an otherwise appropriate allocation, the child would be harmed because of a gross disparity in the quality of the emotional attachments between each parent and the child, or in each parent's demonstrated ability or availability to meet a child's needs;

(5) To take into account any prior agreement of the parents that, under the circumstances as a whole, including the reasonable expectations of the parents in the interest of the child, would be appropriate to consider;

(6) To avoid an allocation of custodial responsibility that would be extremely impractical or that would interfere substantially with the child's need for stability in light of economic, physical, or other circumstances, including the distance between the parents' residences, the cost and difficulty of transporting the child, the parents' and child's daily schedules, and the ability of the parents to cooperate in the arrangement;

(7) To apply the principles set forth in §48-9-403(d) of this code if one parent relocates or proposes to relocate at a distance that will impair the ability of a parent to exercise the amount of custodial responsibility that would otherwise be ordered under this section;

(8) To consider the stage of a child's development; and

(9) To consider which parent will encourage and accept a positive relationship between the child and the other parent, including which parent is more likely to keep the other parent involved in the child's life and activities.

(b) The court may consider the allocation of custodial responsibility arising from temporary agreements made by the parties after separation if the court finds, by a preponderance of the evidence, that such agreements were consensual. The court shall afford those temporary consensual agreements the weight the court believes the agreements are entitled to receive, based upon the evidence. The court may not consider the temporary allocation of custodial responsibility imposed by a court order on the parties.

(c) If the court is unable to allocate custodial responsibility under §48-9-206(a) of this code because the allocation under §48-9-206(a) of this code would be harmful to the child, or because there is no history of past performance of caretaking functions, as in the case of a newborn, or because the history does not establish a pattern of caretaking sufficiently dispositive of the issues of the case, the court shall allocate custodial responsibility based on the child's best interest, taking into account the factors in considerations that are set forth in this section and in §48-9-209 and §48-9-403(d) of this code and preserving to the extent possible

this section's priority on the share of past caretaking functions each parent performed.

(d) In determining how to schedule the custodial time allocated to each parent, the court shall take account of the economic, physical, and other practical circumstances such as those listed in §48-9-206(a)(6) of this code.

**§48-9-402. Modification without showing of changed circumstances.**

(a) The court shall modify a parenting plan in accordance with a parenting agreement, unless it finds that the agreement is not knowing and voluntary or that it would be harmful to the child.

(b) The court may modify any provisions of the parenting plan without the showing of change circumstances required by §48-9-401(a) if the modification is in the child's best interests, and the modification:

(1) Reflects the de facto arrangements under which the child has been receiving care from the petitioner, without objection, in substantial deviation from the parenting plan, for the preceding six months before the petition for modification is filed, provided the arrangement is not the result of a parent's acquiescence resulting from the other parent's domestic abuse;

(2) Constitutes a minor modification in the plan; or

(3) Is necessary to accommodate the reasonable and firm preferences of a child who, has attained the age of fourteen; or

(4) Is necessary to accommodate the reasonable and firm preferences of a child who, is under the age of fourteen and, in the discretion of the court, is sufficiently matured that he or she can intelligently express a voluntary preference.

(c) Evidence of repeated filings of fraudulent reports of domestic violence or child abuse is admissible in a domestic relations action between the involved parties when the allocation of custodial responsibilities is in issue, and the fraudulent

accusations may be a factor considered by the court in making the allocation of custodial responsibilities.

The bill (Eng. H. B. 3039), as amended, was then ordered to third reading.

**Eng. House Bill 4030**, Increasing limit for application for original appointment as a firefighter to 40 years of age for honorably discharged veterans.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on Military, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 15. FIRE FIGHTING; FIRE COMPANIES AND DEPARTMENTS; CIVIL SERVICE FOR PAID FIRE DEPARTMENTS.**

**§8-15-17. Form of application; age and residency requirements; exceptions.**

(a) The Firemen's Civil Service Commission in each municipality shall require individuals applying for admission to any competitive examination provided for under the civil service provisions of this article or under the rules of the commission to file in its office, within a reasonable time prior to the proposed examination, a formal application in which the applicant shall state under oath or affirmation:

(1) His or her full name, residence, and post office address;

(2) His or her United States citizenship, age, and the place and date of his or her birth;

(3) His or her state of health, and his or her physical capacity for the public service;

(4) His or her business and employments and residences for at least three previous years; and

(5) Any other information reasonably required, touching upon the applicant's qualifications and fitness for the public service.

(b) Blank forms for the applications shall be furnished by the commission, without charge, to all individuals requesting the same.

(c) The commission may require, in connection with the application, certificates of citizens, physicians, and others, having pertinent knowledge concerning the applicant, as the good of the service requires.

(d) Except as provided in subsections ~~(e) and (f)~~ (e), (f), and (g) of this section, the commission may not accept an application for original appointment if the individual applying is less than 18 years of age or more than 35 years of age at the date of his or her application.

(e) If any applicant is an honorably discharged veteran of any branch of the United States armed forces, armed services reserve, or National Guard, then the individual may apply for an original appointment if the applicant is not more than 40 years of age.

~~(e)~~ (f) If any applicant formerly served upon the paid fire department of the municipality to which he or she makes application for a period of more than one year, and resigned from the department at a time when there were no charges of misconduct or other misfeasance pending against the applicant within a period of two years next preceding the date of his or her application, and at the time of his or her application resides within the corporate limits of the municipality in which the paid fire department to which he or she seeks appointment by reinstatement is located, then the individual is eligible for appointment by reinstatement in the discretion of the Firemen's Civil Service Commission, even though the applicant is over the age of 35 years, and the applicant, providing his or her former term of service so justifies, may be appointed by reinstatement to the paid fire department without a competitive examination. The applicant shall undergo a medical

examination; and if the individual is so appointed by reinstatement to the paid fire department, he or she shall be the lowest in rank in the department next above the probationers of the department and may not be entitled to seniority considerations.

~~(f)~~ (g) If an individual is presently employed by one paid fire department and is over the age of 35, he or she may make an application to another paid fire department if:

(1) The paid fire department to which he or she is applying is serving a municipality that has elected to participate in the West Virginia Municipal Police Officers and Firefighters Retirement System created in §8-22A-1 *et seq.* of this code: *Provided*, That any individual applying pursuant to this subdivision is to be classified as a new employee for retirement purposes and prior employment service may not be transferred to the West Virginia Municipal Police Officers and Firefighters Retirement System; or

(2) The paid fire department to which he or she is applying is serving a municipality that has elected to participate in the West Virginia Public Employees Retirement System created in §5-10-1 *et seq.* of this code: *Provided*, That any individual applying pursuant to this subdivision is to be classified as a new employee for retirement purposes and prior employment service may not be transferred to the West Virginia Public Employees Retirement System, except for individuals and their prior employment service already credited to them in the West Virginia Public Employees Retirement System pursuant to §5-10-1 *et seq.* of this code.

~~(g)~~ (h) Individuals who are authorized to apply to a paid fire department pursuant to subsection (f) of this section shall be in the lowest rank of the department and are not entitled to seniority considerations.

~~(h)~~ (i) Notwithstanding charter provisions to the contrary, any applicant for original appointment need not be a resident of the municipality or the county in which he or she seeks to become a member of the paid fire department.



The bill (Eng. H. B. 4030), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 4275**, Authorizing Department of Military Affairs and Public Safety promulgate legislative rules relating to the Fire Commission.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk:

On page one, section one, line eight, after the word “authorized” by striking out the period and adding the following: with the following amendments:

On page 4, section 4, subsection 4.1.k., by striking out the comma and inserting in lieu thereof a period;

On page 4, section 4, subsection 4.1.k., by striking out the words “with the following exceptions:”;

And,

On page 4, section 4, by striking out subdivision 4.1.k.1. in its entirety.

Following discussion,

The question being on the adoption of the Judiciary committee amendment to the bill, and on this question, Senator Stollings demanded the yeas and nays.

The roll being taken, the yeas were: Baldwin, Boley, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—25.

The nays were: Azinger, Blair, Maynard, Roberts, Rucker, Sypolt, and Tarr—7.

Absent: Beach and Facemire—2.

So, a majority of those present and voting having voted in the affirmative, the President declared the Judiciary committee amendment to the bill adopted.

The bill (Eng. Com. Sub. for H. B. 4275), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

**Com. Sub. for Senate Bill 163**, Relating to municipal or county taxation of hotel rooms booked through marketplace facilitator.

**Senate Bill 180**, Relating to Second Chance Driver's License Program.

**Com. Sub. for Senate Bill 230**, Requiring State Board of Education provide routine education in suicide prevention.

**Com. Sub. for Com. Sub. for Senate Bill 490**, Relating to criminal offenses against agricultural facilities.

**Senate Bill 545**, Authorizing transfer of moneys from Insurance Commission Fund to Workers' Compensation Old Fund.

**Com. Sub. for Senate Bill 571**, Expiring funds from State Excess Lottery Revenue Fund to various accounts.

**Com. Sub. for Senate Bill 583**, Creating program to further development of renewable energy resources.

**Senate Bill 641**, Allowing WVCHIP flexibility in rate setting.

**Senate Bill 647**, Permitting physician assistants and advanced practice registered nurses issue do-not-resuscitate orders.

**Com. Sub. for Senate Bill 662**, Removing restrictions on fiduciary commissioners.

**Senate Bill 664**, Adding physician's assistant to list of medical professionals capable of determining if individual lacks capacity.

**Com. Sub. for Senate Bill 674**, Permitting DOH purchase hardware items and equipment from local seller.

**Eng. Com. Sub. for House Bill 2602**, Including possession of known stolen property in the offense of receiving or transferring stolen property.

**Eng. Com. Sub. for House Bill 2924**, Permitting the West Virginia Tourism Office to decide to contract with the Division of Highways to sell advertising space on the WV511 website.

**Eng. Com. Sub. for House Bill 4129**, Relating to adoption.

**Eng. House Bill 4141**, Requiring the Department of Administration to publish its comprehensive annual financial report by the end of December.

And,

**Eng. House Bill 4179**, Recognition of Emergency Medical Services Personnel Licensure Interstate Compact.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Stollings.

At the request of Senator Stollings, unanimous consent being granted, the Senate stood in observance of a moment of silence in recognition of the passing of Raamie Barker, former Senate employee and current mayor of Chapmanville, West Virginia.

Thereafter, at the request of Senator Prezioso, and by unanimous consent, the remarks by Senator Stollings were ordered printed in the Appendix to the Journal.

Remarks were made by Senator Maynard.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions:

- Senate Bill 2:** Senator Facemire;
- Senate Bill 18:** Senator Facemire;
- Senate Bill 22:** Senator Facemire;
- Senate Bill 30:** Senator Facemire;
- Senate Bill 31:** Senator Facemire;
- Senate Bill 34:** Senator Facemire;
- Senate Bill 37:** Senator Facemire;
- Senate Bill 39:** Senator Facemire;
- Senate Bill 45:** Senator Facemire;
- Senate Bill 52:** Senator Facemire;
- Senate Bill 53:** Senator Facemire;
- Senate Bill 54:** Senator Facemire;
- Senate Bill 55:** Senator Facemire;
- Senate Bill 56:** Senator Facemire;
- Senate Bill 57:** Senator Facemire;
- Senate Bill 61:** Senator Facemire;
- Senate Bill 62:** Senator Facemire;
- Senate Bill 63:** Senator Facemire;
- Senate Bill 68:** Senator Facemire;

**Senate Bill 69:** Senator Facemire;  
**Senate Bill 70:** Senator Facemire;  
**Senate Bill 74:** Senator Facemire;  
**Senate Bill 82:** Senator Facemire;  
**Senate Bill 84:** Senator Facemire;  
**Senate Bill 85:** Senator Facemire;  
**Senate Bill 92:** Senator Facemire;  
**Senate Bill 93:** Senator Facemire;  
**Senate Bill 99:** Senator Facemire;  
**Senate Bill 101:** Senator Facemire;  
**Senate Bill 106:** Senator Facemire;  
**Senate Bill 117:** Senator Facemire;  
**Senate Bill 120:** Senator Facemire;  
**Senate Bill 130:** Senator Facemire;  
**Senate Bill 137:** Senator Facemire;  
**Senate Bill 139:** Senator Facemire;  
**Senate Bill 148:** Senator Facemire;  
**Senate Bill 149:** Senator Facemire;  
**Senate Bill 156:** Senator Facemire;  
**Com. Sub. for Senate Bill 160:** Senator Facemire;  
**Senate Bill 172:** Senator Facemire;  
**Senate Bill 173:** Senator Facemire;

**Senate Bill 174:** Senator Facemire;  
**Senate Bill 177:** Senator Facemire;  
**Senate Bill 178:** Senator Facemire;  
**Senate Bill 184:** Senator Facemire;  
**Senate Bill 200:** Senator Facemire;  
**Senate Bill 235:** Senator Facemire;  
**Senate Bill 237:** Senator Facemire;  
**Senate Bill 238:** Senator Facemire;  
**Senate Bill 244:** Senator Facemire;  
**Senate Bill 245:** Senator Facemire;  
**Senate Bill 246:** Senator Facemire;  
**Senate Bill 247:** Senator Facemire;  
**Senate Bill 251:** Senator Facemire;  
**Senate Bill 252:** Senator Facemire;  
**Com. Sub. for Senate Bill 265:** Senator Facemire;  
**Senate Bill 274:** Senator Maynard;  
**Senate Bill 279:** Senator Facemire;  
**Senate Bill 319:** Senator Facemire;  
**Senate Bill 497:** Senator Facemire;  
**Senate Bill 498:** Senator Facemire;  
**Senate Bill 502:** Senator Facemire;  
**Senate Bill 503:** Senator Facemire;  
**Senate Bill 504:** Senator Facemire;

**Senate Bill 507:** Senator Facemire;

**Senate Bill 512:** Senator Facemire;

**Senate Bill 533:** Senator Facemire;

**Senate Bill 541:** Senator Facemire;

**Senate Bill 543:** Senator Facemire;

**Senate Bill 546:** Senator Facemire;

**Com. Sub. for Senate Bill 554:** Senator Maroney;

**Senate Bill 559:** Senator Facemire;

**Senate Bill 562:** Senator Facemire;

**Senate Bill 563:** Senator Facemire;

**Com. Sub. for Senate Bill 583:** Senator Palumbo;

**Senate Bill 628:** Senator Smith;

**Com. Sub. for Senate Bill 653:** Senator Tarr;

**Senate Bill 655:** Senator Woelfel;

**Senate Bill 658:** Senator Smith;

**Senate Bill 659:** Senator Smith;

**Senate Bill 673:** Senator Smith;

**Senate Bill 683:** Senator Smith;

**Senate Bill 701:** Senator Roberts;

**Senate Bill 717:** Senator Smith;

**Senate Bill 727:** Senators Roberts, Hardesty, and Stollings;

**Senate Bill 728:** Senators Baldwin, Sypolt, Maroney, Rucker,  
and Smith;

**Senate Bill 729:** Senators Baldwin, Hardesty, and Stollings;

**Senate Bill 730:** Senator Cline;

**Senate Bill 731:** Senator Cline;

**Senate Bill 732:** Senator Cline;

**Senate Bill 733:** Senator Ihlenfeld;

**Senate Bill 735:** Senator Ihlenfeld, Roberts, and Maroney;

**Senate Bill 736:** Senator Sypolt;

**Senate Bill 737:** Senator Sypolt;

**Senate Concurrent Resolution 8:** Senator Smith;

**Senate Concurrent Resolution 9:** Senator Smith;

**Senate Concurrent Resolution 15:** Senator Unger;

**Senate Concurrent Resolution 16:** Senator Unger;

**Senate Concurrent Resolution 20:** Senator Unger;

**Senate Concurrent Resolution 21:** Senator Unger;

**Senate Concurrent Resolution 22:** Senator Unger;

**Senate Concurrent Resolution 23:** Senator Unger;

And,

**Senate Concurrent Resolution 28:** Senator Sypolt.

Pending announcement of meetings of standing and select committees of the Senate,

On motion of Senator Takubo, at 1:47 p.m., the Senate adjourned until tomorrow, Tuesday, February 11, 2020, at 11 a.m.

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## TUESDAY, FEBRUARY 11, 2020

The Senate met at 11:16 a.m.

(Senator Carmichael, Mr. President, in the Chair.)

Prayer was offered by Charlie Spencer, Division of Forestry Chaplain, Danville, West Virginia.

The West Virginia Division of Forestry Honor Guard proceeded in the presenting of the Colors. The Honorable Paul Hardesty, a senator from the seventh district, then led the Senate in the recitation of the Pledge of Allegiance.

Pending the reading of the Journal of Monday, February 10, 2020,

At the request of Senator Maynard, 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 the following communication from a state agency as required by the provisions of law:

Environmental Protection, Department of (Special Reclamation Fund Advisory Council) (§22-1-17)

The Senate 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 2527**—A Bill to amend and reenact §29-22-12 of the Code of West Virginia, 1931, as amended, relating to forgery and other crimes concerning lottery tickets; requiring any sentencing be by determinate sentence.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4003**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-25, and to amend said code by adding thereto a new section, designated §33-53-3, all relating to telehealth requirements; providing rulemaking authority; requiring boards to regulate telehealth practice; defining terms; requiring insurance coverage of certain telehealth services; providing an effective date; and providing limitation of applicability.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4061**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-53-1, §33-53-2, §33-53-3, §33-53-4, §33-53-5, §33-53-6, §33-53-7, §33-53-8, §33-53-9, and §33-53-10, all relating to health plan benefit networks; creating the Health Benefit Plan Network Access and Adequacy Act; providing definitions; establishing the Act applies to all healthcare providers with enumerated exceptions; providing adequate network standards and criteria; providing for an accessible directory of health care providers; requiring intermediary contracts to satisfy designated requirements; providing certain filing requirements for approval; establishing certain contract requirements; providing the commissioner has authority to assure compliance with the Act; limiting the commissioner's authority to mediate or settle disputes; providing rule-making powers; and establishing penalties for violation of the Act.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4582**—A Bill recognizing and declaring certain claims against agencies of the state to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4611**—A Bill to amend and reenact §29-3E-5 and §29-3E-8 of the Code of West Virginia, 1931, as amended, all relating to fireworks; reducing fees for retail sales locations and requiring provision for fireworks retailers to combine and pay all applicable fees in a single payment.

Referred to the Committee on Finance.

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 4618**—A Bill to amend and reenact §61-7-10 of the Code of West Virginia, 1931, as amended, relating to removing from the code, language prohibiting the public display and offering for rent or sale to a passersby on a street, road or alley, any deadly weapon, machine gun, submachine gun or other fully automatic weapon, any rifle, shotgun, or ammunition for same.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4661**—A Bill to amend and reenact §24-2-4c of the Code of West Virginia, 1931, as amended; and to amend and reenact §24-3-7 of said code, all relating to the powers of the Public Service Commission and the regulation of natural gas utilities; permitting natural gas utilities to seek proposals for drilling new natural gas wells and proposals for increasing production from existing natural gas wells; permitting natural gas utilities to create a process for identifying the cost to procure dependable supplies of natural gas to serve certain gas utility customers when dependable, lower-priced supplies of natural gas are not readily available to serve those customers; allowing natural gas utilities to petition the commission for approval of the related costs to serve such customers; providing that the commission may approve the petition the commission finds that: (1) The process of determining the costs and expected additional natural gas supply is reasonable; (2) the expected additional supply is dependable; and (3) the costs of the additional supply are reasonable and not contrary to the public interest; providing that natural gas utilities shall recover those costs pursuant to its annual purchased gas costs adjustment filings with the commission; allowing natural gas utilities to defer reasonable and prudent actual expenses attributable to converting each customer, incurred after the test year for the utility's last rate case proceeding, which are not included in the utility's current base rates; providing that natural gas utilities shall recover reasonable and prudent deferred customer conversion expenses in future base rate cases through recovery of deferred expenses amortized over a reasonable period of time, as determined by the commission; providing that such recovery will be allowed only to the extent that the commission determines, based on evidence presented by the utility, that deferred amounts did not contribute to base rate earnings in excess of the utility's last authorized return on equity calculated since the effective date of base rates from the utility's last rate case proceeding; and adding lettering of subsections to an existing section of code.

Referred to the Committee on Energy, Industry, and Mining.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4691**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-2-2b; and to amend and reenact §18A-2-3 of said code all related to employment in areas of critical need; re-codifying provisions related to employment of prospective employable professional personnel as prospective teachers and other professional personnel in a separate code section; requiring county board approval; clarifying placement in next ensuing school year; deleting prospective employable professional personnel provisions; adding intent; removing reference to job fairs; restating authorization to employ prospective teachers on condition that certification is issued prior to beginning duties; requiring at least one job posting prior to placement; clarifying that placement is into school-specific critical need position; and extending date upon which provisions related to employment of retired teachers as critical need substitutes will expire.

Referred to the Committee on Education.

### **Executive Communications**

The Clerk then presented a communication from His Excellency, the Governor, advising that on February 10, 2020, he had approved **Enr. Committee Substitute for Senate Bill 323**.

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 10th day of February, 2020, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(**Com. Sub. for S. B. 311**), Relating to court-ordered community service.

And,

(**Com. Sub. for S. B. 357**), Authorizing Department of Revenue promulgate legislative rules.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
Moore Capito,  
*Chair, House Committee.*

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 11th day of February, 2020, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(**Com. Sub. for H. B. 4042**), Requiring agencies exempt from some or all of state purchasing requirements to adopt procedural rules.

(**Com. Sub. for H. B. 4091**), Allowing for expedited oil and gas well permitting upon payment of applicable expedited fees.

And,

(**H. B. 4496**), Removing the specific mandate of the Board of Risk and Insurance Management to purchase liability insurance for the Division of Corrections.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
Moore Capito,  
*Chair, House Committee.*

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 554** (originating in the Committee on Energy, Industry, and Mining), Relating to termination, expiration, or cancellation of oil or natural gas leases.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Com. Sub. for Senate Bill 554** (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 §36-4-9b, relating to the termination, expiration, or cancellation of oil or natural gas leases; providing a requirement for a lessee to execute and deliver to the lessor, within a specified time and without cost, a recordable release for terminated, expired, or canceled oil or natural gas leases; providing for a procedure by which a lessor may serve notice to a lessee if a lessee fails to timely provide the release; providing requirements for the content of the notice; requiring a lessee to timely notify the lessor in writing of a dispute regarding the termination, expiration, or cancellation of the oil and natural gas lease; providing for an affidavit of termination, expiration, or cancellation with specified contents; and providing a requirement that county clerks accept and record said affidavit.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Azinger, 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 599**, Clarifying when claimant may file cause of action without screening certificate of merit.

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 the Judiciary.

Respectfully submitted,

Michael T. Azinger,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 732**, Authorizing fee payment and expense reimbursement for attorneys who participate on court teams established by Supreme Court of Appeals.

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 Finance.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on Finance.

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 733**, Recognizing political party status.



And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,  
Chair.

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Eng. Com. Sub. for House Bill 4011**, Reorganizing various boards and authorities for the licensing and oversight of trades, occupations, and professions.

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,

Mark R. Maynard,  
*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 Government Organization pending.

Senator Hamilton, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

**Eng. House Bill 4381**, Relating to lifetime hunting, fishing and trapping licenses for adopted children.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Bill Hamilton,  
*Chair.*

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

**By Senators Maroney and Takubo:**

**Senate Bill 747**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-20, relating to requiring the Bureau for Public Health to develop a Diabetes Action Plan.

Referred to the Committee on Health and Human Resources.

**By Senators Maroney and Takubo:**

**Senate Bill 748**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-59-1, §16-59-2, and §16-59-3, all relating to increasing awareness of palliative care services; defining terms; requiring the State Advisory Coalition on Palliative Care, in conjunction with the Bureau for Public Health, to develop education materials; and requiring the Office of Health Facilities Licensure and Certification to update and maintain database.

Referred to the Committee on Health and Human Resources.

**By Senators Maroney, Stollings, and Takubo:**

**Senate Bill 749**—A Bill to amend and reenact §61-12A-4 of the Code of West Virginia, 1931, as amended, relating to requiring the Bureau for Public Health to submit its maternal mortality data to the Centers for Disease Control and Prevention for data aggregation.

Referred to the Committee on Health and Human Resources.

**By Senator Rucker:**

**Senate Bill 750**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7d, relating to establishing extended learning opportunities to include alternative educational opportunities for elective course credit; requiring the state board to develop a policy for the approval of eligible programs and to promulgate a rule; and recognizing that county boards may authorize alternative educational opportunity programs and audit the same.

Referred to the Committee on Education.

**By Senator Rucker:**

**Senate Bill 751**—A Bill to amend and reenact §8-6-4a of the Code of West Virginia, 1931, as amended, relating to removing certain requirements when a municipality seeks to annex property within an urban growth boundary.

Referred to the Committee on Government Organization.

Senator Jeffries offered the following resolution:

**Senate Resolution 37**—Designating February 12, 2020, as West Virginia Literacy Day at the Legislature.

Whereas, The purpose of West Virginia Literacy Day is to increase reading literacy rates across all counties within the state; and

Whereas, Pocahontas High School's Youth Alive Literacy Group works to shine a light and raise awareness of the importance of reading from a young age; and

Whereas, Literacy is best instilled at an early age, by a parent or grandparent, making reading a daily habit within the home; and

Whereas, As reading is the fundamental tool to academic and life success, there can be no greater initiative than to instill a love of reading in children, as it impacts every other academic subject

and career choice a student will make in his or her lifetime; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates February 12, 2020, as West Virginia Literacy Day at the Legislature; and, be it

*Further Resolved,* That the Senate extends its most sincere gratitude and appreciation to Pocahontas High School's Youth Alive Literacy Group for their dedication and commitment to raising awareness of the importance of literacy from a young age; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to Pocahontas High School's Youth Alive Literacy Group.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Resolution 35,** Congratulating Gary Young, WV Outstanding Tree Farmer for 2020.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Tarr, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Tarr regarding the adoption of Senate Resolution 35 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 11:36 a.m., the Senate recessed to present Senate Resolution 35.

The Senate reconvened at 11:40 a.m. and resumed business under the seventh order.

**Senate Resolution 36**, Recognizing 75th birthday of Smokey Bear.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Sypolt, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Sypolt and Stollings regarding the adoption of Senate Resolution 36 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 11:46 a.m., the Senate recessed to present Senate Resolution 36.

The Senate reconvened at 11:50 a.m. and, at the request of Senator Jeffries, unanimous consent being granted, returned to the second order of business and the introduction of guests.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 97**, Allowing senior judge to continue receiving per diem compensation beyond annual salary of sitting judge due to delay by Governor in filling vacancy.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Ihlenfeld—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 97) 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 131**, Creating Tim Tebow Act.

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 Committee Substitute for Senate Bill 131 pass?”

Senator Roberts requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as he is affiliated with a private school.

The Chair replied that any impact on Senator Roberts would be as a member of a class of persons and that he would be required to vote.

On the passage of the bill, the yeas were: Azinger, Baldwin, Blair, Boley, Clements, Cline, Facemire, Maroney, Maynard, Pitsenbarger, Plymale, Roberts, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—24.

The nays were: Beach, Hamilton, Hardesty, Jeffries, Lindsay, Mann, Palumbo, Prezioso, and Romano—9.

Absent: Ihlenfeld—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 131) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2020.

On this question, the yeas were: Azinger, Baldwin, Blair, Boley, Clements, Cline, Facemire, Maroney, Maynard, Pitsenbarger, Plymale, Roberts, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—24.

The nays were: Beach, Hamilton, Hardesty, Jeffries, Lindsay, Mann, Palumbo, Prezioso, and Romano—9.

Absent: Ihlenfeld—1.

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. 131) takes effect July 1, 2020.

*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 208**, Protecting consumers from unfair pricing practices during state of emergency.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Ihlenfeld—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 208) 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 517**, Creating State Parks and Recreation Endowment Fund.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Ihlenfeld—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 517) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Ihlenfeld—1.

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. 517) 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 575**, Designating local fire department as safe-surrender site to accept physical custody of certain children from lawful custodian.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Ihlenfeld—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 575) 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 607**, Reporting motor vehicle crashes to owners.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Ihlenfeld—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 607) 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 618**, Conforming WV law to federal distance requirements for locations of salvage yards.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Senate Bill 618 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: Beach—1.

Absent: Ihlenfeld—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 618) 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 654**, Allowing certain sheriffs transfer from PERS to Deputy Sheriff Retirement System.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Ihlenfeld—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 654) 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 657**, Allowing designation of tourism development districts.

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 Committee Substitute for Senate Bill 657 pass?”

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Clements, Cline, Hamilton, Mann, Maroney, Maynard, Pitsenbarger, Plymale, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, and Carmichael (Mr. President)—21.

The nays were: Baldwin, Beach, Facemire, Hardesty, Jeffries, Lindsay, Palumbo, Prezioso, Romano, Stollings, Unger, and Woelfel—12.

Absent: Ihlenfeld—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 657) passed.

On motion of Senator Rucker, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. Com. Sub. for Senate Bill 657**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-1-9, relating to authorizing the Department of Commerce to assist qualifying tourism development projects and tourism development expansion projects in the creation of tourism development districts by approved companies; prohibiting certain municipalities from restricting tourism development projects and tourism development expansion projects in a tourism development district and from imposing or enforcing ordinances concerning such districts and tourism development projects and tourism development expansion projects therein; limiting certain rights of a municipality's home rule powers; establishing requirements of application for and designation of tourism development districts; providing that decision of development office regarding establishment of tourist development district is final; restricting number of such districts; providing for termination of tourism development districts; exempting districts and projects within them from certain municipal regulation and requirements; establishing that projects within tourism development districts are required to pay various taxes and fees and comply with certain state laws, state building code, and inspection standards of development office; allowing Department of Transportation to participate in tourism development projects; providing that failure to continue the Tourism Development Act does not affect the provisions of this section and created tourism development districts; requiring rulemaking and promulgation of emergency rules; and providing severability.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale,

Roberts, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, and Carmichael (Mr. President)—27.

The nays were: Baldwin, Beach, Prezioso, Romano, Unger, and Woelfel—6.

Absent: Ihlenfeld—1.

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. 657) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. House Bill 2922**, Relating to requirements to obtain a final order of discharge and dismissal for possession of opiates or opioids.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Ihlenfeld—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2922) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

**Eng. House Bill 2922**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-407a, relating to authorizing a court to require participation and successful completion of a drug court program or drug treatment program in order for a defendant, pleading or being found guilty of possession of a controlled substance which is or contains a controlled substance listed in §60A-2-204 of this code, other than marijuana, or a controlled substance listed in §60A-2-206, §60A-2-208, or §60A-2-210 to qualify for a final order of discharge and dismissal.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. House Bill 3039**, Relating to a court's consideration of the expression of a preference by a child in certain child custody matters.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Ihlenfeld—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 3039) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

**Eng. House Bill 3039**—A Bill to amend and reenact §44-10-4, §48-9-206, and §48-9-402 of the Code of West Virginia, 1931, as amended, all relating to a court's consideration of the right of a minor to nominate his or her guardian and to a court's consideration of the expression of a preference by a child in certain child custody matters; and giving the court discretion to consider the preferences of a child under the age of fourteen years who is sufficiently matured that he or she can intelligently express a voluntary preference.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. House Bill 4030**, Increasing limit for application for original appointment as a firefighter to 40 years of age for honorably discharged veterans.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sybolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Ihlenfeld—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4030) passed.

The following amendment to the title of the bill, from the Committee on Military, was reported by the Clerk and adopted:

**Eng. House Bill 4030**—A Bill to amend and reenact §8-15-17 of the Code of West Virginia, 1931, as amended, relating to increasing the age limit of an honorably discharged veteran of the

United States armed forces, armed service reserves, or National Guard to 40 years of age for an application for original appointment.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Ihlenfeld—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4030) 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 House Bill 4275**, Authorizing Department of Military Affairs and Public Safety promulgate legislative rules relating to the Fire Commission.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: Sypolt and Tarr—2.

Absent: Ihlenfeld—1.



So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4275) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

**Eng. Com. Sub. for House Bill 4275**—A Bill to amend and reenact §64-6-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating generally to authorizing agencies of the Department of Military Affairs and Public Safety to promulgate legislative rules; authorizing the rules as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Fire Commission to promulgate a legislative rule relating to State Fire Code; and authorizing the Fire Commission to promulgate a legislative rule relating to State Building Code.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: Sypolt and Tarr—2.

Absent: Ihlenfeld—1.

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 H. B. 4275) 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 163**, Relating to municipal or county taxation of hotel rooms booked through marketplace facilitator.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 180**, Relating to Second Chance Driver's License Program.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 202**, Allowing one member of PSD board to be county commissioner.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

**Com. Sub. for Senate Bill 230**, Requiring State Board of Education provide routine education in suicide prevention.

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 490**, Relating to criminal offenses against agricultural facilities.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

**Senate Bill 545**, Authorizing transfer of moneys from Insurance Commission Fund to Workers' Compensation Old Fund.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 571**, Expiring funds from State Excess Lottery Revenue Fund to various accounts.

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 583**, Creating program to further development of renewable energy resources.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

**Senate Bill 641**, Allowing WVCHIP flexibility in rate setting.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 647**, Permitting physician assistants and advanced practice registered nurses issue do-not-resuscitate orders.

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 662**, Removing restrictions on fiduciary commissioners.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 664**, Adding physician's assistant to list of medical professionals capable of determining if individual lacks capacity.

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 674**, Permitting DOH purchase hardware items and equipment from local seller.

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 2602**, Including possession of known stolen property in the offense of receiving or transferring stolen property.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

### **ARTICLE 3. CRIMES AGAINST PROPERTY.**

#### **§61-3-18. Receiving or transferring stolen goods.**

If any person buys or receives from another person, or aids in concealing, or transfers to a person other than the owner thereof, or possesses any stolen goods or other thing of value, which he or she knows or has reason to believe has been stolen, ~~he shall be deemed that person is~~ guilty of the larceny thereof, and may be prosecuted although the principal offender ~~be not~~ has not been convicted; Provided, That possession of stolen goods while acting at the request of law enforcement or in cooperation with law enforcement does not constitute a violation of this section.

The bill (Eng. Com. Sub. for H. B. 2602), as amended, was then ordered to third reading.

**Eng. Com. Sub. for House Bill 2924**, Permitting the West Virginia Tourism Office to decide to contract with the Division of Highways to sell advertising space on the WV511 website.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

**Eng. Com. Sub. for House Bill 4129**, Relating to adoption.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

**Eng. House Bill 4141**, Requiring the Department of Administration to publish its comprehensive annual financial report by the end of December.

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 and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

## **ARTICLE 2. FINANCE DIVISION.**

### **§5A-2-33. Financial accounting and reporting section; comptroller; powers and responsibilities.**

(a) The financial accounting and reporting section created under section one of this article shall be under the control and supervision of a comptroller. The provisions of this section shall apply to all component units of state government, as defined by generally accepted accounting principles.

(b) The comptroller, under the direction and supervision of the director of the Finance Division, has the power and responsibility to:

(1) Maintain financial records supporting the Comprehensive Annual Financial Report required under ~~subsection (8) of this section~~ subdivision (8) of this subsection, in accordance with generally accepted accounting principles;

(2) Maintain the official chart of accounts of the state;

(3) Maintain the centralized accounting system;

(4) Maintain the statewide accounting policies and procedures;

(5) Direct the establishment and maintenance of an adequate internal control structure by the various component units of state government;

(6) Verify the periodic reconciliation of assets as reported by the board of Investments and budgetary fund balances as reported by the State Auditor;

(7) Issue management financial reports by component unit and department, as well as consolidated management financial reports, as follows:

~~(a)~~ (A) Monthly budgetary basis reports by revenue and expense, budget compared to actual, and encumbrances; and

~~(b)~~ (B) Financial position reports, including, but not limited to, cash, investments, indebtedness, obligations and accounts payable.

(8) Issue a comprehensive annual financial report.

(A) When all state agencies meet the financial reporting deadlines set by the financial accounting and reporting section, the report shall be issued on or before December 31 of the calendar year in which the reporting period ends.

(B) When any agency fails to meet the reporting deadline, the report shall be issued within 60 days of receiving the last agency report.

(C) The financial report will be prepared in accordance with generally accepted accounting principles;

(9) Have the general purpose financial statements of the state audited annually by independent certified public accountants;

(10) Require the state pension systems, workers' compensation commission, Public Employees Insurance Agency, Board of Risk and Insurance Management and the various other component units of the state to prepare financial statements audited by independent certified public accountants and submit the audited financial

statements to the financial accounting and reporting section in the form and within the time frames established by the financial accounting and reporting section;

(11) Maintain controls over access to the centralized accounting system and the required modifications, as well as edits, controls and tables;

(12) Promulgate legislative rules in accordance with §29A-3-1 *et seq.* of this code to effectuate the intent and purpose of this section: *Provided*, That such rules may initially be implemented by emergency rule; and

(13) Do all things necessary and convenient to maintain the centralized accounting system, to issue financial reports of the state and to carry out its powers and responsibilities.

The bill (Eng. H. B. 4141), as amended, was then ordered to third reading.

**Eng. House Bill 4179**, Recognition of Emergency Medical Services Personnel Licensure Interstate Compact.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Trump, the following amendment to the bill was reported by the Clerk:

After the enacting clause by inserting the following:

**§16-4C-8a. Courtesy certification of emergency medical services personnel in surrounding states.**

[Repealed.]

Following discussion,

The question being on the adoption of Senator Trump's amendment to the bill, the same was put and prevailed.

The bill (Eng. H. B. 4179), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

**Com. Sub. for Senate Bill 232**, Removing outdated prohibitions against electronic or mechanical ticket dispensers and readers.

**Com. Sub. for Senate Bill 288**, Relating to family planning and child spacing.

And,

**Com. Sub. for Senate Bill 638**, Creating new private club licenses and requirements.

The Senate proceeded to the eleventh order of business and the introduction of guests.

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senators Blair and Stollings.

Thereafter, at the request of Senator Prezioso, and by unanimous consent, the remarks by Senators Blair and Stollings were ordered printed in the Appendix to the Journal.

The Senate next proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions:

**Senate Bill 285**: Senator Sypolt;

**Com. Sub. for Senate Bill 491**: Senator Pitsenbarger;

**Senate Bill 504**: Senator Plymale;



**Com. Sub. for Senate Bill 653:** Senator Rucker;

**Senate Bill 728:** Senator Pitsenbarger;

**Senate Bill 738:** Senator Plymale;

**Senate Bill 739:** Senator Cline;

**Senate Bill 743:** Senator Prezioso;

**Senate Bill 744:** Senator Prezioso;

**Senate Bill 746:** Senator Stollings;

**Com. Sub. for Senate Joint Resolution 9:** Senator Rucker;

**Senate Resolution 35:** Senators Prezioso, Plymale, Stollings, Jeffries, and Hamilton;

And,

**Senate Resolution 36:** Senators Cline, Prezioso, Baldwin, Lindsay, Plymale, Stollings, Jeffries, and Rucker.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 1:31 p.m., the Senate adjourned until tomorrow, Wednesday, February 12, 2020, at 11 a.m.

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## WEDNESDAY, FEBRUARY 12, 2020

The Senate met at 11:07 a.m.

(Senator Carmichael, Mr. President, in the Chair.)

Prayer was offered by Pastor Larry Cooper, Springdale Free Will Baptist Church, Hurricane, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Chandler Swope, a senator from the sixth district.

Pending the reading of the Journal of Tuesday, February 11, 2020,

At the request of Senator Trump, 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 concurrence by that body in the passage of

**Eng. Com. Sub. for Senate Bill 46**, Defining “pepper spray” and exempting from definition of “deadly weapons”.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, to take effect from passage, and requested the concurrence of the Senate in the House of Delegates amendment, as to

**Eng. Com. Sub. for Senate Bill 364**, Authorizing Department of Transportation promulgate legislative rules.

On motion of Senator Weld, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page three, section one, line thirty-eight, after the word “authorized” by striking out the period and inserting in lieu thereof the following: with the following amendments:

On page 2, by striking out subsection 2.7 and renumbering the remaining subsections;

On page 5, subsection 4.4, after the words: “the application.”, by inserting the following: “When determining the time in which an application must be acted upon, if the final day to act falls on a federal or state holiday, the date to act upon the application shall be the next weekday that is not a federal or state holiday.”;

On page 5, subsection 4.5. by striking out the word “business”;

On page 5, subdivision 4.5.1. by striking out the word “business”;

On page 5, subdivision 4.5.2. by striking out the words “business days”;

And,

On page 8, subsection 5.1. by striking out the word “business”.

Senator Weld moved that the Senate concur in the House of Delegates amendment to the bill.

Following discussion,

The question being on the adoption of Senator Weld’s aforestated motion, the same was put and prevailed.

Engrossed Committee Substitute for Senate Bill 364, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Tarr, Trump, Unger, Weld, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Takubo and Woelfel—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 364) passed with its title.

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Tarr, Trump, Unger, Weld, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Takubo and Woelfel—2.

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. 364) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

**Eng. Com. Sub. for Senate Bill 470**, Relating to use of crossbow to hunt.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

**Eng. Com. Sub. for Senate Bill 487**, Providing exception that all DNR payments be deposited within 24 hours.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

**Eng. Com. Sub. for Senate Bill 500**, Relating to Class Y special crossbow hunting permit.

On motion of Senator Weld, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page one, section forty-two-w, line four, after the word “permit;” by inserting the word “or”.

On motion of Senator Weld, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill 500, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Tarr, Trump, Unger, Weld, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Takubo and Woelfel—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 500) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendment, as to

**Eng. Com. Sub. for Senate Bill 501**, Adding protection, operation of North Bend Rail Trail, Greenbrier River Trail, and Elk River Trail to Parks and Recreation Section of DNR.

On motion of Senator Weld, the bill was taken up for immediate consideration.

The following House of Delegates amendment to the bill was reported by the Clerk:

On page two, section three, lines thirty-two and thirty-three, by striking out the words “approximately sixty and fifty-seven one-hundredths miles of”.

On motion of Senator Weld, the Senate concurred in the House of Delegates amendment to the bill.

Engrossed Committee Substitute for Senate Bill 501, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Tarr, Trump, Unger, Weld, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Takubo and Woelfel—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 501) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4069**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-33-1, §18-33-2, §18-33-3, §18-33-4, §18-33-5, §18-33-6, §18-33-7, and §18-33-8, all relating to creating the West Virginia Student Religious Liberties Act; providing that public school district shall not discriminate against a student’s religious viewpoint or religious expression; providing that students may express their beliefs about religion in homework, artwork and other written assignments without being penalized or rewarded; providing that students in public schools may pray or engage in religious activities or religious expression before, during or after the school day; requiring school districts to adopt and implement a policy substantially similar to the model policy set forth herein; setting forth parameters for student speakers at nongraduation events; setting forth parameters for speakers at graduation ceremonies; providing for disclaimers by school authorities; providing that the act may not require participation in religious activity or violate a person’s constitutional rights; ensuring that public schools may still maintain order and discipline, protect the safety of students, employees, and visitors of the public school, and adopt and enforce policies and procedures; and providing an effective date.

Referred to the Committee on Education; and then to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Bill 6**, Increasing weight limits for vehicles on certain state highways.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 6** (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17C-17-11 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of the Division of Highways to issue permits for certain tractors with certain trailers that do not exceed specified maximum axle weights.

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,

Charles H. Clements,  
*Chair.*

The bill (Com. Sub. for S. B. 6), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 229**, Requiring Public Health Commissioner create program for reimbursement of adult dental care and free and charitable clinics.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 229** (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §16-1-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §16-59-1, all relating to powers and duties of the Commissioner of the Bureau for Public Health; requiring the commissioner to create a grant pilot program to provide reimbursement of dental care for



adults at free and charitable clinics; requiring establishment of fund; requiring rulemaking; and requiring reporting.

**Senate Bill 716**, Requiring DHHR pay for tubal ligation without 30-day wait between consent and sterilization.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 716** (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §9-5-12 of the Code of West Virginia, 1931, as amended, relating to requiring Department of Health and Human Resources to make payment for tubal ligation without requiring at least 30 days between the date of informed consent and date of the tubal ligation procedure.

And,

**Senate Bill 719**, Imposing health care-related provider tax on certain health care organizations.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 719** (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §11-27-10a of the Code of West Virginia, 1931, as amended, relating to imposing a health care-related provider tax on certain health care organizations; and extending termination date.

With the recommendation that the three committee substitutes do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

The bills (Com. Sub. for S. B. 229, 716, and 719), under the original double committee references, were then referred to the Committee on Finance.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Com. Sub. for Senate Bill 265**, Authorizing DEP to develop Reclamation of Abandoned and Dilapidated Properties Program.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Craig Blair,  
*Chair.*

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 285**, Eliminating WV Greyhound Breeding Development Fund.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 285** (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j; to amend and reenact §19-23-3, §19-23-7, §19-23-10, §19-23-12b, §19-23-13, and §19-23-13c of said code; to amend said code by adding thereto a new section, designated §19-23-10a; to amend and reenact §29-22-18a of said code; to amend and reenact §29-22A-3, §29-22A-7, §29-22A-10, §29-22A-10b, §29-22A-10d, §29-22A-10e, and §29-22A-12 of said code; and to amend and reenact §29-22C-3, §29-22C-8, §29-22C-10, §29-22C-27, and §29-22C-27a of said code, all relating generally to horse and dog racing lottery;

modifying certain definitions; discontinuing the West Virginia Racing Commission special account known as the West Virginia Greyhound Breeding Development Fund; transferring all moneys in the West Virginia Greyhound Breeding Development Fund to the State Excess Lottery Revenue Fund for appropriation by the Legislature; requiring that upon transfer of moneys from the West Virginia Greyhound Breeding Development Fund to the State Excess Lottery Revenue Fund, a certain amount be withheld and deposited in the special account known as the Administration, Promotion, Education, Capital Improvement and Greyhound Adoption Programs to include Spaying and Neutering Account; requiring that all moneys previously required to be directed to the West Virginia Greyhound Breeding Development Fund be redirected to the State Excess Lottery Revenue Fund for appropriation by the Legislature; requiring that all moneys previously required to be directed into any fund or paid for the purposes of funding purses, awards, or providing any other funding for greyhound races to be redirected to the State Excess Lottery Revenue Fund for appropriation by the Legislature; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to qualify for such a license; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to contract to receive telecasts and accept wagers; providing that a dog racetrack is required to hold a racing license to conduct simulcast racing regardless of whether the racetrack continues to conduct live dog racing; authorizing the West Virginia Racing Commission to promulgate rules, including emergency rules, regarding licensure of dog racetracks conducting only simulcast racing; eliminating the requirement that a video lottery licensee at a dog track must hold a racing license to renew a video lottery license or racetrack table games license; requiring the Lottery Commission to transfer a percentage of gross terminal revenue derived from racetrack video lottery at thoroughbred tracks, and deducted for administrative costs and expenses, to the Racing Commission's General Administrative Account; eliminating the requirement that an applicant for a video lottery license or license renewal at a dog racetrack must provide evidence of the existence of an agreement regarding proceeds from video lottery terminals with certain parties; providing that a percentage

of net terminal income originating at thoroughbred racetracks will be deposited in the West Virginia Thoroughbred Development Fund; permitting a dog racetrack to continue to operate operational video lottery and racetrack table games in a location where live racing was previously conducted; eliminating the requirement that a racetrack table games licensee at a dog racetrack must race a minimum number of dates; providing a one-time credit toward personal income taxes for the adoption of displaced greyhounds; and requiring that a certain amount of money be withheld and deposited into a special revenue account known as the Displaced Workers Employment Retraining Fund to assist with the retraining of workers directly impacted by the termination of greyhound racing.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 279**, Requiring dental insurance plans honor assignment made in writing by person covered.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 279** (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 §33-15-22; to amend said code by adding thereto a new section, designated §33-16-18; to amend said code by adding thereto a new section, designated §33-24-45; to amend said code by adding thereto a new section, designated §33-25-22; and to amend said code by adding thereto a new section, designated §33-25A-36, all

relating to the optional assignment of certain benefits in dental care insurance programs; detailing revocation and reimbursement requirements; and excluding Medicaid, CHIP, and contracts approved by the Department of Health and Human Resources Bureau for Medical Services.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
Chair.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Bill 306**, Licensing of drivers utilizing bioptic telescopic devices.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 306** (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17B-2B-3, §17B-2B-4, §17B-2B-5, and §17B-2B-7 of the Code of West Virginia, 1931, as amended, all relating to licensing of drivers utilizing bioptic telescopic devices.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles H. Clements,  
Chair.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Bill 589**, Relating to critical needs in state water and sewer systems.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 589** (originating in the Committee on Transportation and Infrastructure)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31-15A-17c, relating to critical needs in state water and sewer systems; creating a Critical Needs/Failing Systems Sub Account; funding the sub account with excess uncommitted loan balances; authorizing loans or grants to address a critical immediate need of water or sewer services; and exempting the sub account from certain grant limitations.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Charles H. Clements,  
*Chair.*

At the request of Senator Blair, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Transportation and Infrastructure.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Com. Sub. for Senate Bill 597** (originating in the Committee on the Judiciary), Relating to judicial branch members' salaries and pensions.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Com. Sub. for Senate Bill 597** (originating in the Committee on Finance)—A Bill to amend and reenact §50-1-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §51-1-10a of said code; to amend and reenact §51-2-13 of said code; and to amend and reenact §51-2A-6 of said code, all relating generally to salaries and pensions of magistrates, justices of the Supreme Court of Appeals, circuit judges, and family court judges; and adopting and codifying the 2019 recommendations of the Judicial Compensation Commission as to salary increases for magistrates, justices of the Supreme Court of Appeals, circuit judges, and family court judges.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Craig Blair,  
*Chair.*

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Bill 626**, Authorizing Office of Administrative Hearings hear appeals on suspension or revocation of graduated driver's license.

And,

**Senate Bill 660**, Regulating electric bicycles.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Charles H. Clements,  
*Chair.*

The bills, under the original double committee references, were then referred to the Committee on the Judiciary.

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 702**, Designating specific grade levels in which nutrition and physical fitness programs are taught.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 702** (originating in the Committee on Education)—A Bill to amend and reenact §18-2-7a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §18-2-7e, all relating to designating the specific grade levels to which the specified physical education requirements are applicable; allowing a school district to develop or adopt a program in which the subject of nutrition and exercise education is taught instead of the program required to be prescribed by the state board; setting forth requirements for program developed or adopted; allowing school districts to apply for funding to support the implementation of the program; creating the Nutrition and Exercise Education Fund from which moneys are to be awarded on a competitive basis to eligible school districts; requiring the Department of Education to annually submit a report to the Governor and the Legislative Oversight Commission on Education Accountability; allowing a school district to make available to schools within the district a program in which the subject of nutrient and exercise education is taught; setting forth requirements applicable to the program; allowing school districts utilizing the program to be eligible to apply for funding from the Nutrition and Exercise Education Fund; setting forth requirements applicable to each school in a school district



electing to participate in the program; allowing school districts to issue a request for proposals to contract with qualified service providers on a per-student rate to provide certain programs and/or products; setting forth certain criteria that providers of programs and products must meet to be considered by school districts; and setting forth required program accountability measures.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 703**, Increasing earning limit for employees who accept separation incentive.

And,

**Senate Bill 712**, Correcting name of Forensic Analysis Laboratory.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*

Senator Maroney, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

**Senate Bill 704**, Allowing disabled purple heart recipients park free at municipal metered parking spaces.

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,

Michael J. Maroney,  
*Vice Chair.*

The bill, under the original double committee reference, was then referred to the Committee on Government Organization.

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 706**, Clarifying duties of law-enforcement training and certification subcommittee.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 706** (originating in the Committee on Government Organization)—A Bill to amend and reenact §30-29-3 and §30-29-5 of the Code of West Virginia, 1931, as amended, all relating to the duties of the law-enforcement training and certification subcommittee; providing for a minimum of 800 classroom hours for a law-enforcement academy; clarifying that the required classroom hours shall be accumulated on the basis of a full-time curricula; authorizing the law-enforcement training and certification subcommittee to deny an application for the establishment of a new law-enforcement academy if it is determined that no need exists; requiring that a person seeking certification complete the approved law-enforcement training academy within 18 consecutive months of the commencement of

employment as a law-enforcement officer; authorizing extensions of such requirement; requiring graduates of state law-enforcement academies successfully complete an entry level law-enforcement examination promulgated by the law-enforcement training and certification subcommittee prior to certification; establishing time frames for completion of training requirements; and making technical corrections.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 746**, Providing contracted managed care companies access to uniform maternal screening tool.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 746** (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §16-4E-6 of the Code of West Virginia, 1931, as amended, relating to providing that contracted managed care companies with the Bureau for Medical Services may be provided data from the uniform maternal screening tool regarding their own covered members; providing that the Bureau for Medical Services may be provided data from the screening tool regarding their own covered members; and requiring confidentiality must be maintained.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Concurrent Resolution 8**, US Army 1st Lieutenant Harold H. Frazier Memorial Bridge.

And reports back a committee substitute for same as follows:

**Com. Sub. for Senate Concurrent Resolution 8** (originating in the Committee on Transportation and Infrastructure)—Requesting the Division of Highways name bridge number 40-35-8.07, NB and SB (40A155, 40A156), locally known as US 35 Hurricane Creek bridges, carrying US Rt. 35 over Hurricane Creek in Putnam County, the “U.S. Army 1LT Harold H. Frazier Memorial Bridge”.

Whereas, Harold H. Frazier was born in Frazier’s Bottom, Putnam County, West Virginia, on April 19, 1923, the son of Argyll Elwood Frazier and Pearl C. Livesey. He attended Winfield High School, where he was the first student to achieve the honor of All-State Future Farmer of America. He graduated as class salutatorian in 1941. He immediately enlisted in the U.S. Army, citing growing tension around the world and his own sense of duty and patriotism as a reason for enlisting. His first duty station was in Hawaii, and he was stationed there when the Japanese attacked on December 7, 1941, making him a Pearl Harbor survivor; and

Whereas, After Pearl Harbor, Harold was promoted to lieutenant, and attended bombardier training school. After graduating bombardier training school, he was sent to Europe and flew many combat missions in Europe as a bombardier in a B-25 Mitchell Bomber. During his time in Europe, he was awarded the

Silver Star, Distinguished Flying Cross, Purple Heart, and the Air Medal with 7 Oak Leaf Clusters; and

Whereas, After World War II, First Lieutenant Harold H. Frazier received a degree in forestry from West Virginia University and reenlisted in the U.S. Army to serve in the Korean War; and

Whereas, After the Korean War, First Lieutenant Harold H. Frazier settled in Dunbar, West Virginia, and spent the rest of his career as an industrial hygienist for Union Carbide Corporation; and

Whereas, First Lieutenant Harold H. Frazier died on April 9, 1996, in Cornelius, North Carolina, survived by his wife, Jane Frazier, and his children, Larry Frazier, Brad Frazier, Patty Frazier Gayhart, and John Frazier; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army First Lieutenant Harold H. Frazier and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 40-35-8.07, NB and SB (40A155, 40A156), locally known as US 35 Hurricane Creek bridges, carrying US Rt. 35 over Hurricane Creek in Putnam County, the “U.S. Army 1LT Harold H. Frazier Memorial Bridge”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U.S. Army 1LT Harold H. Frazier 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.

With the recommendation that the committee substitute be adopted.

Respectfully submitted,

Charles H. Clements,  
*Chair.*

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

**Senate Concurrent Resolution 12**, US Army PFC Gary Alcott Birkhimer Memorial Bridge.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Charles H. Clements,  
*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

**Eng. Com. Sub. for House Bill 2497**, Relating to the whistleblower law.

And has amended same.

And,

**Eng. House Bill 4476**, Providing for the timely and efficient collection, submission, testing, retention, and disposition of forensic evidence in sexual assault cases.

And has amended same.

And reports the same back with the recommendation that they each do pass, as amended.

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

**Eng. House Bill 4166**, Prohibiting certain sex offenders from being in a supervisory position over children.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Eng. House Bill 4353**, Creating a rational nexus requirement between prior criminal conduct and initial licensure decision making.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

Senator Maroney, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

**Eng. House Bill 4412**, Relating to education benefits to members of the West Virginia Army National Guard and West Virginia Air National Guard.

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 Education.

Respectfully submitted,

Michael J. Maroney,  
*Vice Chair.*

The bill, under the original double committee reference, was then referred to the Committee on Education.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Eng. Com. Sub. for House Bill 4470**, Relating to persons 18 years of age or older in the custody of the Bureau of Juvenile Services.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

The Senate proceeded to the fifth order of business.

Senator Takubo, from the Select Committee on Children and Families, submitted the following report, which was received:

Your Select Committee on Children and Families has had under consideration



**Senate Bill 639**, Relating to duties of prosecuting attorney in child abuse and neglect matters.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 639** (originating in the Select Committee on Children and Families)—A Bill to amend and reenact §49-4-502 and §49-4-601 of the Code of West Virginia, 1931, as amended, all relating to the duties of the prosecuting attorney in child abuse and neglect matters; and providing for who may file a child abuse and neglect petition.

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,

Tom Takubo,  
*Chair.*

The bill (Com. Sub. for S. B. 639), under the original double committee reference, was then referred to the Committee on the Judiciary.

The Senate proceeded to the sixth order of business.

At the request of Senator Weld, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

**By Senator Takubo:**

**Senate Bill 752**—A Bill to repeal §16A-4-2 of the Code of West Virginia, 1931, as amended; to repeal §16A-6-4 of said code; to repeal §16A-13-1 of said code; to amend and reenact §16A-2-1 of said code; to amend and reenact §16A-3-1, §16A-3-2, §16A-3-3, and §16A-3-5 of said code; to amend and reenact §16A-4-3 and §16A-4-5 of said code; to amend and reenact §16A-5-1 of said code; to amend and reenact §16A-6-2, §16A-6-3, §16A-6-6, §16A-6-12, and §16A-6-13 of said code; to amend said code by adding

thereto a new section, designated §16A-6-14; to amend and reenact §16A-7-5 of said code; to amend and reenact §16A-8-2 of said code; to amend and reenact §16A-12-2, §16A-12-7, and §16A-12-8 of said code; to amend and reenact §16A-13-2, §16A-13-3, §16A-13-4, §16A-13-5, §16A-13-6, and §16A-13-8 of said code; to amend and reenact §16A-14-1, §16A-14-2, and §16A-14-3 of said code; and to amend and reenact §16A-15-2 and §16A-15-4 of said code, all relating to medical cannabis generally; defining terms; authorizing the Commissioner of the Bureau for Public Health to approve additions to the forms of lawful medical cannabis which may be used and the conditions for which medical cannabis use is authorized pursuant to recommendations of the Medical Cannabis Advisory Board; requiring employees of medical cannabis organizations and establishing a registration fee; authorizing the commissioner to enter into reciprocity agreements with other jurisdictions for terminally ill cancer patients; authorizing the commissioner to promulgate rules relating to 30-day supplies of medical cannabis; removing the residency requirement for medical cannabis organization owners, operators, shareholders, partners, and members; adding certain convictions which preclude participation as or in a medical cannabis organization; clarifying that the Tax Division of the Department of Revenue is charged with monitoring medical cannabis pricing; modifying and clarifying the distance a medical cannabis dispensary must be from certain educational facilities; modifying and clarifying entities engaged in medical cannabis research subject to nondisclosure provisions; removing requirement that certain federal agencies must preapprove medical cannabis research projects; authorizing accredited colleges and medical schools to be eligible to engage in approved medical cannabis research; increasing the number of clinical registrants; clarifying that the governing body of an academic clinical research center must approve the institution's participation in a medical cannabis research project; clarifying that only those public officials directly involved in the administrations of the medical cannabis program are prohibited from having a monetary interest in a medical cannabis organization; and adding accredited educational institutions engaged in research to the list of persons, entities, and

organizations exempt from licensure, discipline for lawful use, possession, or manufacture of medical cannabis.

Referred to the Committee on the Judiciary.

**By Senators Maynard, Trump, Rucker, Plymale, and Hardesty:**

**Senate Bill 753**—A Bill to amend and reenact §24-2-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §24-2-1o, all relating to authorizing the Public Service Commission to approve plans proposed by electric utilities to install middle-mile broadband fiber and provide expedited cost recovery.

Referred to the Committee on Government Organization.

**By Senator Prezioso:**

**Senate Bill 754**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-1-1f; to amend and reenact to §18B-1-2 of said code; and to amend and reenact §18B-1B-6 of said code, all relating to public higher education governance by establishing matrix necessary for an institution of higher education to become exempt from the Higher Education Policy Commission; and identifying Fairmont State University, Shepherd University, and West Liberty University as exempted schools based on the matrix criteria.

Referred to the Committee on Education.

**By Senators Palumbo, Ihlenfeld, Jeffries, Takubo, Clements, and Hardesty:**

**Senate Bill 755**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13FF-1, §11-13FF-2, §11-13FF-3, §11-13FF-4, and §11-13FF-5, all relating to the High-Wage Growth Business Tax Credit Act.

Referred to the Committee on Finance.

**By Senator Baldwin:**

**Senate Bill 756**—A Bill making a supplementary appropriation by adding a new item of appropriation from the

balance of moneys remaining as an unappropriated balance in the State Fund, State Excess Lottery Revenue Fund, to the Department of Veterans' Assistance-Veterans Home Fund, fiscal year 2020, organization 0618, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020.

Referred to the Committee on Finance.

**By Senators Prezioso, Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Palumbo, Plymale, Romano, Stollings, Unger, and Woelfel:**

**Senate Bill 757**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22m; and to amend said code by adding thereto a new section, designated §18-7A-26x, all relating to an annual cost-of-living adjustment to certain retirees of the Public Employees Retirement System and the State Teachers Retirement System.

Referred to the Committee on Pensions; and then to the Committee on Finance.

**By Senators Sypolt and Tarr:**

**Senate Bill 758**—A Bill to amend and reenact §16-4C-5 of the Code of West Virginia, 1931, as amended, relating to the authority of the Emergency Medical Services Advisory Council in reviewing rules proposed by the Commissioner of the Bureau for Public Health under the Emergency Medical Services Act.

Referred to the Committee on Government Organization.

**By Senator Plymale:**

**Senate Bill 759**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-12-5h, relating to authorizing municipalities to establish a low-cost alternative energy revolving loan program; defining terms; setting certain requirements for the program; requiring the adoption of an ordinance if the municipality decides to establish the program; setting forth certain provisions that must be contained in the ordinance; requiring interest rates to be below prevailing market

rates; creating certain requirements for seeding the fund; and requiring quarterly reports with certain information.

Referred to the Committee on Government Organization.

**By Senator Rucker:**

**Senate Bill 760**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-1-1F; to amend and reenact §18B-1-2 of said code; to amend and reenact §18B-1B-4 and §18B-1B-6 of said code; to amend and reenact §18B-1D-7 of said code; and to amend and reenact §18B-19-4 of said code, all relating to state institutions of higher education under the authority of the Higher Education Policy Commission; providing findings; defining terms; allowing any state college or university to apply to the Higher Education Policy Commission for designation as an administratively exempted school, a financially exempted school, or both; requiring Higher Education Policy Commission to propose rules for legislative approval that addresses loss of an exemption designation; setting forth specific exemptions for a college and university designated as an administratively exempted school; setting forth specific exemptions for a college and university designated as a financially exempted school; requiring Higher Education Policy Commission report to the Legislative Oversight Commission on Education Accountability certain information pertaining to exemption status for colleges and universities; updating institution names; removing obsolete language; updating code to reflect removal of statewide master plan and compact requirements by prior legislation; removing requirement for Higher Education Policy Commission to advise and confirm in the appointment of presidents of the institutions of higher education under its jurisdiction; removing requirement for Higher Education Policy Commission to promulgate a rule establishing a tuition and fee policy; replacing Higher Education Policy Commission with the Chancellor for Higher Education as having the responsibility to approve or disapprove proposed academic degree programs where approval required; requiring that Higher Education Policy Commission report to the Joint Committee on Government and Finance and the Legislative Oversight Commission on Education Accountability

that includes a recommendation on a formula for the allocation of general revenue to be appropriated to the institutions be annual rather than one time; making certain provisions pertaining to appointment of institutional presidents applicable to exempted schools; removing requirement for Higher Education Policy Commission to confirm appointment of institutional presidents; requiring classified employees be used when doing evaluations of institutional presidents; updating language to be consistent with replacing institutional and statewide report cards with a data reporting system in prior legislation; declaring that the geographic areas of responsibility for the West Virginia School of Osteopathic Medicine, Marshall University, and West Virginia University are statewide; and removing requirement for Higher Education Policy Commission confirmation of campus development plans.

Referred to the Committee on Education.

Senator Trump offered the following resolution:

**Senate Resolution 38**—Recognizing the contributions of AARP West Virginia State President Rich Stonestreet to the betterment of our state and its people.

Whereas, Mr. Rich Stonestreet was born and raised in the Wheeling area; the son of a third-generation steelworker and Italian immigrants; and

Whereas, Mr. Rich Stonestreet was educated in Ohio County schools, graduating from the former Triadelphia High School, before earning post-secondary degrees from West Liberty State College and the University of Tennessee; and

Whereas, Upon completing a 35-year career working in education and labor representation in the states of Maryland and West Virginia, Mr. Rich Stonestreet transitioned into retirement in 1998, and became actively engaged in his adopted home community of Charleston and the Kanawha Valley through volunteer service with several organizations; and

Whereas, Mr. Rich Stonestreet served as an AARP and AARP Foundation volunteer for more than a decade, providing extensive volunteer support to AARP state programs and initiatives; and

Whereas, In 2013, Mr. Rich Stonestreet was the state recipient of the AARP's highest volunteer recognition, the Andrus Award for Community Service, which honors those individuals who are sharing their experience, talent, and skills to enrich the lives of their community members; and

Whereas, In 2014, Mr. Rich Stonestreet was selected to serve his initial two-year appointment as AARP West Virginia's State President, representing nearly 300,000 Mountain State members, and was reappointed to serve two additional two-year terms as state president; and

Whereas, Mr. Rich Stonestreet completed six years of dedicated service as the organization's lead state volunteer on December 31, 2019; and

Whereas, In this state volunteer leadership role, Mr. Rich Stonestreet maintained a very visible and active presence at the West Virginia State Capitol, working closely with lawmakers, legislative staff, and leaders to articulate the positions and views of AARP in the Mountain State; therefore, be it

*Resolved by the Senate:*

That the Senate hereby recognizes the contributions of AARP West Virginia State President Rich Stonestreet to the betterment of our state and its people; and, be it

*Further Resolved,* That the Senate extends its sincere appreciation and gratitude to AARP West Virginia for its diligent advocacy and education efforts that raise awareness around the important issues impacting 50+ West Virginians and their families; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to Mr. Stonestreet and AARP West Virginia.

Which, under the rules, lies over one day.

Senator Stollings offered the following resolution:

**Senate Resolution 39**—Designating February 13, 2020, as Tiny Hearts Day at the Legislature.

Whereas, The West Virginia Chapter of the American Academy of Pediatrics is a nonprofit organization of more than 290 private practice pediatricians, generalists, specialists, medical school faculty, pediatric trainees, nurse practitioners, physician assistants, public health practitioners, and administrators across the state of West Virginia; and

Whereas, The mission of the West Virginia Chapter of the American Academy of Pediatrics is to attain the optimal health and well-being of all infants, children, adolescents, and young adults by uniting and educating pediatricians and facilitating effective partnerships between pediatricians and other child experts and advocates; and

Whereas, Pediatricians play a critical role in improving the health of our citizens; and

Whereas, The prevention of major threats to children's health, including the management of chronic diseases, obesity, injury, communicable diseases, and other child health problems, cannot be managed solely in the pediatric office; and

Whereas, The 2020 advocacy priorities of the West Virginia Chapter of the American Academy of Pediatrics are improving access to care, including care for vulnerable populations such as those in foster care and kinship care; addressing Adverse Childhood Experiences and toxic stress; maintaining strong immunization laws; obesity prevention and treatment; promoting tobacco cessation; addressing the opioid epidemic and its impact on children; and firearm injury prevention; and

Whereas, The West Virginia Chapter of the American Academy of Pediatrics will continue to put kids' health first and be



a voice for vulnerable children and families in West Virginia; therefore, be it

*Resolved by the Senate:*

That the Senate here by designate February 13, 2020, as Tiny Hearts Day at the Legislature; and, be it

*Further Resolved,* That the Senate extends its sincere gratitude and appreciation to the West Virginia Chapter of the American Academy of Pediatrics for the important work they do and for the positive impact they have on the health of West Virginia children and families; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Chapter of the American Academy of Pediatrics.

Which, under the rules, lies over one day.

At the request of Senator Weld, unanimous consent being granted, the Senate returned to the fourth order of business.

Senator Smith, 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 761** (originating in the Committee on Energy, Industry, and Mining)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-6b; to amend said code by adding thereto a new section, designated §17-3-11; and to amend said code by adding thereto a new article, designated §17-30-1, §17-30-2, §17-30-3, §17-30-4, and §17-30-5, all relating generally to state resource enhancement; establishing roads accountability and transparency; directing the State Auditor to develop and maintain a searchable website of funding actions and expenditures relating to state and public roads; setting forth the minimum content to be contained in the website; directing the Commissioner of the Division of

Highways to provide information and data to the State Auditor; requiring an annual update to the Joint Committee on Government and Finance; creating the Special Road Repair Fund as a subaccount of the State Road Fund; authorizing the commissioner to transfer certain funds into the subaccount for certain purposes; creating the Enhanced Road Repair and Maintenance Program; stating legislative finding and purpose of program; requiring Division of Highways county supervisors consult with county commissions and legislators to submit project requests to the Division of Highways; setting forth a funding formula; setting forth requirements concerning bidding, vendors, and contracts with private vendors; specifying uses of Special Road Repair Fund; defining terms; providing requirements for Commissioner of the Division of Highways and districts; requiring the promulgation of new rules; requiring reporting by Division of Highways and Legislative Auditor; and requiring the Commissioner of the Division of Highways to make a report to the Joint Legislative Oversight Commission on Department of Transportation Accountability regarding the enforcement of oil and gas repair bonds.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Randy E. Smith,  
*Chair.*

Senator Weld requested unanimous consent that the bill (S. B. 761) contained in the foregoing report from the Committee on Energy, Industry, and Mining be referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

Which consent was not granted, Senator Smith objecting.

Senator Weld then moved that the bill (S. B. 761) contained in the foregoing report from the Committee on Energy, Industry, and

Mining be referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

Following discussion and points of inquiry to the President, with resultant responses thereto,

The question being on the adoption of Senator Weld's aforestated motion, and on this question, Senator Smith demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Blair, Boley, Clements, Cline, Mann, Palumbo, Plymale, Prezioso, Roberts, Rucker, Stollings, Swope, Tarr, Trump, Weld, and Carmichael (Mr. President)—17.

The nays were: Baldwin, Beach, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Pitsenbarger, Romano, Smith, Sypolt, Unger, and Woelfel—16.

Absent: Takubo—1.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Weld's aforestated motion had prevailed.

Thereafter, the bill (S. B. 761) contained in the foregoing report from the Committee on Energy, Industry, and Mining was referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

The Senate proceeded to the seventh order of business.

**Senate Resolution 37**, Designating February 12, 2020, as WV Literacy Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Jeffries, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

On motion of Senator Weld, at 11:52 a.m., the Senate recessed to present Senate Resolution 37.

The Senate reconvened at 11:58 a.m. and proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 163**, Relating to municipal or county taxation of hotel rooms booked through marketplace facilitator.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 163 pass?”

On the passage of the bill, the yeas were: Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: Azinger—1.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 163) 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 180**, Relating to Second Chance Driver’s License Program.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 180) 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 230**, Requiring State Board of Education provide routine education in suicide prevention.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 230 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 230) passed with its title.

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

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. 230) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 545**, Authorizing transfer of moneys from Insurance Commission Fund to Workers' Compensation Old Fund.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 545) 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 571**, Expiring funds from State Excess Lottery Revenue Fund to various accounts.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members elected to the Senate and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 571) passed with its title.

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

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. 571) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 641**, Allowing WVCHIP flexibility in rate setting.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 641) passed.

On motion of Senator Maroney, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. Senate Bill 641**—A Bill to amend and reenact §5-16B-6d of the Code of West Virginia, 1931, as amended, relating to the requirement that provider reimbursement schedules shall be no lower than the reimbursement provided for the same services under the plans offered in the West Virginia Public Employees Insurance Act; and making other technical changes.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.



**Eng. Senate Bill 647**, Permitting physician assistants and advanced practice registered nurses issue do-not-resuscitate orders.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 647) 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 662**, Removing restrictions on fiduciary commissioners.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 662) 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 664**, Adding physician's assistant to list of medical professionals capable of determining if individual lacks capacity.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 664) 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 674**, Permitting DOH purchase hardware items and equipment from local seller.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano,

Rucker, Smith, Stollings, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 674) 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 House Bill 2602**, Including possession of known stolen property in the offense of receiving or transferring stolen 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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2602) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

**Eng. Com. Sub. for House Bill 2602**—A Bill to amend and reenact §61-3-18 of the Code of West Virginia, 1931, as amended,

relating to criminalizing possession of property when a person knows or has reason to know it is stolen; making possession of stolen property larceny; and clarifying that possession of stolen property while acting in cooperation with law enforcement or at law enforcement's request is not a crime.

*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 2924**, Permitting the West Virginia Tourism Office to decide to contract with the Division of Highways to sell advertising space on the WV511 website.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2924) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

**Eng. Com. Sub. for House Bill 4129**, Relating to adoption.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard,

Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4129) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

**Eng. House Bill 4141**, Requiring the Department of Administration to publish its comprehensive annual financial report by the end of December.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4141) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. House Bill 4179**, Recognition of Emergency Medical Services Personnel Licensure Interstate Compact.

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: Azinger, Baldwin, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Takubo—2.

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. 4179) passed.

On motion of Senator Trump, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. House Bill 4179**—A Bill to repeal §16-4C-8a of the Code of West Virginia, 1931, as amended; and to amend the code by adding thereto a new article, designated §16-59-1, §16-59-2, §16-59-3, §16-59-4, §16-59-5, §16-59-6, §16-59-7, §16-59-8, §16-59-9, §16-59-10, §16-59-11, §16-59-12, §16-59-13, §16-59-14, and §16-59-15, all relating to enacting the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact; entering into the Compact with all jurisdictions also enacting the Compact; stating purpose of Compact; defining terms; identifying member states as home states; retaining authority of member state to require license under circumstances not covered by Compact; setting conditions for home state's license to authorize practice in a remote state under the Compact; requiring member states to recognize licenses issued by another member state under certain conditions; setting requirements for individuals to exercise privilege to practice; setting scope of practice; making individuals practicing in remote states subject to that state's laws; authorizing remote states to take action against individual's privilege to practice within that state under certain circumstances; providing

effect of restrictions on license on Compact privileges; setting conditions of practicing in remote state under Compact terms; defining relationship of Compact with Emergency Management Assistance Compact; setting terms and requirements for certification of veterans, certain service members, and their spouses; recognizing exclusive power of home states to impose adverse action against license issued by home state; providing consequences for Compact participation if individual's license is subject to adverse action by home state; requiring member states to report adverse actions against licenses; authorizing states to take action against individual's privilege to practice within that state; requiring home state EMS authority investigate and take appropriate action based on reported conduct in remote state; authorizing alternative programs in lieu of adverse action; authorizing member state's EMS authority to issue subpoenas; authorizing member state's EMS authority to issue certain cease and desist orders; establishing Interstate Commission for EMS Personnel Practice; providing venue; maintaining state sovereign immunity; providing for membership; providing for voting; requiring annual meetings; requiring meetings to be public; providing exceptions; authorizing Commission prescribe bylaws and/or rules to govern conduct; granting certain powers to Commission; providing for financing for the Commission; making validity of annual assessment against state contingent upon funds being appropriated by the Legislature or otherwise being made available; providing for qualified immunity of certain persons; requiring Commission defend certain persons for actions arising out of actions occurring within the scope of duties related to the Commission; requiring Commission indemnify and hold harmless certain persons under certain circumstances; providing for development and maintenance of coordinated database and reporting system; requiring member states provide certain information to coordinated database; requiring notification by coordinated database administrator of adverse action taken against individual in member state; authorizing member state to designate information not to be shared with the public without express permission of contributing state; providing for removal of information from database when required to be expunged; authorizing rulemaking Commission; providing scope of

rulemaking; providing procedures for rulemaking; authorizing emergency rulemaking by the Commission; providing that Commission rules are not binding on the State of West Virginia until they have been authorized as legislative rules; providing timeline and procedure for proposing legislative rules; authorizing emergency rulemaking; directing state government to enforce Compact and take necessary actions to effectuate its purposes and intent; directing courts take judicial notice of Compact and rules promulgated pursuant to Compact; providing procedures for the Commission to follow if member state has defaulted; authorizing member state be terminated from the Compact under certain conditions; setting terms of termination; authorizing appeal; authorizing mediation and binding dispute resolution between Commission and member state; authorizing enforcement of the Compact by the Commission; authorizing legal action; establishing venue; providing for venue in West Virginia; providing implementation date for the Compact; making any state joining after implementation subject to rules as they exist when the Compact is adopted; authorizing member state withdraw from the Compact; maintaining member state authority to enter into licensure or cooperative agreements with nonmember state; authorizing amendment of the Compact; providing for liberal construction; providing for severability of the Compact if it is found to violate constitution of member state; directing Emergency Medical Services Advisory Council review decisions of the Commission; and authorizing Emergency Medical Services Advisory Council make recommendation to Legislature for withdrawal from the Compact.

*Ordered,* That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

The Senate proceeded to the ninth order of business.

**Senate Bill 202**, Allowing one member of PSD board to be county commissioner.

On second reading, coming up in regular order, was read a second time.



On motion of Senator Weld, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On page two, section three, line nineteen, after the word “that” by inserting the words “in the event a public service board has had a vacancy for more than one year”;

And,

On page two, section three, line twenty, by striking out the word “district”.

Following discussion,

The question being on the adoption of Senator Weld’s amendments to the bill, the same was put and prevailed.

The bill (S. B. 202), as amended, was then ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 232**, Removing outdated prohibitions against electronic or mechanical ticket dispensers and readers.

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 288**, Relating to family planning and child spacing.

On second reading, coming up in regular order, was read a second time.

At the request of Senator Tarr, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

**Com. Sub. for Com. Sub. for Senate Bill 490**, Relating to criminal offenses against agricultural facilities.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Weld, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

**Com. Sub. for Senate Bill 583**, Creating program to further development of renewable energy resources.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Smith, the following amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

## **ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.**

### **§24-2-10. Renewable Energy Facilities Program.**

(a) The Legislature finds and declares that:

(1) West Virginia is rich in energy resources, which provide many advantages to the state, its economy and its citizens;

(2) West Virginia's abundant mineral reserves have created, and will continue to create, many benefits to the state and its citizens, including thousands of jobs, a strong tax base and a low-cost, reliable source of electricity;

(3) Coal-fired plants currently supply over 90 percent of electricity generation to the citizens and businesses of this state;

(4) Businesses that may otherwise locate or expand facilities in this state often require that a portion of the electricity that they purchase be generated via renewable sources;

(5) Creating a program for the development of certain renewable sources of electricity by electric utilities will result in increased economic development opportunities in the state, create jobs and enhance the use of the state's electricity generation; and

(6) Creating a program to authorize electric utilities to provide a portion of the state's electricity needs through a process that allows them to plan, design, construct, purchase, own and operate renewable electric generating facilities, energy storage resources, or both, pursuant to this section is in the public interest of the state.

(b) Definitions – For the purpose of the section:

“Capital investments” include, but are not limited to, costs related to the planning, design, construction, purchase and ownership of renewable electric generating facilities, energy storage resources, and interconnections with transmission and distribution facilities.

“Commission” or “Public Service Commission” means the Public Service Commission of West Virginia.

“Electric utility” means any electric distribution company that sells electricity to retail customers in this state under rates regulated by the commission. Unless specifically provided for otherwise, for the purposes of this section, the term “electric utility” may not include rural electric cooperatives, municipally-owned electric facilities or utilities serving less than 30,000 residential electric customers in West Virginia.

“Eligible site” means any site in this state that has been previously used in electric generation, industrial, manufacturing or mining operations, including, but not limited to, brownfields, closed landfills, hazardous waste sites, former industrial sites, and former mining sites. In the event that there is no available site that has been previously used in electric generation, industrial, manufacturing or mining operations in the area to be served by a renewable electric facilities program, an eligible site may include any suitable site in this state approved for use in connection with a renewable electric facilities program by the Secretary of the Department of Commerce.

“Energy storage resource” means infrastructure located on an eligible site that allows for the energy absorption and release of electrical energy into the electric grid.-

“Renewable electric facilities program” means a program proposed by an electric utility to plan, design, construct, purchase, own, and operate renewable electric generating facilities, energy storage resources, or both, pursuant to this section: *Provided*, That a renewable electric facilities program may not consist solely of energy storage resources.

“Renewable electric generating facility” means infrastructure located on an eligible site that generates electricity solely through solar photovoltaic methods or other solar methods.

(c) Electric utilities may file with the commission an application for a multiyear comprehensive renewable energy facilities program that complies with the provisions of this section for planning, designing, constructing, purchasing, owning, and operating renewable electric generating facilities, energy storage resources, or both, by the electric utility. Subject to commission review and approval, a renewable energy facilities program may be amended and updated by the electric utility. The recovery of costs in support of the renewable energy facilities program shall be allowed in the manner set forth in this section.

(d) Any renewable energy facilities program shall comply with the following requirements:

(1) An electric utility may purchase each renewable electric generating facility and each energy storage resource from a developer of renewable electric generating facilities or energy storage resources or construct such facilities on its own, as applicable. Any purchase of a renewable electric generating facility or energy storage resources shall be subject to a competitive procurement administered by the electric utility. An electric utility may select to purchase a renewable electric generating facility, energy storage resource, or both, based on a myriad of factors, including, but not limited to, price and nonprice criteria, which shall include, but not be limited to, geographic distribution of generating capacity, areas of higher employment, or regional economic development.

(2) An electric utility may elect to petition the commission, outside of a base rate case proceeding, at any time for a prudency determination with respect to the purchase, construction and ownership by the electric utility of one or more renewable electric generating facilities, energy storage resources, or both. The commission's final order regarding any such petition shall be entered by the commission within 150 days after the date of the filing of such petition.

(3) No renewable electric generating facility shall have a generating capacity greater than 50 megawatts until such time as 85 percent of that renewable electric generating facility's annual energy output is being sold or is contracted to be sold to residential, commercial, or industrial customers pursuant to a renewable special contract or renewable tariff, and, thereafter, any expansion of that or another renewable energy generating facility's generating capacity shall proceed in increments of up to 50 megawatts each until such time as 85 percent or more of all renewable energy generating facility's aggregate, annual energy output is being sold or is contracted to be sold to customers pursuant to a renewable special contract or renewable tariff;

(4) No single renewable electric generating facility shall have a generating capacity greater than 200 megawatts;

(5) The cumulative generating capacity of all renewable electric generating facilities operating at any given time, and for which rate recovery is provided by the commission under this section, shall not exceed 400 megawatts among all investor-owned electric utilities in this state: *Provided*, That the cumulative generating capacity of all renewable electric generating facilities operating at any one time, and for which rate recovery is provided by the commission under this section, shall not exceed 200 megawatts for all electric utilities within the state owned by the same corporate parent company;

(6) The calculation of maximum megawatts of generating capacity for renewable electric generating facilities established in this subsection shall not include the storage capacity of energy storage resources;

(7) As part of the renewable energy facilities program, the electric utilities must offer the energy output for sale to customers from all classes of service.

(e) Applications made under this section are in lieu of an application for a certificate of public convenience and necessity pursuant to §24-2-11 of this code and shall contain the following:

(1) A description of the renewable electric generating facilities, energy storage resources, or both, in such detail as the commission prescribes, including, but not limited to, the generating capacity and location of the facilities and a description of the competitive purchase procurement process administered by the electric utility that is required under this section;

(2) A proposed concurrent cost recovery mechanism for actual and projected capital investments in the renewable electric generating facilities, energy storage resources, or both, and for operation and maintenance expenses and taxes associated with such facilities; and

(3) Other information that the applicant considers relevant or the commission requires.

(f) Upon filing of an application, the applicant shall publish, in the form the commission directs, which form shall include, but not be limited to, the anticipated rates and, if any, rate increase under the proposal, by average percentage and dollar amount for customers within a class of service, as a Class I legal advertisement in compliance with §59-3-1 *et seq.*, of this code, the publication area to be each county in which service is provided by the electric utility, a notice of the filing of the application and that the commission shall hold a hearing on the application within 90 days of the notice; unless no opposition to the rate change is received by the commission within one week of the proposed hearing date, in which case the hearing can be waived, and the commission shall issue a final order within 150 days of the application filing date.

(g) The planning, design, construction, purchase, ownership and operation of renewable electric generating facilities, energy

storage resources, or both, pursuant to this section is in the public interest, and the commission shall so find when considering applications for renewable energy facilities programs submitted by an electric utility pursuant to this section.

(h) Upon notice and hearing, if required by the commission, the commission shall approve the applications made under this section and allow concurrent recovery of costs related to the expenditures, as provided in subsection (i) of this section, if the commission finds that the expenditures and the associated rate requirements are just and reasonable and that the applications comply with the requirements of this section.

(i) Upon commission approval, electric utilities shall be authorized to implement renewable electric facilities programs and to concurrently recover their costs, including a return on capital investments, operation and maintenance, depreciation, and tax expenses directly attributable to the renewable electric facilities program capital investments, if any, as provided in the following:

(1) An allowance for return shall be calculated by applying a rate of return to the average planned net incremental increase to rate base attributable to the renewable electric facilities program for the coming year, considering the projected amount and timing of capital investments under the renewable electric facilities program plus any capital investments in previous years of the program. The rate of return shall be determined by utilizing the rate of return on equity and the capital structure authorized by the commission in the electric utility's most recent base rate case proceeding or in the case of a settled base rate case, a rate of return on equity set forth in or associated with such settlement or, if neither is set forth in or associated with such settlement, the last commission authorized rate of return on equity from a previous base rate case proceeding, and a capital structure determined by the commission to be reasonable, and the projected average weighted cost of the electric utility's debt during the period of the renewable electric facilities program to determine the weighted cost of capital based upon the electric utility's capital structure determined as specified above.

(2) Income taxes applicable to the return allowed on the renewable electric facilities program shall be calculated at the statutory rate for inclusion in rates.

(3) Incremental operation and maintenance, depreciation and property tax expenses directly attributable to the renewable electric facilities program shall be estimated for the upcoming year.

(4) Following commission approval of its application made under this section, an electric utility shall place into effect rates that include an increment for concurrent cost recovery that recovers the allowance for return, related income taxes at the statutory rate, operation and maintenance, depreciation and property tax expenses associated with the electric utility's actual and projected capital investments under the renewable electric facilities program for the upcoming year, net of contributions to recovery of those incremental costs provided by customers who have executed renewable special contracts, or who are taking power under renewable tariffs and are served by the renewable electric facilities program investments, if any, ("incremental cost recovery increment"). In each year subsequent to the order approving the renewable electric facilities program and the incremental cost recovery increment, the electric utility shall file an application with the commission setting forth a new proposed incremental cost recovery increment for concurrent cost recovery of forecasted costs to be made in the subsequent year, plus any under-recovery or minus any over-recovery of actual incremental costs attributable to the renewable electric facilities program, for the preceding year.

(5) The renewable electric generating facilities, energy storage resources, or both, constructed, purchased, contracted, owned, installed, and in service pursuant to an application approved by the commission shall be considered used and useful for rate recovery purposes. Any concurrent cost recovery mechanism approved by the Commission may limit the amount of cost to be recovered from any particular customer class of the electric utility, for good cause shown and so long as all costs are recovered by the electric utility. Customers who have executed renewable special contracts or are taking power under renewable tariffs pursuant to an approved



renewable electric facilities program are not subject to any such limits imposed by the Commission.

(6) If an electric utility serves customers in more than one jurisdiction, and a jurisdiction other than this state denies the electric utility recovery of the costs incurred pursuant to a renewable electric facilities program approved by the commission and allocated to that jurisdiction, the electric utility shall recover all of the costs of the renewable electric facilities program from its West Virginia jurisdictional customers if the commission finds that the expenditures and the associated rate requirements are just and reasonable, and all attributes of the renewable electric facilities program, including energy, capacity, and renewable energy credits shall be assigned to this state.

(j) The electric utility may make any accounting accruals necessary to establish a regulatory asset or liability through which actual incremental costs incurred and costs recovered through the rate mechanism are tracked.

(k) With respect to renewable electric facilities programs, electric utilities may defer incremental operation and maintenance expenses attributable to regulatory and compliance-related requirements introduced after the electric utility's last base rate case proceeding and not included in the electric utility's current base rates or incremental cost recovery increment in lieu of current recovery. In a future base rate case, the commission shall allow recovery of such deferred costs amortized over a reasonable period of time to be determined by the commission provided the commission finds that the costs were reasonable and prudently incurred and were not reflected in rates in prior base rate cases.

(l) The provisions of this section shall expire on December 31, 2025. The expiration of this section shall not affect the full and timely cost recovery associated with a renewable energy facilities program for which an application has been filed with the commission pursuant to this section on or before December 31, 2025, nor for any projects previously approved by the commission pursuant to this section.

(m) Notwithstanding any provision of this article to the contrary, no provision herein this section shall displace any current levels of coal-fired generation capacity.

Following discussion,

Senator Weld requested unanimous consent that the bill (Com. Sub. for S. B. 583) lie over one day, retaining its place on the calendar with Senator Smith's amendment to the bill pending.

Which consent was not granted, Senator Woelfel objecting.

Senator Weld then moved that the bill lie over one day, retaining its place on the calendar with Senator Smith's amendment to the bill pending.

Following discussion,

The question being on the adoption of Senator Weld's aforestated motion, the same was put and prevailed.

Whereupon, the bill (Com. Sub. for S. B. 583) was laid over one day, retaining its place on the calendar with Senator Smith's amendment to the bill pending.

**Com. Sub. for Senate Bill 638**, Creating new private club licenses and requirements.

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.

At the request of Senator Weld, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

**Com. Sub. for Senate Bill 554**, Relating to termination, expiration, or cancellation of oil or natural gas leases.

**Senate Bill 733**, Recognizing political party status.

And,

**Eng. House Bill 4381**, Relating to lifetime hunting, fishing and trapping licenses for adopted children.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Trump and Maroney.

Thereafter, at the request of Senator Weld, and by unanimous consent, the remarks by Senator Trump were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following resolution:

**Senate Joint Resolution 8:** Senator Rucker.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions:

**Senate Bill 54:** Senator Lindsay;

**Com. Sub. for Senate Bill 229:** Senators Rucker, Takubo, and Palumbo;

**Com. Sub. for Senate Bill 265:** Senator Palumbo;

**Com. Sub. for Senate Bill 306:** Senator Plymale;

**Senate Bill 528:** Senator Maynard;

**Com. Sub. for Com. Sub. for Senate Bill 597:** Senators Palumbo and Plymale;

**Senate Bill 598:** Senator Maroney;

**Senate Bill 632:** Senator Lindsay;

**Senate Bill 648:** Senator Roberts;

**Senate Bill 703:** Senator Roberts;

**Senate Bill 723:** Senator Roberts;

**Com. Sub. for Senate Bill 746:** Senators Takubo and Palumbo;

**Senate Bill 747:** Senators Cline, Prezioso, Romano, Plymale, and Stollings;

**Senate Bill 748:** Senators Cline, Prezioso, Romano, Plymale, and Stollings;

**Senate Bill 749:** Senators Prezioso, Romano, and Plymale;

**Senate Bill 750:** Senator Cline;

**Senate Joint Resolution 5:** Senator Maynard;

**Senate Joint Resolution 8:** Senator Maynard;

**Com. Sub. for Senate Concurrent Resolution 8:** Senator Jeffries;

**Senate Concurrent Resolution 15:** Senator Jeffries;

**Senate Concurrent Resolution 16:** Senator Jeffries;

**Senate Concurrent Resolution 17:** Senator Jeffries;

And,

**Senate Resolution 37:** Senators Prezioso, Lindsay, Rucker, Hamilton, Romano, Plymale, Stollings, and Palumbo.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Weld, at 12:46 p.m., the Senate adjourned until tomorrow, Thursday, February 13, 2020, at 11 a.m.

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## THURSDAY, FEBRUARY 13, 2020

The Senate met at 11:14 a.m.

(Senator Carmichael, Mr. President, in the Chair.)

Prayer was offered by Pastor Lee Swor, Mount Pleasant Baptist Church, Elkview, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael T. Azinger, a senator from the third district.

Pending the reading of the Journal of Wednesday, February 12, 2020,

At the request of Senator Rucker, 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 the following communication from a state agency as required by the provisions of law:

Tax Appeals, Office of (§11-10A-7)

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

**Eng. Com. Sub. for Senate Bill 35**, Limiting civil penalty for littering conviction to \$2,000.

On motion of Senator Weld, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page four, section four, line eighty-five, by striking out the words “up to \$2,000” and inserting in lieu thereof the words “not less than \$200 nor more than \$2,000”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for Senate Bill 35**—A Bill to amend and reenact §22-15A-4 of the Code of West Virginia, 1931, as amended, relating to limiting the civil penalty for persons convicted of littering to not less than \$200 nor more than \$2,000.

Senator Weld moved that the Senate concur in the House of Delegates amendments to the bill.

Following discussion,

The question being on the adoption of Senator Weld’s aforesated motion, the same was put and prevailed.

Engrossed Committee Substitute for Senate Bill 35, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 35) passed with its House of Delegates amended title.

*Ordered,* That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

**Eng. Senate Bill 321**, Relating to collection of tax and priority of distribution of estate or property in receivership.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

**Eng. Com. Sub. for Senate Bill 449**, Authorizing Department of Commerce promulgate legislative rules.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended with its House of Delegates amended title, and requested the concurrence of the Senate in the House of Delegates amendments, as to

**Eng. Com. Sub. for Senate Bill 532**, Distributing assets remaining in municipal policemen's or firemen's pension and relief fund on death of last retiree or beneficiary.

On motion of Senator Weld, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page one, section twenty-eight-a, lines one through three, by striking out the words "death of the last remaining retiree or beneficiary receiving benefits under a policemen's pension and relief fund or a firemen's pension and relief fund, the assets remaining in the fund, if any, shall be transferred to the municipality" and inserting in lieu thereof the words "cessation of any and all benefit payments to retirees or retiree beneficiaries because of death or disqualification, the board shall transfer the

remaining assets of a policemen's pension and relief fund or a firemen's pension and relief fund to the municipality”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for Senate Bill 532**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-22-28a, relating to the distribution of the assets remaining in a municipal policemen's or firemen's pension and relief fund upon the death or disqualification of the last remaining retiree or beneficiary receiving benefits from the fund; providing for the use of the assets received by the municipality; and providing for the use of assets received by the Municipal Pensions Oversight Board.

On motion of Senator Weld, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 532, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 532) passed with its House of Delegates amended title.



*Ordered,* That the Clerk communicate to the House of Delegates the action of the Senate.

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 4178**—A Bill to amend and reenact §24-6-13 of the Code of West Virginia, 1931, as amended, relating to requiring calls which are recorded be maintained for a period of five years.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4478**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17E-1-14b, relating to prohibiting a commercial driver who has used a commercial motor vehicle in a commission of a felony involving “severe forms of trafficking in persons” from holding a commercial driver’s license for life.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4544**—A Bill to amend and reenact §60A-4-406 of the Code of West Virginia, 1931, as amended, applying a mandatory period of incarceration prior to parole eligibility for persons 18 years old or over who are convicted of distributing a controlled substance within 200 feet of a public library.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4576**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-3-11, relating to establishing a procedure for correcting errors in deeds, deeds of trust and mortgages; providing definitions; establishing that obvious description errors in a recorded deed, deed of trust or mortgage involving the transfer of interest in real property may be corrected by recorded affidavit; requiring that the correction of an obvious description error may not be inconsistent with the recorded property description; establishing that prior to recording a corrective affidavit all interested parties must be notified of the intent to record a corrective affidavit and the right of each party to object; requiring that notice to correct an obvious error, and a copy of the accompanying affidavit must be provided to any owner of adjoining property, each party to the deed, deed of trust or mortgage, and the address for the property needing correction; if a local entity is a party, notice shall be sent to the attorney for the local entity or the local entity; if the state is a party, notice shall be served upon the Attorney General and the state agency that has or had possession of the property; establishing that if there is no objection within 30 days of service upon all designated parties to the deed, pertinent attorneys, the title insurance company and adjoining property owners, the corrective affidavit may be recorded; establishes the contents of the corrective affidavit; establishes the effect of the corrective affidavit once filed; requires a title insurance company to issue an endorsement to reflect the corrective affidavit; requires the clerk to record and index the corrective affidavit in the deed book; establishes that a recorded affidavit is prima facie evidence of the facts stated therein; requires associated costs be paid by the recording party; provides that a person who wrongfully records a corrective deed is liable for actual damage, reasonable costs, and attorney fees; provides that remedies under this section are not exclusive; and provides a format for the corrective affidavit and notice of an intent to correct an obvious description error.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4647**—A Bill to amend and reenact §29-22B-1107 of the Code of West Virginia, 1931, as amended, relating to limited video lottery permit holders; and giving current permit holders a priority preference to reacquire permits they have, at the minimum stated bid price, before those permits are made available to other applicants.

Referred to the Committee on Finance.

The Senate proceeded to the fourth order of business.

Senator Sypolt, 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 63**, Creating five-year tax credits for hemp manufacturing.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 63** (originating in the Committee on Agriculture and Rural Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-29-1 and §11-29-2, all relating to creating five-year tax credits for eligible taxpayers primarily engaged in industrial hemp manufacturing; defining terms; setting forth requirements for application of credit for tax years beginning on or after January 1, 2021; and authorizing rules.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Dave Sypolt,  
*Chair.*

The bill (Com. Sub. for S. B. 63), under the original double committee reference, was then referred to the Committee on Finance.

Senator Azinger, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

**Senate Bill 246**, Including family court judges in retirement system for judges.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 246** (originating in the Committee on Pensions)—A Bill to amend and reenact §51-9-1a, §51-9-5, §51-9-6b, and §51-9-6d of the Code of West Virginia, 1931, as amended, all relating to including family court judges in the retirement system for judges; and authorizing family court judges to participate in the retirement system for judges.

And,

**Senate Bill 729**, Relating to awards and disability under Deputy Sheriff Retirement Act.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 729** (originating in the Committee on Pensions)—A Bill to amend and reenact §7-14D-14 of the Code of West Virginia, 1931, as amended, relating to awards and benefits for disability under the Deputy Sheriff Retirement Act.

With the recommendation that the two committee substitutes do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Michael T. Azinger,  
*Chair.*

The bills (Com. Sub. for S. B. 246 and 729), under the original double committee references, were then referred to the Committee on Finance.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 572**, Expiring funds from General Revenue and Lottery Net Profits to various accounts.

And,

**Senate Bill 725**, Supplemental appropriation to various Department of Education accounts.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Craig Blair,  
*Chair.*

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 579**, Authorizing establishment of enhanced emergency telephone systems.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 579** (originating in the Committee on Government Organization)—A Bill to amend and reenact §24-6-6b of the Code of West Virginia, 1931, as amended, relating to changing the wireless enhanced 911 fee; and establishing a separate public safety fee and wireless tower fee.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

The bill (Com. Sub. for S. B. 579), under the original double committee reference, was then referred to the Committee on Finance.

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 717**, Relating generally to adult protective services.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 717** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §9-6-1, §9-6-2, §9-6-3, §9-6-4, §9-6-5, §9-6-6, §9-6-7, §9-6-8, §9-6-9, §9-6-10, §9-6-11, §9-6-13, and §9-6-16 of the Code of West Virginia, 1931, as amended, all relating to adult protective services, abuse, neglect, and vulnerable adults; defining terms; replacing old terms and adding new terms; and providing for the release of investigative summaries of substantiated and unsubstantiated reports of abuse, neglect, or financial exploitation to certain individuals.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
Chair.

Senator Azinger, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

**Eng. House Bill 4601**, Relating to distribution of premium tax proceeds to municipal policemen's and firemen's pension and relief funds.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Michael T. Azinger,  
*Chair.*

The Senate proceeded to the sixth order of business.

At the request of Senator Weld, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

**By Senators Maroney and Takubo:**

**Senate Bill 762**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-25H-1, §33-25H-2, §33-25H-3, and §33-25H-4, all relating to creating the Preserving Patient Stability Act of 2020; setting forth definitions; prohibiting nonmedical switching of biological products; recognizing exemptions; and providing for enforcement.

Referred to the Committee on Health and Human Resources.

**By Senators Prezioso, Baldwin, Beach, Ihlenfeld, Jeffries, Lindsay, Romano, and Stollings:**

**Senate Bill 763**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-1-20; to amend and reenact §30-5-4 of said code; and to amend said code by adding thereto three new sections, designated §30-5-25, §30-5-25a and §30-5-25b, all relating to improving accountability of opioid manufacturers; requiring the submission of opioid medication distribution information; authorizing a manufacturer of an opioid medication registration fee; authorizing an opioid medication product registration fee; providing exceptions to opioid medication product registration fee; establishing a method of calculating units of opioid medications sold, delivered, or distributed; and requiring an opioid medication product registration fee review and report.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

**By Senators Swope, Blair, Jeffries, and Pitsenbarger:**

**Senate Bill 764**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-5-22a; and to amend and reenact §15-5-26 of said code, all relating to providing exemptions from certain taxes for out-of-state businesses, out-of-state affiliates of in-state businesses, and their employees for work responding to declared disasters and states of emergency; making legislative findings; defining terms; specifying tax exemptions and their scope; establishing filing and notice procedures; and providing an immediate date of effect.

Referred to the Committee on Finance.

**By Senator Weld:**

**Senate Bill 765**—A Bill to amend and reenact §61-11-18 and §61-11-19 of the Code of West Virginia, 1931, as amended, all relating to provisions of the Habitual Offender statute; and modifying provisions addressing eligibility of certain crimes for consideration, expiration of sentence prior to being considered, ineligibility for good time calculation, and eligibility for dual



treatment under section allowing enhanced sentencing for second or subsequent offenses.

Referred to the Committee on the Judiciary.

**By Senator Rucker:**

**Senate Bill 766**—A Bill to amend and reenact §3-7-6 and §3-7-7 of the Code of West Virginia, 1931, as amended, all relating to the contests of county, district, and municipal elections; establishing jurisdiction for said election contests with the circuit courts; setting forth procedures for election contests; establishing three-judge circuit courts as initial tribunals for hearing election contest proceedings; providing for appeals of such proceedings to the Supreme Court of Appeals; and establishing the authority of the Supreme Court of Appeals to establish rules and procedures for the conduct of county, district, and municipal election contest proceedings before the courts of the state.

Referred to the Committee on the Judiciary.

**By Senator Maroney:**

**Senate Bill 767**—A Bill to repeal §16-5B-6a of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-5B-5a of said code, relating to the licensure of hospitals; allowing hospitals to use other accrediting organizations which have been approved by the Centers for Medicare and Medicaid Services; and eliminating hospital board composition requirements.

Referred to the Committee on Health and Human Resources.

**By Senator Takubo:**

**Senate Bill 768**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18B-20-1, relating to permitting any hospital, or a state college and university, that establishes a two-year registered professional nurse's program to be eligible for grant funding under the WV Invests Grant Program.

Referred to the Committee on Education.

**By Senator Cline:**

**Senate Bill 769**—A Bill to amend and reenact §17C-13-3 of the Code of West Virginia, 1931, as amended, relating to clarifying that a person is prohibited from stopping, standing, or parking in an area designated or marked off as an access aisle adjacent to a van-accessible parking space or regular accessible parking space; and making the penalty provisions in this section consistent with the penalties in other sections of code.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Takubo:**

**Senate Bill 770**—A Bill to amend and reenact §30-14-2 and §30-14-4 of the Code of West Virginia, 1931, as amended, all relating to definitions and applications for licensure or educational permits for osteopathic physicians and surgeons; revising requirements for post-doctoral training; and eliminating continuing medical education requirements for initial licensure.

Referred to the Committee on Health and Human Resources.

**By Senator Maynard:**

**Senate Bill 771**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-15-1, §15-15-2, §15-15-3, §15-15-4, §15-15-5, and §15-15-6, all relating to preserving and protecting the right to keep and bear arms; defining acts which constitute infringements upon the right to keep and bear arms; articulating the constitutional limits on these infringements and making findings in defense of the right; declaring all infringements under federal law or authority to be against the rights of the people and to be legally void; declaring the duty of courts and law-enforcement agencies to protect the rights of law-abiding citizens, including the right to keep and bear arms; providing causes of action against persons who knowingly infringe upon these rights; providing for awards of specified damages, costs, and attorney's fees; and barring the employment of certain persons by the state or its political subdivisions for infringing actions taken under color of federal law.

Referred to the Committee on the Judiciary.

**By Senators Azinger, Smith, Sypolt, and Trump:**

**Senate Bill 772**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §2-1-3, relating to clarifying the American Law Institute's Restatements of Law are not controlling law.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 773**—A Bill to amend and reenact §22C-4-8 and §22C-4-10 of the Code of West Virginia, 1931, as amended, all relating to requiring county or regional solid waste authorities to provide a roll-off dumpster for residents to use, free of charge, for litter and solid waste disposal according to any litter or solid waste control plan.

Referred to the Committee on Government Organization.

**By Senator Maroney:**

**Senate Bill 774**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-5-37, relating to disposal of unused, unwanted, or expired medications; and pharmacists' duties in the process.

Referred to the Committee on Health and Human Resources.

**By Senator Maroney:**

**Senate Bill 775**—A Bill to amend and reenact §18-5-9 of the Code of West Virginia, 1931, as amended, relating to requiring at least two water bottle filling stations be included in newly built and renovated schools.

Referred to the Committee on Education.

**By Senator Rucker:**

**Senate Bill 776**—A Bill to repeal §18-8-7 and §18-8-11 of the Code of West Virginia, 1931, as amended; to repeal §49-4-711 of said code; and to amend and reenact §18-8-1a, §18-8-2, §18-8-3, §18-8-4, §18-8-5, and §18-8-6a of said code, all relating to creating

the Assisting Collaborating Communities to Enhance Learning, Education, and to Reduce Absenteeism and Tardiness in Education Act; finding that best practices and research show that court-based interventions for truancy have not been effective and that community and school-based programs that are incremental and focus on resolving truancy's root causes work best to improve school attendance; and implementing community and school-based programs to improve school attendance.

Referred to the Committee on Education; and then to the Committee on the Judiciary.

**By Senator Rucker:**

**Senate Bill 777**—A Bill to amend and reenact §17E-1-9 of the Code of West Virginia, 1931, as amended, relating to exempting taxi and limousine drivers, and drivers for ride-share companies, such as Uber and Lyft, from undergoing background checks for misdemeanor convictions.

Referred to the Committee on Transportation and Infrastructure.

Senators Smith and Sypolt offered the following resolution:

**Senate Concurrent Resolution 30**—Requesting the Division of Highways name bridge number 16-020/01-000.18 (16A044), locally known as Stanley See Bridge, carrying CR 20/1 over Lost River in Hardy County, the “Stanley W. and Evelyn C. See Memorial Bridge”.

Whereas, Stanley and Evelyn See were instrumental in the development of Hardy County and together they established an operated a gas station and store in Mathias, West Virginia, which also served as a social center for the people living in the area; and

Whereas, Stanley W. See also spent his extra time working toward the establishment of Hardy Telephone, and was also a charter member of the Mathias Fire Company; and

Whereas, Evelyn C. See also donated much of her time to the community by helping people to purchase food, teaching young

women how to cook, and helping with community activities at the Mathias Community Center; and

Whereas, Stanley and Evelyn See have passed and their store and gas station no longer exist, except in the memories of the people they helped and befriended; and

Whereas, It is fitting that an enduring memorial be established to commemorate Stanley and Evelyn See and their contributions to their community and state; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 16-020/01-000.18 (16A044), locally known as Stanley See Bridge, carrying CR 20/1 over Lost River in Hardy County, the “Stanley W. and Evelyn C. See Memorial Bridge”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “Stanley W. and Evelyn C. See 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 Ihlenfeld and Weld offered the following resolution:

**Senate Concurrent Resolution 31**—Requesting the Division of Highways name bridge number 35-002/00-011.58 (35A147), locally known as Short Creek Bridge, carrying WV 2 over Short Creek in Ohio County, the “U.S. Marine Corps PFC Manuel P. Markos Memorial Bridge”.

Whereas, Manuel P. Markos was born in Utah on October 27, 1924, the second child of Paul S. Markos (Markakis) and Diamanto Tshlares Markos of Short Creek, West Virginia; and

Whereas, Growing up in Short Creek, West Virginia, Manuel P. Markos had three siblings: Nick P. Markos, born on May 9, 1923, who died on July 17, 2002; Stella M. Markos (Sfamenos), born on August 23, 1929, who still resides in Short Creek; and Goldie M. Markos (Basil), born on February 6, 1937, who also still resides in Short Creek; and

Whereas, Manuel P. Markos' parents immigrated to the United States through Ellis Island from the village of Hania on the island of Crete, Greece; and

Whereas, Manuel P. Markos' older brother, Nick, was a member of the U.S. Army and fought in the Rhineland Campaign in central Europe in World War II, and received an honorable discharge following the war; and

Whereas, Manuel P. Markos attended school at Beech Bottom Elementary and Junior High and then Wellsburg High School. He worked at Markos Grocery Store, the family business, while attending school; and

Whereas, Manuel P. Markos left Wellsburg High School during his senior year to enlist in the U.S. Marine Corps. He entered active service, was assigned to the Fifth Division, and had the rank of PFC. PFC Manuel P. Markos was killed in action on February 19, 1945, the day that the U.S.M.C. invaded the Japanese island of Iwo Jima. The battle of Iwo Jima endured from February 19 until March 26, 1945; and

Whereas, Religion was an important part of PFC Manuel P. Markos' life. He was a life-time member of Saint John the Divine Greek Orthodox Church in Wheeling, West Virginia, where he was baptized and later, when his remains were returned from Iwo Jima, had his funeral. He is buried at Greenwood Cemetery in Wheeling, West Virginia; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Marine Corps PFC Manuel P. Markos and his contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 35-002/00-011.58 (35A147), locally known as Short Creek Bridge, carrying WV 2 over Short Creek in Ohio County, the “U.S. Marine Corps PFC Manuel P. Markos Memorial Bridge”; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U.S Marine Corps PFC Manuel P. Markos 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 Romano and Facemire offered the following resolution:

**Senate Concurrent Resolution 32**—Requesting the Division of Highways name bridge number 17-019/00-004.49(17A069), locally known as Good Hope Bridge, carrying US Route 19 over the West Fork River in Harrison County, the “U. S. Marine Corps PFC James R. ‘Johnny’ Corder Memorial Bridge”.

Whereas, James Russell Corder was born July 24, 1947, in Clarksburg, West Virginia; and

Whereas, James Russell Corder grew up in a poor coal camp in Hepzibah, West Virginia, as the oldest of five siblings who described “Johnny” as their “mentor” and “protector” and a loyal brother who helped them with their schoolwork; and

Whereas, James Russell Corder moved to a 36-acre farm in Good Hope, West Virginia, where he helped his family install fencing around the property, raise livestock, and care for three large gardens; and

Whereas, James Russell Corder was known as an adventurer who caught live snakes, which he used to scare his mom, and

became an expert marksman known for taking down two crows with one shot; and

Whereas, James Russell Corder enlisted in the U. S. Marine Corps in 1967 after he graduated from South Harrison High School, hoping to protect his brothers from the draft; and

Whereas, James Russell Corder served as a Private 1st Class rifleman and radio operator with the 3rd Marine Division, 3rd Battalion, 3rd Marines, I Company in Quang Tri Province, South Vietnam; and

Whereas, James Russell Corder was killed by enemy fire during a reconnaissance mission on May 23, 1968, when a mortar landed next to the fox hole in which he was operating the field radio; and

Whereas, Family members were overwhelmed with sorrow when they received word that “Johnny” had become a casualty in what would become the deadliest month of the Vietnam War and he continues to be missed by his family; and

Whereas, James Russell Corder was awarded the Purple Heart, Vietnam Gallantry Cross, Combat Action Ribbon, and Marine Corps Presidential Unit Citation; and

Whereas, It is fitting that an enduring memorial be established to commemorate PFC James R. “Johnny” Corder and his contributions to our state and country; therefore, be it,

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name number 17-019/00-004.49(17A069), locally known as Good Hope Bridge, carrying US Route 19 over the West Fork River in Harrison County, the “U. S. Marine Corps PFC James R. ‘Johnny’ Corder Memorial Bridge”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge



as the “U. S. Marine Corps PFC James R. ‘Johnny’ Corder Memorial Bridge”; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways and to forward five copies of this resolution to Mr. Corder’s family members and a close friend.

Which, under the rules, lies over one day.

Senator Jeffries offered the following resolution:

**Senate Resolution 40**—Recognizing West Virginia Gold Star Mothers for their dedication and commitment to veterans and their families.

Whereas, Gold Star Mothers was founded in 1928 and named from the custom of American families of servicemen hanging a banner called a service flag in the windows of their homes. The service flag had a star for each family member in the armed forces. Living servicemen were represented by a blue star, and those who had lost their lives in combat were represented by a gold star; and

Whereas, It is the mission of Gold Star Mothers to serve veterans and their families, provide support to other Gold Star Mothers, and promote patriotism and flag etiquette; and

Whereas, Gold Star Mothers find strength in the fellowship of other Gold Star Mothers who strive to keep the memory of their sons and daughters alive by working to help veterans, those currently serving in the military, their families, and our communities; and

Whereas, Gold Star Mothers participate in various memorial events around the country honoring their brave sons and daughters who paid the ultimate sacrifice; and

Whereas, It is fitting that the Senate honor the West Virginia Gold Star Mothers for their sacrifice and contributions to their fellow West Virginians and to Gold Star Mothers throughout the United States; therefore, be it

*Resolved by the Senate:*

That the Senate hereby recognizes West Virginia Gold Star Mothers for their dedication and commitment to veterans and their families; and, be it

*Further Resolved,* That the Senate extends its deepest condolences to West Virginia Gold Mothers who lost their beloved sons and daughters in battle; and, be it

*Further Resolved,* That the Senate extends its most sincere appreciation and gratitude for the work that they do in supporting those who need it most; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Gold Star Mothers.

Which, under the rules, lies over one day.

At the request of Senator Weld, unanimous consent being granted, the Senate returned to the fourth order of business.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 778** (originating in the Committee on Finance)—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2020, in the amount of \$5,158,000 from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund, and making a supplementary appropriation of public moneys out of the Treasury from the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2020, to the Department of Health and Human Resources – Division of Human Services, fund 0403, fiscal year 2020, organization 0511.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Craig Blair,  
*Chair.*

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 779** (originating in the Committee on Finance)—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2020, in the amount of \$4,500,000 from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund, and making a supplementary appropriation of public moneys out of the Treasury from the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2020, to the Department of Veterans' Assistance – Department of Veterans' Assistance, fund 0456, fiscal year 2020, organization 0613.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Craig Blair,  
*Chair.*

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 780** (originating in the Committee on Finance)—A Bill supplementing and amending by decreasing an existing appropriation and adding a new appropriation of federal funds out of the Treasury to the Department of Military Affairs and Public Safety – Adjutant General – West Virginia National Guard Counterdrug Forfeiture Fund, fund 8785, fiscal year 2020,

organization 0603, by supplementing, amending, decreasing, and adding new items of appropriations for the fiscal year ending June 30, 2020.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Craig Blair,  
*Chair.*

The Senate proceeded to the seventh order of business.

**Com. Sub. for Senate Concurrent Resolution 8**, US Army 1LT Harold H. Frazier Memorial Bridge.

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 12**, US Army PFC Gary Alcott Birkhimer Memorial Bridge.

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 Resolution 38**, Recognizing contributions of AARP President Rich Stonestreet to WV and its people.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Trump, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Thereafter, at the request of Senator Weld, and by unanimous consent, the remarks by Senator Trump regarding the adoption of Senate Resolution 38 were ordered printed in the Appendix to the Journal.

On motion of Senator Weld, at 11:38 a.m., the Senate recessed to present Senate Resolution 38.

The Senate reconvened at 11:42 a.m. and resumed business under the seventh order.

**Senate Resolution 39**, Designating February 13, 2020, as Tiny Hearts Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Stollings, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Thereafter, at the request of Senator Weld, and by unanimous consent, the remarks by Senator Stollings regarding the adoption of Senate Resolution 39 were ordered printed in the Appendix to the Journal.

On motion of Senator Weld, at 11:45 a.m., the Senate recessed to present Senate Resolution 39.

The Senate reconvened at 11:50 a.m. and, at the request of Senator Prezioso, unanimous consent being granted, returned to the second order of business and the introduction of guests.

The Senate proceeded to the eighth order of business.

**Eng. Senate Bill 202**, Allowing one member of PSD board to be county commissioner.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Senate Bill 202 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 202) passed.

On motion of Senator Maynard, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. Senate Bill 202**—A Bill to amend and reenact §16-13A-3 of the Code of West Virginia, 1931, as amended, relating to allowing one member of a public service board to be a county commissioner of the county commission with authority to appoint the members of the board, regardless of whether the commissioner resides within the district, when a board vacancy has existed for more than one year.

*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 232**, Removing outdated prohibitions against electronic or mechanical ticket dispensers and readers.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 232) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Com. Sub. for Senate Bill 288**, Relating to family planning and child spacing.

On third reading, coming up in regular order, with the right having been granted on yesterday, Wednesday, February 12, 2020, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Weld, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar, with the right to amend on third reading remaining in effect.

**Eng. Com. Sub. for Senate Bill 638**, Creating new private club licenses and requirements.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 638 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Stollings, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: Roberts and Smith—2.

Absent: Takubo—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 638) passed with its title.

Senator Weld moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Stollings, Swope, Sypolt, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: Roberts and Smith—2.

Absent: Takubo—1.

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. 638) 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 Com. Sub. for Senate Bill 490,** Relating to criminal offenses against agricultural facilities.



On second reading, coming up in regular order, was read a second time.

At the request of Senator Weld, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

**Com. Sub. for Com. Sub. for Senate Bill 554**, Relating to termination, expiration, or cancellation of oil or natural gas leases.

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 583**, Creating program to further development of renewable energy resources.

Having been read a second time on yesterday, Wednesday, February 12, 2020, and now coming up in regular order with Senator Smith's amendment pending, was reported by the Clerk.

At the request of Senator Smith, unanimous consent being granted, Senator Smith's pending amendment to the bill (*shown in the Senate Journal of yesterday, Wednesday, February 12, 2020, pages 866 to 874, inclusive*) was withdrawn.

On motion of Senator Smith, the following substitute amendment to the bill was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

## **ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE COMMISSION.**

### **§24-2-10. Renewable Energy Facilities Program.**

(a) The Legislature finds and declares that:

(1) West Virginia is rich in energy resources, which provide many advantages to the state, its economy and its citizens;

(2) West Virginia’s abundant mineral reserves have created, and will continue to create, many benefits to the state and its citizens, including thousands of jobs, a strong tax base and a low-cost, reliable source of electricity;

(3) Coal-fired plants currently supply over 90 percent of electricity generation to the citizens and businesses of this state;

(4) Businesses that may otherwise locate or expand facilities in this state often require that a portion of the electricity that they purchase be generated via renewable sources;

(5) Creating a program for the development of certain renewable sources of electricity by electric utilities will result in increased economic development opportunities in the state, create jobs and enhance the use of the state’s electricity generation; and

(6) Creating a program to authorize electric utilities to provide a portion of the state’s electricity needs through a process that allows them to plan, design, construct, purchase, own and operate renewable electric generating facilities, energy storage resources, or both, pursuant to this section is in the public interest of the state.

(b) *Definitions* – For the purpose of the section:

“Capital investments” include, but are not limited to, costs related to the planning, design, construction, purchase and ownership of renewable electric generating facilities, energy storage resources, and interconnections with transmission and distribution facilities.

“Commission” or “Public Service Commission” means the Public Service Commission of West Virginia.

“Electric utility” means any electric distribution company that sells electricity to retail customers in this state under rates regulated by the commission. Unless specifically provided for otherwise, for the purposes of this section, the term “electric utility” may not include rural electric cooperatives, municipally-owned electric facilities or utilities serving less than 30,000 residential electric customers in West Virginia.

“Eligible site” means any site in this state that has been previously used in electric generation, industrial, manufacturing or mining operations, including, but not limited to, brownfields, closed landfills, hazardous waste sites, former industrial sites, and former mining sites. In the event that there is no available site that has been previously used in electric generation, industrial, manufacturing or mining operations in the area to be served by a renewable electric facilities program, an eligible site may include any suitable site in this state approved for use in connection with a renewable electric facilities program by the Secretary of the Department of Commerce.

“Energy storage resource” means infrastructure located on an eligible site that allows for the energy absorption and release of electrical energy into the electric grid.-

“Renewable electric facilities program” means a program proposed by an electric utility to plan, design, construct, purchase, own, and operate renewable electric generating facilities, energy storage resources, or both, pursuant to this section: *Provided*, That a renewable electric facilities program may not consist solely of energy storage resources.

“Renewable electric generating facility” means infrastructure located on an eligible site that generates electricity solely through solar photovoltaic methods or other solar methods.

(c) Electric utilities may file with the commission an application for a multiyear comprehensive renewable energy facilities program that complies with the provisions of this section for planning, designing, constructing, purchasing, owning, and operating renewable electric generating facilities, energy storage resources, or both, by the electric utility. Subject to commission review and approval, a renewable energy facilities program may be amended and updated by the electric utility. The recovery of costs in support of the renewable energy facilities program shall be allowed in the manner set forth in this section.

(d) Any renewable energy facilities program shall comply with the following requirements:

(1) An electric utility may purchase each renewable electric generating facility and each energy storage resource from a developer of renewable electric generating facilities or energy storage resources or construct such facilities on its own, as applicable. Any purchase of a renewable electric generating facility or energy storage resources shall be subject to a competitive procurement administered by the electric utility. An electric utility may select to purchase a renewable electric generating facility, energy storage resource, or both, based on a myriad of factors, including, but not limited to, price and nonprice criteria, which shall include, but not be limited to, geographic distribution of generating capacity, areas of higher employment, or regional economic development.

(2) An electric utility may elect to petition the commission, outside of a base rate case proceeding, at any time for a prudency determination with respect to the purchase, construction and ownership by the electric utility of one or more renewable electric generating facilities, energy storage resources, or both. The commission's final order regarding any such petition shall be entered by the commission within 150 days after the date of the filing of such petition.

(3) No renewable electric generating facility shall have a generating capacity greater than 50 megawatts until such time as 85 percent of that renewable electric generating facility's annual energy output is being sold or is contracted to be sold to residential, commercial, or industrial customers pursuant to a renewable special contract or renewable tariff, and, thereafter, any expansion of that or another renewable energy generating facility's generating capacity shall proceed in increments of up to 50 megawatts each until such time as 85 percent or more of all renewable energy generating facility's aggregate, annual energy output is being sold or is contracted to be sold to customers pursuant to a renewable special contract or renewable tariff;

(4) No single renewable electric generating facility shall have a generating capacity greater than 200 megawatts;

(5) The cumulative generating capacity of all renewable electric generating facilities operating at any given time, and for which rate recovery is provided by the commission under this section, shall not exceed 400 megawatts among all investor-owned electric utilities in this state: *Provided*, That the cumulative generating capacity of all renewable electric generating facilities operating at any one time, and for which rate recovery is provided by the commission under this section, shall not exceed 200 megawatts for all electric utilities within the state owned by the same corporate parent company;

(6) The calculation of maximum megawatts of generating capacity for renewable electric generating facilities established in this subsection shall not include the storage capacity of energy storage resources;

(7) As part of the renewable energy facilities program, the electric utilities must offer the energy output for sale to customers from all classes of service.

(e) Applications made under this section are in lieu of an application for a certificate of public convenience and necessity pursuant to §24-2-11 of this code and shall contain the following:

(1) A description of the renewable electric generating facilities, energy storage resources, or both, in such detail as the commission prescribes, including, but not limited to, the generating capacity and location of the facilities and a description of the competitive purchase procurement process administered by the electric utility that is required under this section;

(2) A proposed concurrent cost recovery mechanism for actual and projected capital investments in the renewable electric generating facilities, energy storage resources, or both, and for operation and maintenance expenses and taxes associated with such facilities; and

(3) Other information that the applicant considers relevant or the commission requires.

(f) Upon filing of an application, the applicant shall publish, in the form the commission directs, which form shall include, but not be limited to, the anticipated rates and, if any, rate increase under the proposal, by average percentage and dollar amount for customers within a class of service, as a Class I legal advertisement in compliance with §59-3-1 et seq., of this code, the publication area to be each county in which service is provided by the electric utility, a notice of the filing of the application and that the commission shall hold a hearing on the application within 90 days of the notice; unless no opposition to the rate change is received by the commission within one week of the proposed hearing date, in which case the hearing can be waived, and the commission shall issue a final order within 150 days of the application filing date.

(g) The planning, design, construction, purchase, ownership and operation of renewable electric generating facilities, energy storage resources, or both, pursuant to this section is in the public interest, and the commission shall so find when considering applications for renewable energy facilities programs submitted by an electric utility pursuant to this section.

(h) Upon notice and hearing, if required by the commission, the commission shall approve the applications made under this section and allow concurrent recovery of costs related to the expenditures, as provided in subsection (i) of this section, if the commission finds that the expenditures and the associated rate requirements are just and reasonable and that the applications comply with the requirements of this section.

(i) Upon commission approval, electric utilities shall be authorized to implement renewable electric facilities programs and to concurrently recover their costs, including a return on capital investments, operation and maintenance, depreciation, and tax expenses directly attributable to the renewable electric facilities program capital investments, if any, as provided in the following:

(1) An allowance for return shall be calculated by applying a rate of return to the average planned net incremental increase to rate base attributable to the renewable electric facilities program for the coming year, considering the projected amount and timing

of capital investments under the renewable electric facilities program plus any capital investments in previous years of the program. The rate of return shall be determined by utilizing the rate of return on equity and the capital structure authorized by the commission in the electric utility's most recent base rate case proceeding or in the case of a settled base rate case, a rate of return on equity set forth in or associated with such settlement or, if neither is set forth in or associated with such settlement, a rate of return on equity and a capital structure determined by the commission to be reasonable, and the projected average weighted cost of the electric utility's debt during the period of the renewable electric facilities program to determine the weighted cost of capital based upon the electric utility's capital structure determined as specified above.

(2) Income taxes applicable to the return allowed on the renewable electric facilities program shall be calculated at the statutory rate for inclusion in rates.

(3) Incremental operation and maintenance, depreciation and property tax expenses directly attributable to the renewable electric facilities program shall be estimated for the upcoming year.

(4) Following commission approval of its application made under this section, an electric utility shall place into effect rates that include an increment for concurrent cost recovery that recovers the allowance for return, related income taxes at the statutory rate, operation and maintenance, depreciation and property tax expenses associated with the electric utility's actual and projected capital investments under the renewable electric facilities program for the upcoming year, net of contributions to recovery of those incremental costs provided by customers who have executed renewable special contracts, or who are taking power under renewable tariffs and are served by the renewable electric facilities program investments, if any, ("incremental cost recovery increment"). In each year subsequent to the order approving the renewable electric facilities program and the incremental cost recovery increment, the electric utility shall file an application with the commission setting forth a new proposed incremental cost recovery increment for concurrent cost recovery of forecasted costs

to be made in the subsequent year, plus any under-recovery or minus any over-recovery of actual incremental costs attributable to the renewable electric facilities program, for the preceding year.

(5) The renewable electric generating facilities, energy storage resources, or both, constructed, purchased, contracted, owned, installed, and in service pursuant to an application approved by the commission shall be considered used and useful for rate recovery purposes. Any concurrent cost recovery mechanism approved by the Commission may limit the amount of cost to be recovered from any particular customer class of the electric utility, for good cause shown and so long as all costs are recovered by the electric utility. Customers who have executed renewable special contracts or are taking power under renewable tariffs pursuant to an approved renewable electric facilities program are not subject to any such limits imposed by the Commission.

(6) If an electric utility serves customers in more than one jurisdiction, and a jurisdiction other than this state denies the electric utility recovery of the costs incurred pursuant to a renewable electric facilities program approved by the commission and allocated to that jurisdiction, the electric utility shall recover all of the costs of the renewable electric facilities program from its West Virginia jurisdictional customers if the commission finds that the expenditures and the associated rate requirements are just and reasonable, and all attributes of the renewable electric facilities program, including energy, capacity, and renewable energy credits shall be assigned to this state.

(j) The electric utility may make any accounting accruals necessary to establish a regulatory asset or liability through which actual incremental costs incurred and costs recovered through the rate mechanism are tracked.

(k) With respect to renewable electric facilities programs, electric utilities may defer incremental operation and maintenance expenses attributable to regulatory and compliance-related requirements introduced after the electric utility's last base rate case proceeding and not included in the electric utility's current base rates or incremental cost recovery increment in lieu of current



recovery. In a future base rate case, the commission shall allow recovery of such deferred costs amortized over a reasonable period of time to be determined by the commission provided the commission finds that the costs were reasonable and prudently incurred and were not reflected in rates in prior base rate cases.

(l) The provisions of this section shall expire on December 31, 2025. The expiration of this section shall not affect the full and timely cost recovery associated with a renewable energy facilities program for which an application has been filed with the commission pursuant to this section on or before December 31, 2025, nor for any projects previously approved by the commission pursuant to this section.

(m) Notwithstanding any provision of this article to the contrary, no provision herein this section shall displace any current levels of coal-fired generation capacity.

Following discussion,

The question being on the adoption of Senator Smith's amendment to the bill, the same was put and prevailed.

The bill (Com. Sub. for S. B. 583), as amended, was then ordered to engrossment and third reading.

**Senate Bill 733**, Recognizing political party status.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Hamilton, the following amendment to the bill was reported by the Clerk:

On page one, section eight, after line eleven, by adding the following:

**§3-1-35. Ballots to be furnished voters.**

(a) In general and special elections the ballots for all voters of an election precinct shall be the same.

(b) In primary elections a voter may request the ballot of the voter's political party or a ballot from any other party at that election in that precinct and the voter shall be furnished a ballot for the political party requested ~~to the voter~~ together with separate ballots, if any, on any nonpartisan candidates and any public questions submitted to the voters generally at such primary election.

(c) In the event the voter is lawfully registered as "independent" or as an adherent of a political party not appearing on any primary election ballot to be voted in his precinct, he shall not, in a primary election, be given or entitled to vote any party ballot but shall be furnished any separate ballots to be voted thereat on nonpartisan candidates and public questions.

Senator Trump arose to a point of order that Senator Hamilton's amendment was not germane to the bill.

Which point of order, the President ruled well taken.

The bill (S. B. 733) was then ordered to engrossment and third reading.

**Eng. House Bill 4381**, Relating to lifetime hunting, fishing and trapping licenses for adopted children.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

The Senate proceeded to the tenth order of business.

At the request of Senator Weld, unanimous consent being granted, the following bills on first reading, coming up in regular order, were considered read a first time and ordered to second reading:

**Com. Sub. for Senate Bill 265**, Authorizing DEP to develop Reclamation of Abandoned and Dilapidated Properties Program.

**Com. Sub. for Senate Bill 279**, Requiring dental insurance plans honor assignment made in writing by person covered.

**Com. Sub. for Senate Bill 285**, Eliminating WV Greyhound Breeding Development Fund.

**Com. Sub. for Senate Bill 306**, Licensing of drivers utilizing bioptic telescopic devices.

**Com. Sub. for Senate Bill 589**, Creating Critical Needs/Failing Systems Sub Account.

**Com. Sub. for Com. Sub. for Senate Bill 597**, Relating to judicial branch members' salaries and pensions.

**Com. Sub. for Senate Bill 702**, Designating specific grade levels in which nutrition and physical fitness programs are taught.

**Senate Bill 703**, Increasing earning limit for employees who accept separation incentive.

**Com. Sub. for Senate Bill 706**, Clarifying duties of law-enforcement training and certification subcommittee.

**Senate Bill 712**, Correcting name of Forensic Analysis Laboratory.

**Com. Sub. for Senate Bill 746**, Providing contracted managed care companies access to uniform maternal screening tool.

**Eng. Com. Sub. for House Bill 2497**, Relating to the whistleblower law.

**Eng. House Bill 4166**, Prohibiting certain sex offenders from being in a supervisory position over children.

**Eng. House Bill 4353**, Creating a rational nexus requirement between prior criminal conduct and initial licensure decision making.

**Eng. Com. Sub. for House Bill 4470**, Relating to persons 18 years of age or older in the custody of the Bureau of Juvenile Services.

And,

**Eng. House Bill 4476**, Providing for the timely and efficient collection, submission, testing, retention, and disposition of forensic evidence in sexual assault cases.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Azinger, Smith, Prezioso, Plymale, and Woelfel.

Thereafter, at the request of Senator Maynard, and by unanimous consent, the remarks by Senator Azinger were ordered printed in the Appendix to the Journal.

At the request of Senator Woelfel, unanimous consent being granted, the remarks by Senators Smith and Plymale were ordered printed in the Appendix to the Journal.

At the request of Senator Weld, and by unanimous consent, the remarks by Senator Prezioso were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions:

**Senate Bill 3:** Senator Facemire;

**Senate Bill 21:** Senator Facemire;

**Senate Bill 26:** Senator Facemire;

**Senate Bill 27:** Senator Facemire;

**Senate Bill 72:** Senator Facemire;

**Senate Bill 86:** Senator Plymale;

**Senate Bill 153:** Senator Facemire;

**Senate Bill 154:** Senator Facemire;

**Senate Bill 236:** Senator Facemire;

**Senate Bill 514:** Senator Plymale;

**Senate Bill 705:** Senator Rucker;

**Senate Bill 752:** Senator Stollings;

**Senate Bill 753:** Senators Prezioso, Cline, Jeffries, Stollings, and Ihlenfeld;

**Senate Bill 755:** Senators Prezioso, Beach, Lindsay, and Stollings;

**Senate Bill 756:** Senators Unger and Stollings;

**Senate Bill 758:** Senator Unger;

**Senate Resolution 37:** Senator Pitsenbarger;

**Senate Resolution 38:** Senators Weld, Prezioso, Beach, Cline, Lindsay, Jeffries, Unger, Stollings, and Ihlenfeld;

And,

**Senate Resolution 39:** Senators Prezioso, Beach, Cline, Lindsay, Baldwin, Jeffries, Unger, and Rucker.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Weld, at 12:26 p.m., the Senate adjourned until tomorrow, Friday, February 14, 2020, at 11 a.m.

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FRIDAY, FEBRUARY 14, 2020

The Senate met at 11:07 a.m.

(Senator Carmichael, Mr. President, in the Chair.)

Prayer was offered by the Reverend Joseph McLaughlin, S. M., Holy Rosary Catholic Church, Buckhannon, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Eric J. Tarr, a senator from the fourth district.

Pending the reading of the Journal of Thursday, February 13, 2020,

At the request of Senator Prezioso, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

At the request of Senator Takubo, and by unanimous consent, the provisions of Rule 54 of the Rules of the Senate, relating to persons entitled to the privileges of the floor, were suspended in order to grant the family of the Honorable Stephen Baldwin, a senator from the tenth district, privileges of the floor for the day.

On motion of Senator Takubo, at 11:21 a.m., the Senate recessed to permit Abigail Shaffer to address the Senate on behalf of the Frasure-Singleton Student Legislative Program.

The Senate reconvened at 11:23 a.m. and proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

**Eng. Com. Sub. for Senate Bill 16**, Creating Protect Our Right to Unite Act.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

**Eng. Com. Sub. for Senate Bill 676**, Permitting fees from Child Abuse Registry be used for information technology support costs.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

**Eng. Com. Sub. for House Bill 2602**, Including possession of known stolen property in the offense of receiving or transferring stolen property.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4088**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §37-4-9; and to amend and reenact §55-12A-7 of said code, all relating to funding the Oil and Gas Reclamation Fund; providing that proceeds from certain real property interests that are due to persons whose names or addresses are unknown or unlocatable which are being kept in special funds throughout the state, if unclaimed for seven years or more, shall be transferred to the Oil and Gas Reclamation Fund and used to plug orphaned and abandoned oil and natural gas wells; providing and clarifying that certain deed or will provisions purporting to convey or reserve interests created by this article are void; clarifying that receivers include both general and special receivers; providing that certain provisions take effect beginning when funds have been unclaimed for seven years after the Special Commissioner's lease regardless of when the lease was signed; and authorizing rulemaking.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2020, and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4113**—A Bill to amend and reenact §11-14C-9 and §11-14C-30 of the Code of West Virginia, 1931, as amended, all relating to refundable exemptions from tax on motor fuels generally; modifying certain refundable exemption from tax on motor fuel purchased for use as a motor fuel for certain internal

combustion engines; extending certain refundable exemption from tax to tax on motor fuel used in a power take-off unit on a fuel delivery truck; and expanding certain refundable exemptions from tax on motor fuel claimable by certain taxpayers to include the variable rate component of the tax.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

**Eng. House Bill 4141**, Requiring the Department of Administration to publish its comprehensive annual financial report by the end of December.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4158**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-6-2a, relating to allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4398**—A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to required courses of instruction; and incorporating into these courses the original texts of the Declaration of Independence, the Constitution of the United States and its amendments, with emphasis on the Bill of Rights, the Federalist Papers, the Emancipation Proclamation, the Constitution of West Virginia, and their original context; and including the Federalist Papers in Celebrate Freedom Week instruction.



Referred to the Committee on Education.

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 4437**—A Bill to amend and reenact §12-3A-4 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Pay Card program; and providing additional eligible unbanked recipients of a pay card.

Referred to the Committee on Finance.

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 4551**—A Bill to amend and reenact §49-4-112 of the Code of West Virginia, 1931, as amended, relating to subsidized adoption; establishing criteria for the continued receipt of adoption subsidies; providing an enhanced definition of support; and establishing mechanisms to limit the subsidy for families with children in long-term residential placement.

Referred to the Select Committee on Children and Families.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4615**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-10-34, relating to establishing the West Virginia Critical Infrastructure Protection Act; defining terms; creating a criminal offense of trespass upon property containing a critical infrastructure facility, upon property containing a critical infrastructure facility with intent to interrupt the lawful operations of the facility, and for causing willful damage to a critical infrastructure facility; establishing criminal offense of conspiracy to commit trespass; establishing criminal penalties; providing for civil liability; and providing nothing in this section will be

construed to prevent lawful assembly and petition for redress of grievances.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4655**—A Bill to amend and reenact §16-4C-8 of the Code of West Virginia, 1931, as amended, relating to automatic certification as an emergency medical technician-paramedic or emergency medical technician-basic upon application; providing that an applicant may have previously served in any branch of the United States military, National Guard, or Coast Guard; providing that an applicant must have been honorably discharged within two years of application; providing for similar military job titles that bear a rational nexus to the training and education required by the commissioner to be certified as a paramedic or emergency medical technician; providing that the commissioner must issue a license upon review of the application; and providing that if an individual permits a certification to expire the commissioner may require examination as a condition of recertification.

Referred to the Committee on Military.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4706**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §37-4-9; and to amend said code by adding thereto a new section, designated §55-12A-7a; all relating to providing transparency in government by creating reporting procedures and requirements concerning funds being held by fiduciaries, commissioners and receivers which are due to missing, unknown or unlocatable real estate interest owners from partition lawsuits and lawsuits concerning leasing and conveyancing of

mineral interests by missing owners; providing reporting requirements to the State Treasurer, Legislature, and the Supreme Court of Appeals; defining and specifying the contents of the reports; establishing reporting dates; and providing for rule-making.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4790**—A Bill to amend and reenact §18-2-7d of the Code of West Virginia, 1931, as amended, relating to Career Technical Education for middle school students; broadening workforce preparedness information to be communicated to students to include the knowledge, skills and characteristics needed for success in occupations and entrepreneurship; integration with career exploration beginning in middle school grades; and requiring county boards to provide elective Career Technical Education courses for middle school students beginning 2022 – 2023 school year.

Referred to the Committee on Education.

### **Executive Communications**

The Clerk then presented communications from His Excellency, the Governor, advising that on February 14, 2020, he had approved **Enr. Committee Substitute for Senate Bill 311**, **Enr. Committee Substitute for Senate Bill 357**, **Enr. House Bill 4103**, and **Enr. House Bill 4393**.

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

**Com. Sub. for Senate Bill 6**, Allowing DOH issue permits for certain tractors with certain trailers not exceeding specified maximum axle weights.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 29**, Relating to involuntary hospitalization order by physician in certain cases.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 29** (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §27-5-2a, relating to permitting an authorized staff physician, after examination, to order the involuntary hospitalization of an individual whom the physician believes is addicted or mentally ill and likely to cause serious harm to himself or herself or other individuals; setting forth a procedure; defining terms; providing for payment for services; limiting liability; providing that no action taken is considered to be an adjudication; and requiring the West Virginia Supreme Court of Appeals to produce information to hospitals regarding contact information for mental hygiene commissioners, designated county magistrates, and circuit judges.

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,

Michael J. Maroney,  
*Chair.*

The bill (Com. Sub. for S. B. 29), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 204**, Providing for nonpartisan elections of county prosecuting attorneys.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 204** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-1-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-10-8 of said code, all relating to providing for the nonpartisan elections of county prosecuting attorneys; requiring that nonpartisan elections of prosecuting attorneys commence in 2024; requiring a runoff election be held concurrently with the general election between the two highest vote getters in the nonpartisan election if no candidate receives a majority of votes cast; and providing that after that, appointments to fill vacancies in office shall be nonpartisan.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Com. Sub. for Senate Bill 291** (originating in the Committee on Health and Human Resources), Requiring PEIA and health insurance providers provide mental health parity.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Com. Sub. for Senate Bill 291** (originating in the Committee on Finance)—A Bill to repeal §33-15-4a of the Code of West Virginia, 1931, as amended; to repeal §33-16-3a of said code; to amend and reenact §5-16-7 of said code; to amend said code by adding thereto a new section, designated §33-15-4u; to amend said code by adding thereto a new section, designated §33-16-3ff; to amend and reenact §33-24-4 of said code; to amend said code by adding thereto a new section, designated §33-24-7u; to amend and reenact §33-25-6 of said code; to amend said code by adding thereto a new section, designated §33-25-8r; and to amend said code by adding thereto a new section, designated §33-25A-8u, all relating to requiring the Public Employees Insurance Agency and other health insurance providers to provide mental health parity between behavioral health, mental health, substance use disorders, and medical and surgical procedures; providing definitions; providing for mandatory annual reporting; providing for rulemaking; and setting forth an effective date.

With the recommendation that the committee substitute for committee substitute do pass.

Respectfully submitted,

Craig Blair,  
*Chair.*

Senator Smith, 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 578**, Recalculating tax on generating, producing, or selling electricity from solar energy facilities.

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 Finance.

Respectfully submitted,

Randy E. Smith,  
*Chair.*

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 648**, Providing dental coverage for adult Medicaid recipients.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 648** (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-12a, relating to providing dental coverage for adult Medicaid recipients; providing limitations; defining terms; designating the Department of Health and Human Resources as the responsible department to implement these provisions; providing effective date; and providing for the Department of Health and Human Resources to seek authority for the Centers for Medicare and Medicaid Services to implement the program.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

The bill (Com. Sub. for S. B. 648), under the original double committee reference, was then referred to the Committee on Finance.

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

**Senate Bill 652**, Authorizing School Building Authority promulgate legislative rules.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

**Senate Bill 655**, Relating to valuation of natural resources land property.

**Com. Sub. for Senate Bill 719**, Imposing health care-related provider tax on certain health care organizations.

And,

**Senate Bill 740**, Clarifying authorized users of Ron Yost Personal Assistance Services Fund.

And reports the same back with the recommendation that they each do pass.



Respectfully submitted,

Craig Blair,  
*Chair.*

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 686**, Exempting contract and common carrier laws for certain vehicles.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 686** (originating in the Committee on Government Organization)—A Bill to amend and reenact §24A-1-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §24A-2-5 of said code; and to amend and reenact §24A-3-2 and §24A-3-3 of said code, all relating to authorizing use of an emergency substitute motor carrier when certificate of necessity and convenience or contract carrier permit is suspended; defining terms; allowing emergency substitute carrier to operate as common carrier without certificate of necessity and convenience; authorizing Public Service Commission to suspend common carrier certificate of necessity and convenience and allow emergency service carrier to provide temporary replacement service; establishing procedure for seeking reinstatement of certificated service; prohibiting emergency service carrier from operating as a contract carrier except as authorized by Public Service Commission; allowing Public Service Commission to suspend contract carrier permit and authorize emergency substitute carrier to provide temporary replacement service; and establishing procedure for permit grantee to seek reinstatement of permit.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Bill 738**, Creating Flatwater Trail Commission.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 738** (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-9-1, relating to creating the Flatwater Trail Commission; describing role, function, and duties of the commission; establishing criteria qualifications for the appointment of members; specifying duties; declaring the responsibilities of the Department of Commerce regarding the commission; providing for reimbursement of the expenses for members; and defining a quorum to conduct business.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

The bill (Com. Sub. for S. B. 738), under the original double committee reference, was then referred to the Committee on Finance.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 747**, Requiring Bureau for Public Health develop Diabetes Action Plan.

**Senate Bill 748**, Increasing awareness of palliative care services.

And,

**Senate Bill 767**, Relating to licensure of hospitals.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Senate Concurrent Resolution 25**, Requesting study on impact of future electromagnetic pulse catastrophe.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

**Eng. Com. Sub. for House Bill 4026**, Exempting businesses transporting scrap tires, waste tires, or other used tires, from certain statutory provisions.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Mark R. Maynard,  
*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

**Eng. House Bill 4501**, Relating to the ability to refuse offenders for commitment to a jail.

And has amended same.

And reports the same back with the recommendation that it do pass, as amended.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

**By Senators Rucker and Plymale:**

**Senate Bill 781**—A Bill to amend and reenact §18B-3C-16 of the Code of West Virginia, 1931, as amended, relating to removing information required to be included in report to the Legislature and

the Governor regarding the collaborative agreements between community and technical colleges and federally registered apprenticeship programs.

Referred to the Committee on Education.

**By Senator Maroney:**

**Senate Bill 782**—A Bill to amend and reenact §16-29B-8 of the Code of West Virginia, 1931, as amended, relating to the fees assessed on certain hospitals by the Health Care Authority; eliminating the assessment termination date; correcting a mathematical error; and other technical cleanup.

Referred to the Committee on Health and Human Resources.

**By Senator Tarr:**

**Senate Bill 783**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-18, relating to the creation of a special revenue fund for site certification and site closing.

Referred to the Committee on Finance.

**By Senator Smith:**

**Senate Bill 784**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-15-24; and to amend said code by adding thereto a new section, designated §61-3-45b, all relating to nonferrous metal sales and transportation to a secondary recycler; providing for definitions; providing for permits for secondary metals recyclers; providing that employees of an entity holding a permit do not need a separate permit; providing for permit requirements for fixed sites; providing for permit requirements for nonfixed sites; providing for the Department of Environmental Protection to develop an application and permit; providing for a \$200 permit fee for secondary metals recyclers; providing that a permit is valid for 24 months; providing for a permit for persons or entities to transport nonferrous metals over the highways; providing that employees of an entity do not need a separate permit; providing for no initial permit fee; providing for a \$10 fee for a replacement permit for a

lost or destroyed original permit; providing for record retention criteria of all transportation permits issued; providing that a transportation permit is valid for two years; providing for denial, revocation, or suspension of a permit for violations of law; providing for penalties for permit violations; providing that only secondary metals recyclers can purchase nonferrous metals from persons or entities with a valid permit; providing that secondary metals recyclers must retain records of all purchases of nonferrous metals; providing for record retention criteria; providing for record retention of at least one year; providing for limitations on secondary metals recyclers purchasing nonferrous metals through cash transactions; providing for a \$25 limit on cash transactions; providing for a required sign be displayed at all secondary metals recyclers locations where nonferrous metals are accepted for purchase; providing for penalties when a secondary metals recycler violates certain provisions; providing for limitations on selling nonferrous metals; providing for penalties for sellers violating certain provisions relating to selling nonferrous metals; providing for revocation of permits for secondary metals recyclers and sellers violating certain provisions of purchasing or selling nonferrous metals; providing for limitations for secondary metals recyclers to accept nonferrous metal sales from persons or entities without a valid transportation and sales permit; providing for holds placed on stolen nonferrous metals; providing for law enforcement to provide written notification to a secondary metals recycler relating to stolen nonferrous metals; providing that the notice must identify the potentially stolen nonferrous metals; providing for a 15 calendar day hold for the secondary metals recycler to retain the nonferrous metals as provided in the written notice from law enforcement; providing for an extended hold issued after 15 calendar days by law enforcement; providing that law enforcement provide written notice to the secondary metals recycler relating to allegedly stolen nonferrous metals; providing for 30 calendar days for an extended hold of allegedly stolen nonferrous metals by the secondary metals recycler; providing for automatic release of any holds on a secondary metals recycler at the conclusion of a hold or extended hold by law enforcement if no order has been received to retain the nonferrous metals by a court; providing for limitations on transporting nonferrous metals on the highways of this state

without a valid permit; providing for penalties for violating transportation requirements; providing for revocation of a permit for violating transportation requirements; providing for acceptable forms of identification; providing for exemptions from required permits to obtain, transport, or sell nonferrous metals to a secondary metals recycler; providing for preemption of other laws, rules, or regulations by any county or municipality; providing that any county or municipality may enact ordinances relating to the sale, transport, or purchase of nonferrous metals under certain conditions; providing for criminal offenses; providing for additional criminal offenses for illegally obtaining nonferrous metals; providing for penalties to property damage when the damage is below \$5,000; providing for penalties for property damage when the damage is greater than or equal to \$5,000; providing for penalties when another person receives a great bodily injury during the course of illegally obtaining nonferrous metals; providing for penalties when illegally obtaining nonferrous metals results in the death of a person; providing for penalties for disruption of communication or electrical services to more than 10 people; providing for revocation of a permit when the permittee is convicted of illegally obtaining nonferrous metals; providing for no civil liability for the owner of real or personal property for any injury sustained by a person attempting to or obtaining nonferrous metals illegally; providing for no civil liability for the owner or real or personal property for any injury caused by dangerous conditions to a person attempting to or obtaining nonferrous metals illegally; providing that no duty of care is expected of an owner of real or personal property to persons attempting to or obtaining nonferrous metals illegally; and providing for rule-making authority.

Referred to the Committee on the Judiciary.

**By Senator Trump:**

**Senate Bill 785**—A Bill to amend and reenact §3-3-2a of the Code of West Virginia, 1931, as amended, relating to establishing a uniform electioneering prohibition area by modifying the early voting electioneering prohibition area at satellite precincts or other properly designated community voting locations to prohibit displays or materials to influence the voting for or against any

candidate or public question within 100 feet from the entrance of such early voting locations.

Referred to the Committee on the Judiciary.

**By Senator Rucker:**

**Senate Bill 786**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-10b, relating to the West Virginia Medical Practice Act; recognizing anesthesiologist assistants; providing for scope of practice and supervision; and requiring rules for minimum education and regulation.

Referred to the Committee on Health and Human Resources.

**By Senators Tarr, Hardesty, Maroney, and Stollings:**

**Senate Bill 787**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-53-1, relating to providing benefits to pharmacists for pharmacist care rendered within the pharmacist's scope of practice if benefits would be provided for such services performed by other health care providers.

Referred to the Committee on Health and Human Resources.

**By Senators Tarr, Ihlenfeld, and Maroney:**

**Senate Bill 788**—A Bill to amend and reenact §29-22D-2, §29-22D-3, §29-22D-5, §29-22D-7, §29-22D-8, §29-22D-11, §29-22D-12, §29-22D-16, §29-22D-17, §29-22D-20, §29-22D-21, and §29-22D-22 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §29-22D-6a and §29-22D-15a, all relating to permitting wagering on the results of certain professional or collegiate sports or athletic events and other events authorized as West Virginia Lottery sports wagering activities; providing legislative findings; defining terms; establishing license requirements and prohibitions; adopting house rules and the posting of the same; defining duties of a social sports wagering operator conducting social sports wagering; requiring the posting of betting limits; prohibiting unauthorized sports wagering in this state; creating the West Virginia Lottery Sports Wagering Fund; authorizing the collection of license fees; authorizing the



West Virginia Lottery to collect an administrative allowance from gross sports wagering receipts; authorizing the West Virginia Lottery to levy and collect a tax in the amount of 10 percent of adjusted gross sports wagering receipts; defining how moneys deposited in the West Virginia Lottery Sports Wagering Fund shall be distributed; establishing the role of law enforcement; imposing civil and criminal penalties; establishing crimes; providing for the forfeiture of property for certain violations; and preempting this article from state and local law.

Referred to the Committee on Finance.

**By Senator Carmichael (Mr. President):**

**Senate Bill 789**—A Bill to repeal §4-2B-1 of the Code of West Virginia, 1931, as amended; and to repeal §4-3-3b of said code, relating to removing provisions regarding obsolete functions and completed tasks for the administration of, or by, the Legislature.

Referred to the Committee on Government Organization.

**By Senators Cline, Smith, and Sypolt:**

**Senate Bill 790**—A Bill to amend and reenact §17C-17A-2, §17C-17A-3, §17C-17A-5, and §17C-17A-12 of the Code of West Virginia, 1931, as amended, all relating generally to the Commissioner of the Division of Highways to effectively manage the Coal Resource Transportation roads; defining certain terms; requiring reports be filed with the Legislative Oversight Commission on Department of Transportation Accountability; specifying information to be provided; creating the Coal Resource Transportation Advisory Committee; simplifying process for the commissioner to designate or decertify a road in the Coal Resource Transportation System; revising reporting requirements; specifying information to be provided; and correcting technical errors.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Weld:**

**Senate Bill 791**—A Bill to amend and reenact §15-2-24 of the Code of West Virginia, 1931, as amended, relating to allowing a name-based state and federal criminal history record check of each

adult residing in a residence when, due to emergency, a minor child must be placed in home care due to the absence of parents or custodians.

Referred to the Committee on Health and Human Resources.

**By Senators Stollings, Baldwin, Beach, Facemire, Hamilton, and Unger:**

**Senate Bill 792**—A Bill to amend and reenact §18-5-22 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-9A-8 of said code, all relating to requirements for employment of nurses in public schools; changing student to school nurse staffing ratios; expanding its coverage to all grades; and eliminating the county's ability to obtain contract services for nursing and mandating that every school must have at least one nurse.

Referred to the Committee on Education; and then to the Committee on Finance.

**By Senator Smith:**

**Senate Bill 793**—A Bill to amend and reenact §11-13-2q of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-13-2r, all relating to business and occupation taxes imposed on operators of certain coal-fired generating units located in this state; clarifying application of certain sections of code; providing for recomputation of taxable generating capacity of certain coal-fired electric generating units for business and occupation tax purposes under certain circumstances; defining certain terms, imposing recapture tax under certain circumstances; and specifying effective dates.

Referred to the Committee on Finance.

**By Senator Maynard:**

**Senate Bill 794**—A Bill to amend and reenact §49-2-106 of the Code of West Virginia, 1931, as amended, relating to responsibility for foster care homes by the Department of Health and Human Resources; and to require the department to cooperate

with charter schools and the State Board of Education to develop programs for participation in by qualified neglected children who are in foster home placements, including developing a program or programs modeled after the Mountaineer Challenge Academy.

Referred to the Select Committee on Children and Families.

**By Senator Maynard:**

**Senate Bill 795**—A Bill to amend and reenact §11-1C-9 of the Code of West Virginia, 1931, as amended, relating to limiting the initial increase in assessment of residential real property as a result of the periodic reevaluation of such property.

Referred to the Committee on Finance.

**By Senator Maynard:**

**Senate Bill 796**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3tt, relating to permitting prisoners or persons charged with a crime to be held in the jails of their counties of residence.

Referred to the Committee on the Judiciary.

Senators Cline and Weld offered the following resolution:

**Senate Concurrent Resolution 33**—Requesting the Division of Highways name bridge number 55-097/00-034.83 (55A102), locally known as Maben Bridge, carrying WV 97 over Slab Fork Creek in Wyoming County, the “U.S. Air Force MSGT Dvon Duncan Memorial Bridge”.

Whereas, Dvon Duncan was born on January 18, 1953, to Paul and Dorothy Duncan; and

Whereas, Dvon Duncan was a graduate of Glen Rogers High School, and also received an Associate in Arts Degree, in General Studies from Hagerstown Junior College, an Associate in Applied Science Degree, in Communications Operations Technology from Community College of the Air Force, a Bachelor of Arts Degree in History from Auburn University and a Masters of Arts Degree in

Liberal Studies and Strategic Leadership from the University of Memphis; and

Whereas, Dvon Duncan joined the U.S. Air Force on March 7, 1974, and stayed until her retirement in February 1991; and

Whereas, MSGT Dvon Duncan was awarded the Meritorious Service Medal with one Oak Leaf Cluster, the Joint Service Commendation Medal, the Air Force Commendation Medal, the Air Force Achievement Medal (GALLANT EAGLE 82), the Air Force Outstanding Unit Award Ribbon with one Oak Leaf Cluster, the Combat Readiness Medal, the Good Conduct Medal with one Oak Leaf Cluster, the Air Force Overseas Short Tour Ribbon, the Air Force Overseas Long Tour Ribbon with one Oak Leaf Cluster, and the Small Arms Expert Marksmanship Ribbon; and

Whereas, MSGT Dvon Duncan authored two books of poetry—“Signs in the Earth” and “Raven’s Call” and a short story entitled “Green Man of Milam Fork”, and moved back to West Virginia in 2006 where she operated Duncan Business Services which specialized in strategic business planning; and

Whereas, MSGT Dvon Duncan served on the Wyoming County Convention and Visitors Bureau where she coauthored the Guyandotte Scenic Drive Corridor Management Plan; and she also served on the Guyandotte River Water Trail Alliance, the Southern Conservation District, the Mountain Resource Conservation and Development Council and the Friends of Milam Creek; and

Whereas, MSGT Dvon Duncan died on July 7, 2019, and will be missed by many in Wyoming County; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Air Force MSGT Dvon Duncan and her contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 55-097/00-34.83 (55A102), locally known as Maben Bridge, carrying WV 97 over Slab Fork in Wyoming

County, the “U.S. Air Force MSGT Dvon Duncan Memorial Bridge”; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to be made and placed signs identifying the bridge as the “U.S. Air Force MSGT Dvon Duncan 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 Pitsenbarger, Azinger, Baldwin, Facemire, Hamilton, and Romano offered the following resolution:

**Senate Concurrent Resolution 34**—Requesting the Division of Highways name bridge number 34-001/00-000.10 (34A144), locally known as Strange Creek Bridge, carrying County Route 1 over Strange Creek in Nicholas County, the “U.S. Army CPL Dane Hampton Hamric Memorial Bridge”.

Whereas, Dane Hampton Hamric, born on December 14, 1920, in Sutton, West Virginia, was one of 10 children born to Allen Corley Hamric and Mable Goldie Craft Hamric of Braxton County; and

Whereas, CPL Dane Hampton Hamric served in the U.S. Army 60th Coast Artillery Regiment for seven years before his heroic death in a Japanese prisoner of war (POW) camp in the Philippines on December 18, 1944; and

Whereas, CPL Dane Hampton Hamric was stationed in Corregidor with the 1st Separate Marine Battalion when WWII broke out in December 1941. He fought there with what became the 3rd Battalion, 4th Marine Regiment which consisted of combined units from the U.S. Army, U.S. Navy, and locally recruited Filipino soldiers; and

Whereas, Units at Corregidor were forced to surrender to the Japanese on May 6, 1942, and were held in prison on Corregidor, until they were moved first to Manila and then to Puerto Princesa on the Island of Palawan. Of the thousands of allied military personnel taken prisoner by the Japanese, approximately 346 American POWs remained from August 1, 1942, until December 14, 1944, in the Philippines where they were shipped to Palawan to build an airfield for the Japanese; and

Whereas, The Palawan compound was known as Camp-10A, and the American POWs held captive there received brutal treatment from Japanese guards. The men starved, suffered from diseases like malaria, scurvy, and pellagra, and endured hard labor. Medical care was nonexistent and medical supplies from the American Red Cross, intended for American POWs, were seized by the Japanese for their own use. In September 1944, 159 of the American POWs were returned to Manila, leaving 150 men behind to complete the airfield; and

Whereas, On December 14, 1944, Japanese aircraft reported the presence of an American convoy which was mistakenly believed to be headed for Palawan, and POWs were sent into trenched shelters they had built for protection during allied air raids. Guards doused the shelters with gasoline and used torches to set them on fire with the men inside. Most of the American POWs who managed to escape the burning shelters were shot, bayoneted, or beaten to death as they hid among rocks on the beach or attempted to swim across Puerto Princesa's bay. Four American officers, who were also held captive at the camp, had their dugout set on fire during the massacre; and

Whereas, Of the known 150 American POWs present at the Palawan camp, 139 were murdered on December 14, 1944, and 11 survived. CPL Dane Hampton Hamric was able to escape the prison yard but was hit in the arm by rifle fire. He hid in a cave on the beach for four days before succumbing to his injuries, and was buried in a makeshift grave by a surviving POW. His body was never recovered, and on December 18, 1944, he was recorded by the U.S. Army as Reported Dead While Captured, Prisoner of War; and

Whereas, CPL Dane Hampton Hamric is memorialized in the Tablets of the Missing at the Manila American Cemetery and Memorial in the Philippines. CPL Dane Hampton Hamric was awarded the Prisoner of War Medal and the Purple Heart, Service Number 15017127; and

Whereas, It is fitting that an enduring memorial be established to commemorate CPL Dane Hampton Hamric for his service and sacrifice for his state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 34-001/00-000.10 (34A144), locally known as Strange Creek Bridge, carrying County Route 1 over Strange Creek in Nicholas County, the “U.S. Army CPL Dane Hampton Hamric Memorial Bridge”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U.S. Army CPL Dane Hampton Hamric Memorial Bridge”; and, be it

*Further Resolved,* That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways and to David R. Hamric, P.O. Box 83, Dille, WV 26617.

Which, under the rules, lies over one day.

Senator Cline offered the following resolution:

**Senate Concurrent Resolution 35**—Requesting the Division of Highways name the entire portion of West Virginia Route 10 situated within the town limits of Oceana, Wyoming County, the “Veterans Memorial Drive”.

Whereas, The town of Oceana has provided soldiers for the various branches of the nation’s military; and

Whereas, Oceana veterans have served their country and their community with distinction; and

Whereas, Many veterans from Oceana gave their lives for their country or have suffered the scars of service many years after returning from military duty; and

Whereas, Many veterans returning to Oceana following military service have volunteered their energy and talents to build and strengthen the local community in service to others; and

Whereas, It is fitting that an enduring memorial be established to commemorate the many military veterans of Oceana and their contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the entire portion of West Virginia Route 10, situated within the town limits of Oceana, Wyoming County, the “Veterans Memorial Drive”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the portion of road as the “Veterans Memorial Drive”; 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 Baldwin, Mann, Pitsenbarger, and Romano offered the following resolution:

**Senate Concurrent Resolution 36**—Requesting the Division of Highways name bridge number 13-060/00-034.93 (13A114), locally known as Caldwell Bridge, carrying U.S. 60 over Greenbrier River in Greenbrier County, the “Shafer Brothers U.S. Military Veterans Memorial Bridge”.



Whereas, The six Shafer brothers were born and raised in Caldwell, Greenbrier County. They all served in the United States military. Charles “Ovid” Shafer, the U.S. Army, World War II; “Harold” Harding Shafer, the U.S. Army, World War II; William “Bill” Shafer, the U.S. Army; World War II; Robert Lewis “Bob” Shafer, the U.S. Navy, World War II; Elmer “Ray” Shafer, the U.S. Navy, World War II; and Joseph Arthur “Joe” Shafer, the U.S. Marine Corps, Korean War. All six returned home safely after serving their great country; and

Whereas, These six men and their additional three brothers and two sisters lived in this community throughout their lives and, they and their many descendants, have travelled across the bridge that is the subject of this resolution; and

Whereas, It is fitting that an enduring memorial be established to commemorate the Shafer brothers and their contributions to our state and country; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 13-060/00-034.93 (13A114), locally known as Caldwell Bridge, carrying U.S. 60 over Greenbrier River in Greenbrier County, the “Shafer Brothers U.S. Military Veterans Memorial Bridge”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “Shafer Brothers U.S. Military Veterans 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.

Senator Cline offered the following resolution:

**Senate Concurrent Resolution 37**—Requesting the Division of Highways name the intersection where US Route 52 intersects with WV Route 97, locally known as Godfrey’s Corner, in Hanover, Wyoming County, as “Godfrey’s Corner”.

Whereas, David L. Godfrey was born on November 18, 1944, in Hanover, West Virginia, and passed away on August 29, 2019; and

Whereas, When Mr. Godfrey was just a young man, he had an old school bus parked at the intersection of US Route 52 and WV Route 97 in Hanover and sold watermelons in the summertime; and

Whereas, In 1968, construction of the railroad began, and the family moved to where Godfreys Corner is today. In the summertime, they would pass the candy and chips and dip through the window and sell it on the open porch. Mr. Godfrey and his dad hauled hay and straw from Ohio in the wintertime and watermelons from Florida in the summertime; and

Whereas, As time went on, business increased, and the building grew larger. Mr. Godfrey, his mother Leona Godfrey, wife Connie, and sister Sheila, opened the Godfreys Corner store permanently in January 1971. The store at Godfreys Corner is now run by Mr. Godfrey’s sister and her husband, Sheila and Gary St. Clair; and

Whereas, Mr. Godfrey was always a great talker and businessman. All of his life he wheeled and dealt on anything honest to make a dollar. He was pretty good at it, but a few times he failed; and

Whereas, To this day Godfreys Corner is used as a direction for people traveling, and people don’t refer to the intersection as routes 52 and 97, they refer to it as Godfreys Corner or just Godfreys, but everyone knows where it is and where you are talking about; and

Whereas, Mr. Godfrey also served in the U.S. Army as a helicopter mechanic; and

Whereas, It is fitting that an enduring memorial be established to commemorate David L. Godfrey's contributions to his country, state, and community; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name the intersection where US Route 52 intersects with WV Route 97 in Hanover, Wyoming County, as "Godfrey's Corner"; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs 50 feet before the intersection on routes 52 and 97, one on each road before reaching the intersection, identifying the intersection as "Godfrey's Corner"; 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.

Senator Smith offered the following resolution:

**Senate Resolution 41**—Designating February 17, 2020, as Pancreatic Cancer Day at the Capitol.

Whereas, In 2020, an estimated 57,000 people will be diagnosed with pancreatic cancer in the United States, which equates to 158 people every single day; and

Whereas, Pancreatic cancer is one of the deadliest cancers, is currently the third-leading cause of cancer death in the United States, and it is projected to become the second-leading cause around within the next decade; and

Whereas, Pancreatic cancer is one of the deadliest cancers with a five-year relative survival rate at just 10 percent; and

Whereas, When symptoms of pancreatic cancer present themselves, it is generally in later stages, and 73 percent of pancreatic cancer patients die within the first year of their

diagnosis, while 91 percent of pancreatic cancer patients die within the first five years; and

Whereas, Approximately 310 deaths will occur in West Virginia in 2020; and

Whereas, This is the same disease which claimed the life of former West Virginia Governor William Marland, actor Patrick Swayze, Super Bowl MVP Harvey Martin, and the Queen of Soul, Aretha Franklin, just to name a few. In addition, Jeopardy Host Alex Trebek was diagnosed with the disease in March 2019. And on February 4, 2020, pancreatic cancer claimed the life of Delegate John Mandt's mother, Donna; and

Whereas, Two of the less than 20 percent of patients diagnosed with pancreatic cancer who were able to have the Whipple Surgery are the Senate's own, Fiscal Officer Jay Eckhart, and John Homburg, who is a currently a bill drafter for the West Virginia Legislature and retired as the Director of Legislative Services in 2014; and

Whereas, Pancreatic cancer is the seventh-most common cause of cancer-related death across the world; and

Whereas, While overall cancer incidence and cancer death rates are declining, the incidence of pancreatic cancer and death rate for pancreatic cancer patients has been increasing. The number of new pancreatic cancer incidences has been increasing, and is projected to increase by 55 percent between now and 2030; and

Whereas, The good health and well-being of the residents of West Virginia are enhanced as a direct result of increased awareness about the symptoms and risk factors of pancreatic cancer, and research into early detection, causes, and effective treatments; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates February 17, 2020, as Pancreatic Cancer Day at the Capitol; and, be it

*Further Resolved*, That the Senate extends its best wishes and unwavering support to its very dear friend and colleague, Jay Eckhart, who has demonstrated courage and resiliency in his recovery and fight against pancreatic cancer; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Pancreatic Cancer Day at the Capitol and Jay Eckhart.

Which, under the rules, lies over one day.

Senators Boley, Rucker, and Cline offered the following resolution:

**Senate Resolution 42**—Commemorating the centennial of the ratification of the 19th Amendment to the Constitution of the United States.

Whereas, Led by suffragists Elizabeth Cady Stanton and Lucretia Mott, women began the fight for their right to vote in July of 1848 when a meeting of over 300 people convened in Seneca Falls, New York; and

Whereas, In the decades to follow that meeting, women around the United States protested, picketed, and were imprisoned to secure their constitutional right to vote; and

Whereas, Perhaps the most widely known suffragist of her generation, Susan B. Anthony traveled the country to give speeches, circulate petitions, and organize local women's rights organizations; and

Whereas, Nearly 70 years after the struggle began, the United States Congress passed the 19th Amendment in June of 1919; and

Whereas, On March 10, 1920, West Virginia voted to ratify the 19th Amendment, becoming the 34th state to do so. By August of 1920, 36 states ratified the amendment, ensuring that the right to vote could not be denied or abridged based on sex; and

Whereas, The Senate joins the citizens of West Virginia and our fellow Americans in celebrating this monumental moment in our country's history; therefore, be it

*Resolved by the Senate:*

That the Senate hereby commemorates the centennial of the ratification of the 19th Amendment to the Constitution of the United States; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Women's Commission, the West Virginia Secretary of State, and the West Virginia Department of Arts, Culture, and History.

Which, under the rules, lies over one day.

Senator Azinger offered the following resolution:

**Senate Resolution 43**—Recognizing President George Washington and President Abraham Lincoln on President's Day.

Whereas, George Washington, also called Father of His Country, was the first president of the United States of America. President Washington's first term as president was from 1789 to 1793 and his second term from 1793 to 1797; and

Whereas, Prior to becoming president, George Washington played important roles in the military, leading the American Continental Army to victory over the British in 1783; and

Whereas, The likeness and name of President Washington can still be seen in many places in the United States, including: Mount Rushmore National Memorial in South Dakota; his image is also used on the one-dollar bill and the quarter-dollar coin; the capital of the United States, Washington D.C., Washington State, and at least three universities are named after him; and

Whereas, Abraham Lincoln was the 16th president of the United States and is regarded as one of America's greatest heroes

due to his role as savior of the Union and emancipator of slaves; and

Whereas, President Lincoln was known as Honest Abe, the Rail-Splitter, or the Great Emancipator, and his rise from humble beginnings to achieving the highest office in the land is a remarkable story; and

Whereas, President Lincoln holds a special place in West Virginia history, as West Virginia, the 35th state to be admitted to the Union, was one of two added to the nation in the administration of Abraham Lincoln; and

Whereas, It is fitting that the Senate recognize President George Washington and President Abraham Lincoln for their many important contributions and sacrifices to our state and nation; therefore, be it

*Resolved by the Senate:*

That the Senate hereby recognizes President George Washington and President Abraham Lincoln on President's Day; and, be it

*Further Resolved,* That the Senate urges the public-school system of West Virginia to emphasize these two important historical figures in the education of our students; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the State Board of Education.

Which, under the rules, lies over one day.

Senator Lindsay offered the following resolution:

**Senate Resolution 44**—Urging Major League Baseball to rescind the ill-advised proposal that threatens the future of professional baseball in West Virginia.

Whereas, The history of professional baseball in West Virginia dates back more than a century from the Charleston Statesmen in 1910 through four Minor League Baseball teams today: the West

Virginia Black Bears in Morgantown, the West Virginia Power in Charleston, the Bluefield Blue Jays, and the Princeton Rays; and

Whereas, West Virginia's four Minor League Baseball teams, and others in surrounding states nearby, including the Hagerstown Suns, add to the quality of life for many people in West Virginia by providing access to live action, affordable family entertainment throughout the spring and summer months; and

Whereas, These four teams within West Virginia are engines of tourism, welcoming 226,000 fans to their games in 2019 and attracting thousands of visitors to come to West Virginia who might not otherwise visit our state, from every other state in the nation and several other countries; and

Whereas, These first-time and repeat visitors include players and coaches, their families and friends, umpires and professional scouts, baseball professionals, and avid fans of the game, and they stay in our hotels, eat in our restaurants, shop in our stores, visit our attractions, and discover our state in ways they otherwise would never experience; and

Whereas, Minor League Baseball teams in West Virginia are small businesses that provide paychecks to dozens of full-time and hundreds of part-time employees in our state, form partnerships with hundreds of other West Virginia businesses, generate millions of dollars in economic impact and assist West Virginia charities and community organizations in raising several hundred thousand dollars every year; and

Whereas, A proposal from Major League Baseball seeks to eliminate 42 teams from its player development structure with Minor League Baseball and, if implemented, would jeopardize the future of professional baseball throughout West Virginia and in other nearby communities in neighboring states; therefore, be it

*Resolved by the Senate:*

That the West Virginia Senate hereby urges Major League Baseball to rescind the ill-advised proposal that threatens the future of professional baseball in West Virginia; 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 Major League Baseball.

Which, under the rules, lies over one day.

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the fourth order of business.

Senator Swope, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

**Senate Concurrent Resolution 38** (originating in the Committee on Economic Development)—Requesting the Secretary of Commerce conduct a study on the foremost challenges to being competitive in attracting businesses to West Virginia and provide a list of these challenges to the Joint Committee on Government and draft legislation.

Whereas, The Secretary of Commerce shall present to the Joint Committee on Government and Finance during the 2020 legislative interim sessions a list of the foremost challenges to being competitive in attracting businesses to West Virginia, and draft legislation necessary to affect a minimal level of funding to address these challenges; and

Whereas, The goal of the West Virginia Development Office is to enhance economic growth by developing comprehensive economic strategies; and

Whereas, In the information provided, the Secretary of Commerce shall include the following: (1) site certification funding; (2) closing funding; (3) any other considerations; (4) a vision and mission statement for the West Virginia Development Office; (5) A list of what the West Virginia Development Office is doing now that should be a function of government; (6) a list of what the West Virginia Development Office is doing now that should be done by private enterprise; (7) a list of what the West

Virginia Development Office is mandated to do now that should not be a function of the West Virginia Development Office; (8) a plan for the Legislature's consideration of a public-private structure to replace the current West Virginia Development Office that comprehensively considers the items identified herein, and a date certain that the office can be transitioned to a public-private structure, should legislation be passed to make it possible in the 2021 Legislative Session; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby requests the Secretary of Commerce study the foremost challenges to being competitive in attracting businesses to West Virginia and provide a list of these challenges to the Joint Committee on Government and Finance, and draft legislation; and, be it

*Further Resolved,* That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Secretary of Commerce.

And reports the same back with the recommendation that it be adopted.

Respectfully submitted,

Chandler Swope,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the resolution (S. C. R. 38) contained in the foregoing report from the Committee on Economic Development was then referred to the Committee on Rules.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 30**, Stanley W. and Evelyn C. See 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 31**, US Marine Corps PFC Manuel P. Markos 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 32**, US Marine Corps PFC James R. “Johnny” Corder 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 Resolution 40**, Recognizing WV Gold Star Mothers for dedication and commitment to veterans and families.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Jeffries, 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, and on this question, Senator Beach demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Mann, Maroney, and Maynard—3.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 40) adopted.

Thereafter, at the request of Senator Lindsay, and by unanimous consent, the remarks by Senators Jeffries and Weld regarding the adoption of Senate Resolution 40 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 11:44 a.m., the Senate recessed to present Senate Resolution 40.

The Senate reconvened at 11:47 a.m. and proceeded to the eighth order of business.

**Com. Sub. for Senate Bill 288**, Relating to family planning and child spacing.

On third reading, coming up in regular order, with the right having been granted on Wednesday, February 12, 2020, for amendments to be received on third reading, was reported by the Clerk.

On motion of Senator Tarr, the following amendment to the bill was reported by the Clerk:

On page one, section one, line six, after the word “visits” by inserting the words “or prior authorization”.

Following discussion,

The question being on the adoption of Senator Tarr’s amendment to the bill, the same was put and prevailed.

There being no further amendments offered,

The bill, as just amended, was ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 288 was then read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 288 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Mann, Maroney, and Maynard—3.

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. 288) 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 Com. Sub. for Senate Bill 554**, Relating to termination, expiration, or cancellation of oil or natural gas leases.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Mann, Maroney, and Maynard—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 554) 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 583**, Creating program to further development of renewable energy resources.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 583 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Mann, Maroney, and Maynard—3.

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. 583) passed.

On motion of Senator Smith, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. Com. Sub. for Senate Bill 583**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-10, relating to creating a program to further the development of renewable energy resources and renewable energy facilities for solar energy by modifying the powers and duties of the Public Service Commission; providing for legislative findings and declarations; providing for definitions; providing for an application process and program for multiyear comprehensive renewable energy facilities for electric utilities, as

defined, to plan, design, construct, purchase, own, and operate renewable energy-generating facilities, energy-storage resources, or both; providing for commission review and approval of said programs; allowing cost recovery for said programs; providing for requirements for said programs; providing for application requirements and contents in lieu of applications for certificates of public convenience and necessity; providing for public notice at the direction of the commission for anticipated rates and rate increases in interested counties; providing for a hearing on applications within 90 days of notice; defining circumstances when a hearing can be waived for lack of opposition; defining a time period of 150 days within which the commission shall issue a final order after the application date; requiring the commission to find the programs as in the public interest; requiring the commission, after notice and hearing, to approve applications and allow cost recovery for just and reasonable expenditures; establishing accounting methods, practices, rates of return, calculations, dates, and procedures relevant for cost recovery; requiring a utility to place in effect commission-approved rates that include cost recovery with certain defined items; defining “concurrent cost recovery”; requiring yearly application filings by the utility with the commission regarding cost recovery; and providing for non-displacement of current levels of coal-fired generation capacity.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 733**, Recognizing political party status.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Senate Bill 733 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Blair, Boley, Clements, Cline, Hamilton, Ihlenfeld, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Rucker, Smith, Swope,

Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—24.

The nays were: Beach, Facemire, Hardesty, Jeffries, Lindsay, Romano, and Stollings—7.

Absent: Mann, Maroney, and Maynard—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 733) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. House Bill 4381**, Relating to lifetime hunting, fishing and trapping licenses for adopted children.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

(Senator Weld in the Chair.)

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 265**, Authorizing DEP to develop Reclamation of Abandoned and Dilapidated Properties Program.

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 279**, Requiring dental insurance plans honor assignment made in writing by person covered.

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 285**, Eliminating WV Greyhound Breeding Development Fund.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

**Com. Sub. for Senate Bill 306**, Licensing of drivers utilizing bioptic telescopic devices.

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 490**, Relating to criminal offenses against agricultural facilities.

Having been read a second time on yesterday, Thursday, February 13, 2020, and now coming up in regular order, was reported by the Clerk.

On motion of Senator Trump, the following amendment to the bill was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

### **ARTICLE 3B. TRESPASS.**

#### **§61-3B-7. Animal or crop facilities trespass; penalties; injunctive relief.**

(a) As used in this section:

(1) “Animal” means poultry, livestock, domestic animals, and captive cervids owned and possessed by persons licensed pursuant to §19-2H-1 *et seq.* of this code. The term does not include an animal used for illegal gaming.

(2) “Animal or crop facility” means a facility that is used in the production, management, sale, or processing of animals or crops. The term includes, but is not limited to:

(A) A building, greenhouse, structure, laboratory, pasture, field, paddock, pond, impoundment, or premises where animals or crops are located;

(B) A managed bee colony;

(C) A livestock market;

(D) A facility used for the preparation of, or processing of, animals, crops, or value-added foods for sale; and

(E) A facility used to carry out any agritourism activity, as that term is defined and used in §19-36-1 *et seq.* of this code.

(3) “Crop” means a shrub, vine, tree, seedling, shoot, slip, or other plant capable of producing food, fiber, medicine, nursery stock, floral products, or aesthetic beauty.

(b) Any person who willfully trespasses on the property of another which constitutes an animal or crop facility with the intent to commit larceny, destroy property, or disrupt the operation of the facility is guilty of willful trespass upon an animal or crop facility.

(c) Any person who conspires with one or more persons to violate subsection (b) of this section and commits an overt act in furtherance thereof is guilty of conspiracy to willfully trespass upon an animal or crop facility.

(d) Any person who violates subsection (b) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than \$1,000 or confined in jail not more than 30 days, or both fined and confined.

(e) Notwithstanding the provisions of subsection (d) of this section, any person convicted of a second or subsequent violation of subsection (b) or a violation of subsection (c) of this section is guilty of a felony and, upon conviction thereof, shall be fined not

less than \$5,000 nor more than \$10,000 or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(f) Notwithstanding and in addition to any other penalties provided by law, any person who performs, or causes damage to property in the course of, a willful trespass in violation of this section is liable to the owner or operator of the animal or crop facility in the amount of twice any damage caused.

(g) The owner or operator of an animal or crop facility may bring an action for injunctive relief against a person who engages in, or threatens to engage in, conduct that constitutes a violation of this section:

(1) The action may be brought in the circuit court of any county in which any part of the conduct or threatened conduct occurs or is threatened to occur.

(2) The circuit court may grant any appropriate injunctive relief to prevent or abate the conduct or threatened conduct, including a temporary restraining order, preliminary injunction, or permanent injunction.

(3) The circuit court may issue injunctive relief without the owner or operator of an animal or crop facility giving security for its issuance.

The bill (Com. Sub. for Com. Sub. for S. B. 490), as amended, was then ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 589**, Creating Critical Needs/Failing Systems Sub Account.

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 597**, Relating to judicial branch members' salaries and pensions.

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 702**, Designating specific grade levels in which nutrition and physical fitness programs are taught.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 703**, Increasing earning limit for employees who accept separation incentive.

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 706**, Clarifying duties of law-enforcement training and certification subcommittee.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 712**, Correcting name of Forensic Analysis Laboratory.

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 746**, Providing contracted managed care companies access to uniform maternal screening tool.

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 2497**, Relating to the whistleblower law.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

## **ARTICLE 1. WHISTLE-BLOWER LAW.**

### **§6C-1-3. Discriminatory and retaliatory actions against whistle-blowers prohibited; promotion, increased compensation protected.**

(a) No employer may discharge, threaten, or otherwise discriminate or retaliate against an employee by changing the employee's compensation, terms, conditions, location, or privileges of employment because the employee, acting on his or her own volition, or a person acting on behalf of or under the direction of the employee, makes a good faith report, or is about to report, verbally or in writing, to the employer or appropriate authority, an instance of wrongdoing or waste.

(b) No employer may discharge, threaten, or otherwise discriminate or retaliate against an employee by changing the employee's compensation, terms, conditions, location, or privileges of employment because the employee is requested or subpoenaed by an appropriate authority to participate in an investigation, hearing, or inquiry held by an appropriate authority or in a court action.

(c) No employer may deny a whistle-blower covered by the civil service system, because of his or her status or actions as a whistle-blower, a promotion or other increase in compensation that the whistle-blower otherwise would have received.

### **§6C-1-4. Civil action by whistle-blower for violation; limitation on actions; burden of proof; defense; use of evidence in civil service proceeding; grievance action available; other rights and actions not limited.**

(a) A person who alleges that he or she is a victim of a violation of this article may bring a civil action in a court of competent jurisdiction for appropriate injunctive relief or damages, or both, within ~~180 days~~ two years after the occurrence of the alleged violation.

(b) An employee alleging a violation of this article must show by a preponderance of the evidence that, prior to the alleged reprisal, the employee, or a person acting on behalf of or under the direction of the employee, had reported or was about to report in good faith, verbally or in writing, an instance of wrongdoing or waste to the employer or an appropriate authority.

(c) It shall be a defense to an action under this section if the defendant proves by a preponderance of the evidence that the action complained of occurred for separate and legitimate reasons, which are not merely pretexts.

(d) An employee covered by the civil service system who contests a civil service action, believing it to be motivated by ~~his~~ the employee having made a disclosure of information, may submit as admissible evidence any or all material relating to the action as whistle-blower and to the resulting alleged reprisal.

(e) Any employee covered by the civil service system who has suffered a retaliatory action as a result of being a whistle-blower may pursue a grievance under the West Virginia Public Employees Grievance Procedure.

(f) Nothing in this article shall impair or limit any other right or legal action of an employee covered by the civil service system.

**§6C-1-7. Limitations on scope of construction; protections related to political activity and membership in organization of employee.**

(a) The provisions of this article shall not be construed to require an employer to compensate an employee for participation in an investigation, hearing, or inquiry held by an appropriate authority or impair the rights ~~of any person under a collective bargaining or other labor management agreement~~ of any employee covered by the civil service system to be a member of an organization of employees or to refrain from being a member of an organization of employees.

(b) Except when on duty or acting in an official capacity, and except where otherwise prohibited by state or federal law, no

employee covered by the civil service system may be prohibited from engaging in political activity or be denied the right to refrain from engaging in political activity.

The bill (Eng. Com. Sub. for H. B. 2497), as amended, was then ordered to third reading.

**Eng. House Bill 4166**, Prohibiting certain sex offenders from being in a supervisory position over children.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

**Eng. House Bill 4353**, Creating a rational nexus requirement between prior criminal conduct and initial licensure decision making.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

**Eng. Com. Sub. for House Bill 4470**, Relating to persons 18 years of age or older in the custody of the Bureau of Juvenile Services.

On second reading, coming up in regular order, was read a second time and ordered to third reading.

**Eng. House Bill 4476**, Providing for the timely and efficient collection, submission, testing, retention, and disposition of forensic evidence in sexual assault cases.

On second reading, coming up in regular order, was read a second time.

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 9B. SEXUAL ASSAULT EXAMINATION NETWORK.**

**§15-9B-1. Sexual Assault Forensic Examination Commission.**

(a) The Sexual Assault Forensic Examination Commission is continued as a subcommittee of the Governor's Committee on Crime, Delinquency and Correction. The purpose of the commission is to establish, manage, and monitor a statewide system to facilitate the timely and efficient collection, submission, testing, retention, tracking, and disposition of forensic evidence in sexual assault cases. As used in this article, the word "commission" means the Sexual Assault Forensic Examination Commission.

(b) Membership on the commission shall consist of the following:

(1) A representative chosen from the membership of the West Virginia Prosecuting Attorneys Association who shall be chosen by the president of that organization;

(2) A representative chosen from the membership of the West Virginia Association of Counties who shall be chosen by the executive director of that organization;

(3) The Commissioner of the Bureau for Public Health, or his or her designee;

(4) A representative from the State Police Forensic Laboratory who shall be chosen by the Superintendent of the West Virginia State Police;

(5) A representative from the membership of the West Virginia Child Advocacy Network;

(6) The President of the West Virginia Hospital Association, or his or her designee;



(7) A representative from the membership of the West Virginia Foundation for Rape and Information Services who shall be chosen by the state coordinator of that organization;

(8) A representative of the West Virginia University Forensic and Investigative Sciences Program who shall be chosen by the director of that program; and

(9) A representative of the Marshall University Forensic Science Center who shall be chosen by the director of that organization.

(c) If any of the representative organizations listed in subsection (b) of this section cease to exist, the director of the Division of ~~Justice and Community~~ Administrative Services, or his or her designee, may select a person from a similar organization.

(d) The director of the Division of Administrative Services, or his or her designee, shall appoint the following additional members of the commission:

(1) An emergency room physician licensed to practice and practicing medicine in this state;

(2) A victim advocate from a rape crisis center employed in this state;

(3) A sexual assault nurse examiner who is engaged in an active practice within this state;

(4) A law-enforcement officer in this state with experience in sexual assault investigations;

(5) A health care provider with pediatric and child abuse expertise licensed in this state; and

(6) A director of a child advocacy center licensed and operating in this state.

(e) The commission shall establish mandatory statewide protocols for conducting sexual assault forensic examinations, including designating locations and providers to perform forensic

examinations, establishing minimum qualifications and procedures for performing forensic examinations, and establishing protocols to assure the proper collection of evidence.

**§15-9B-1a Definitions.**

As used in this article:

(1) “Biological evidence” includes a sexual assault forensic examination kit, semen, blood, saliva, hair, skin tissue, or other identified biological material.

(2) “DNA” means deoxyribonucleic acid. DNA is located in the nucleus of cells and provides an individual’s personal genetic blueprint. DNA encodes genetic information that is the basis of human heredity and forensic identification.

(3) “Nonreported kit” means a kit collected from an alleged victim who has consented to the collection of the kit, but has not consented to participation in the criminal justice process.

(4) “Sexual assault forensic examination kit” or “kit” means a set of materials, including, but not limited to, swabs and tools for collecting blood samples, clothing, or other materials used to gather forensic evidence from a victim of a reported sexual offense and the evidence obtained with the materials.

(5) “Sexual offense” means any offense or attempted offense in the jurisdiction of the state in which a sexual assault forensic examination kit is collected, including, but not limited to, the following sections:

(A) §61-8-12 of this code;

(B) §61-8A-2 of this code;

(C) §61-8A-4 of this code;

(D) §61-8A-5 of this code;

(E) Any offenses listed in §61-8B-1 *et seq.* of this code;

(F) Any offenses listed in §61-8C-1 et seq. of this code;

(G) Any offenses listed in §61-8D-1 et seq. of this code.

(6) “Unfounded” means evidence exists that proves no crime occurred or an alleged crime where the alleged victim has recanted.

**§15-9B-2. Powers and duties of the commission.**

(a) The commission shall facilitate the recruitment and retention of qualified health care providers that are properly qualified to conduct forensic examinations. The commission shall work with county and regional officials to identify areas of greatest need, and develop and implement recruitment and retention programs to help facilitate the effective collection of evidence.

(b) The commission shall authorize minimum training requirements for providers conducting exams and establish a basic standard of care for victims of sexual assault. The commission may adopt necessary and reasonable requirements relating to establishment of a statewide training and forensic examination system, including, but not limited to, developing a data collection system to monitor adherence to established standards, assisting exam providers to receive training and support services, advocating the fair and reasonable reimbursement to exam providers, and facilitating transportation services for victims to get to and from designated exam locations.

(c) The commission shall approve local plans for each area of the state or a county or regional basis. If the commission determines it necessary, it may add or remove a county or portion of a county from a region to assure that all areas of the state are included in an appropriate local plan. Upon the failure of any county or local region to propose a plan, the commission may implement a plan for that county or region.

(d) Once a plan is approved by the commission, it can only be amended or otherwise altered as provided by the rules authorized pursuant to subsection (e) of this section. Designated facilities and organizations providing services shall give the commission 30 days' advance notice of their intent to withdraw from the plan. If

there is a change of circumstances that would require a change in a county or regional plan, the members of the local board and the state commission shall be notified.

(e) The commission may adopt and modify bylaws, policies, and procedures for the conduct of its meetings and the operation of the committee. The commission may propose rules for legislative approval, in accordance with §29A-3-1 *et seq.* of this code, that are necessary to implement this article.

(f) The commission shall elect a chair and a vice chair, and any other officers as it considers necessary. Special meetings may be held upon the call of the chair, vice chair, or a majority of the members of the commission. A majority of the members of the commission present in person, by proxy or designation, or by electronic means constitutes a quorum.

(g) Any member appointed to the commission who is a written, designated representative has the full rights of a member, including the right to vote, serve on subcommittees, or perform any other function.

(h) The commission may make recommendations to the Governor's Committee on Crime, Delinquency and Correction for legislation related to the commission's duties and responsibilities, or for research or studies by the Division of ~~Justice and Community~~ Administrative Services, Justice and Community Services Section on topics related to the commission's duties and responsibilities.

(i) On or before December 1, 2020, the Commission shall develop a written plan to:

(1) Prioritize the testing of kits;

(2) Ensure all kits are tested; and;

(3) Establish a system of tracking kits received which shall be available to victims;

(j) The Commission may suggest additional protocols to the superintendent which it determines might improve the efficacy of testing;

(k) Any reports generated by the Commission shall be submitted to the Joint Committee on Government and Finance.

**§15-9B-4. Submission, testing, and retention of sexual assault forensic examination kits.**

(a) The Sexual Assault Forensic Examination Commission created by §15-9B-1 of this code shall establish a subgroup of persons with subject matter expertise to establish best-practice protocols for the submission, testing, retention, and disposition of sexual assault forensic examination kits collected by health care providers. The commission shall propose rules for legislative approval, in accordance with §29A-3-1 *et seq.* of this code, detailing best-practice protocols. Upon approval of the legislative rules, local sexual assault forensic examination boards shall follow the rules.

(b) Rules promulgated pursuant to subsection(a) of this section shall include:

(1) Time frames for submission of sexual assault forensic examination kits in the possession of law enforcement; and

(2) Protocols for storage of DNA samples and sexual assault forensic examination kits.

(c) The commission may promulgate emergency rules pursuant to the provisions of §29A-3-15 of this code in order to implement this section: *Provided*, That no emergency rule may permit the destruction of any DNA evidence.

(d) Upon collection, a sexual assault forensic examination kit shall be submitted for testing by the health care provider to the West Virginia State Police Forensic Laboratory within 30 days of collection or as soon thereafter as practicable. All packaging kits for transmittal and transmittal protocols shall be designed to meet

applicable standards for maintaining the efficacy of the sample and chain of custody.

(e) No sexual assault forensic examination kit need be tested where the alleged victim has not consented to the testing, requests that the kit not be tested, where he or she recants as to the allegation of a sexual offense, or the allegation that a sexual offense occurred is determined to be unfounded. If the alleged victim does not consent to law enforcement involvement, the kit shall be designated a nonreported kit and transmitted to the Marshall University Forensic Science Center.

(f) The Commission shall, in cooperation with the West Virginia State Police, develop protocols for storage of previously tested materials to be made available for secondary testing upon a court order to do so.

(g) Biological evidence obtained through tests of a sexual assault forensic examination kit shall not be destroyed:

(1) During the time period of incarceration of a person whose DNA was identified by the use of the biological evidence, or while the person remains under continued supervision, whichever is later in time; or;

(2) For as long as the offense from which the biological evidence is obtained remains unresolved;

(h) Notwithstanding any provision of this code, or any rule or policy promulgated thereunder, upon completion of the processing and testing set forth in subsection (d) of this section, the sexual assault forensic examination kit shall be transmitted to the appropriate investigating local or state law-enforcement agency which shall retain all identified biological material that is secured in connection with any sexual offense or attempted sexual offense for the periods set forth in subsection (g) of this section.

(i) After processing and testing of a sexual assault forensic examination kit, the West Virginia State Police Laboratory shall transmit the sexual assault forensic examination kit to the appropriate investigating state or local law-enforcement agency

through any reasonable means sufficient to establish the proper chain of custody, including, but not limited to, use of the United States Postal Service or hand delivery by appropriate personnel or a law-enforcement officer. The appropriate investigating state or local law-enforcement agency shall preserve the sexual assault forensic examination kit for the period of time prescribed in subsection (g) of this section in a condition where any biological evidence is suitable for DNA testing. The lack of timely submission, or the inadvertent loss or destruction of a sexual assault forensic examination kit, standing alone, shall not constitute a bar to the prosecution of a sexual offense.

(j) Sexual assault forensic examination kits retained pursuant to this section shall be made available for DNA testing pursuant to §15-2B-7 of this code or pursuant to an appropriate order of a circuit court of competent jurisdiction for secondary testing.

(k) The appropriate investigating state or local law-enforcement agency responsible for retaining the sexual assault forensic examination kit shall obtain approval from the circuit court of competent jurisdiction for the county in which the crime occurred before disposal of any biological evidence. Before the disposal of any sexual assault forensic examination kit, reasonable efforts shall be made to provide written notice to the victim by the prosecuting attorney of the county in which the crime occurred.

(l) Nothing in this section shall be construed as limiting a state or local law-enforcement agency's discretion concerning the conditions under which biological evidence is retained, preserved, or transferred among different entities if the evidence is retained in a condition that is suitable for DNA testing.

#### **§15-9B-5 Offenses; penalty.**

Any person who willfully neglects or refuses to do or perform any duty imposed by this article is guilty of a misdemeanor and, upon conviction, shall be fined not less than \$50 nor more than \$200, or be confined in jail for a period of not more than 60 days, or both fined and confined.

On motion of Senator Trump, the following amendment to the Judiciary committee amendment to the bill (Eng. H. B. 4476) was reported by the Clerk and adopted:

On page three, section one-a, by striking out all of subdivision (6) and inserting in lieu thereof a new subdivision, designated subdivision (6), to read as follows:

(6) “Unfounded” means evidence developed after reasonable investigation and supported by proper documentation proving no crime occurred or where the alleged victim has recanted.

The question now being on the adoption of the Judiciary committee amendment to the bill, as amended, the same was put and prevailed.

The bill (Eng. H. B. 4476), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

**Senate Bill 572**, Expiring funds from General Revenue and Lottery Net Profits to various accounts.

**Com. Sub. for Senate Bill 717**, Relating generally to adult protective services.

**Senate Bill 725**, Supplemental appropriation to various Department of Education accounts.

**Senate Bill 778**, Supplemental appropriation expiring funds from State Excess Lottery Revenue Fund to DHHR.

**Senate Bill 779**, Supplemental appropriation expiring funds in State Excess Lottery Revenue to Department of Veterans’ Assistance.



**Senate Bill 780**, Supplemental appropriation by decreasing and adding new appropriation out of Treasury to DMAPS.

And,

**Eng. House Bill 4601**, Relating to distribution of premium tax proceeds to municipal policemen's and firemen's pension and relief funds.

The Senate proceeded to the eleventh order of business and the introduction of guests.

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senator Roberts.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Roberts were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Plymale, unanimous consent being granted, it was ordered that the Journal show had Senator Plymale been present in the chamber on Wednesday, February 5, 2020, he would have voted "yea" on the passage of Engrossed Committee Substitute for House Bill 4091 and Engrossed House Bill 4393 and "nay" on the adoption of Engrossed Committee Substitute for Senate Joint Resolution 7.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions:

**Senate Bill 135:** Senator Maynard;

**Senate Bill 319:** Senator Plymale;

**Com. Sub. for Senate Bill 729:** Senator Hamilton;

**Senate Bill 753:** Senator Hamilton;

**Senate Bill 762:** Senators Lindsay, Baldwin, and Stollings;

**Senate Bill 763:** Senator Facemire;

**Senate Bill 764:** Senators Stollings, Cline, and Plymale;

**Senate Bill 766:** Senator Azinger;

**Senate Bill 767:** Senator Tarr;

**Senate Bill 768:** Senators Cline, Stollings, and Hamilton;

**Senate Bill 770:** Senators Stollings and Rucker;

**Senate Bill 774:** Senators Roberts and Stollings;

**Senate Bill 775:** Senator Rucker;

**Senate Bill 776:** Senator Cline;

**Senate Concurrent Resolution 30:** Senators Lindsay, Unger, and Jeffries;

**Senate Concurrent Resolution 31:** Senators Lindsay, Unger, and Jeffries;

**Senate Concurrent Resolution 32:** Senators Lindsay, Unger, and Jeffries;

And,

**Senate Resolution 40:** Senators Cline, Lindsay, Unger, Facemire, Baldwin, Hamilton, Stollings, and Palumbo.

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Takubo, at 12:33 p.m., the Senate adjourned until Monday, February 17, 2020, at 11 a.m.

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## MONDAY, FEBRUARY 17, 2020

The Senate met at 11:16 a.m.

(Senator Carmichael, Mr. President, in the Chair.)

Prayer was offered by the Reverend Eric Porterfield, Fifth Avenue Baptist Church, Huntington, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Bill Hamilton, a senator from the eleventh district.

Pending the reading of the Journal of Friday, February 14, 2020,

At the request of Senator Maroney, 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.

On motion of Senator Takubo, at 11:27 a.m., the Senate recessed to permit Logan Casto and Tyler Faulstick to address the Senate on behalf of the Governor's School for the Arts and Isabel Menon on behalf of the Governor's Honors Academy.

The Senate reconvened at 11:34 a.m. and proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

**Eng. Senate Bill 300**, Updating certain terms in WV Corporation Net Income Tax Act.

A message from the Clerk of the House of Delegates announced the passage by that body, without amendment, to take

effect from passage, and requested the concurrence of the Senate in the changed effective date, as to

**Eng. Senate Bill 310**, Updating certain terms used in WV Personal Income Tax Act.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

On further motion of Senator Takubo, the Senate concurred in the changed effective date of the bill, that being to take effect from passage, instead of July 1, 2020.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Mann and Palumbo—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 310) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the amendment by that body, passage as amended, and requested the concurrence of the Senate in the House of Delegates amendments, as to

**Eng. Com. Sub. for Senate Bill 560**, Permitting nursing home use trained individuals administer medication.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page six, section five, line eight, after the word “promulgated” by inserting the words “by the authorizing agency”;

And,

On page six, section five, line nine, by striking out the words “to implement” and inserting in lieu thereof the words “relating to”.

On motion of Senator Maroney, the following amendment to the House of Delegates amendments to the bill (Eng. Com. Sub. for S. B. 560) was reported by the Clerk and adopted:

By striking out the title and substituting therefor a new title, to read as follows:

**Eng. Com. Sub. for Senate Bill 560**—A Bill to repeal §30-7D-1, §30-7D-2, §30-7D-3, §30-7D-4, §30-7D-5, §30-7D-6, §30-7D-7, §30-7D-8, §30-7D-9, §30-7D-10, §30-7D-11, §30-7D-12, and §30-7D-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §16-5AA-1, §16-5AA-2, §16-5AA-3, §16-5AA-4, §16-5AA-5, §16-5AA-6, §16-5AA-7, §16-5AA-8, §16-5AA-9, and §16-5AA-10, all relating to permitting a nursing home to use trained individuals to administer medication under the direction of a registered professional nurse; defining terms; authorizing approved medication assistive personnel (AMAP) to administer medication in nursing homes; providing certain exemptions from chapter 30 licensing requirements; establishing requirements for training curricula and national medication aide certification examination procedures; establishing eligibility criteria; establishing requirements for AMAP to administer medication; requiring compliance with legislative rules promulgated by the authorizing agency; requiring nursing homes using AMAP to establish an administrative monitoring system; permitting a registered professional nurse to withdraw authorization for AMAP to

administer medications in certain circumstances; allowing certain fees to be collected; providing limits on administration of medication by AMAP; providing that use of AMAP in nursing homes is permissive; and repealing a pilot program designed to monitor the practice of unlicensed personnel administering medication in a nursing home setting.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments, as amended.

Engrossed Committee Substitute for Senate Bill 560, as amended, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boley, Clements, Cline, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Plymale, Prezioso, Roberts, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, and Carmichael (Mr. President)—27.

The nays were: Baldwin, Hamilton, Pitsenbarger, Romano, and Unger—5.

Absent: Mann and Palumbo—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 560) passed with its Senate amended title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

A message from the Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

**Eng. House Bill 4179**, Recognition of Emergency Medical Services Personnel Licensure Interstate Compact.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

On further motion of Senator Takubo, the Senate acceded to the request of the House of Delegates and receded from its amendments to the bill.

Engrossed House Bill 4179, as amended by deletion, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Mann and Palumbo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4179) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4198**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-53-2, relating to required insurance coverage; permitting a person to obtain a 12-month supply of contraceptive drugs; defining terms; and providing exclusions.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4217**—A Bill to amend and reenact §64-3-1 et seq. of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies of the Department of Environmental Protection to promulgate legislative rules; authorizing the rules as filed, as modified by the Legislative Rule-Making Review Committee, and as amended by the Legislature; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from hazardous waste treatment, storage, and disposal facilities; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of ozone season nitrogen oxides emissions; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to West Virginia surface mining reclamation rule; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to groundwater protection rules for coal mining operations; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to hazardous waste management system; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to voluntary remediation and redevelopment rule; and authorizing the Oil and Gas Conservation Commission to promulgate a legislative rule relating to rules of the commission.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4406**—A Bill to amend and reenact §31A-4-35 of the Code of West Virginia, 1931, as amended, relating to the



reproduction of checks and other records, and the preservation and disposition of originals.

Referred to the Committee on Banking and Insurance.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4513**—A Bill to amend and reenact §20-2-5a of the Code of West Virginia, 1931, as amended, relating to increasing the replacement costs required of a person causing injury or death of game or protected species; providing additional replacement costs for antlered deer; and requiring revocation of hunting and fishing licenses for conviction of described offenses.

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 502**, Relating to methamphetamine criminal penalty.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 502** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §60A-4-401 of the Code of West Virginia, 1931, as amended, relating to methamphetamine; and amending criminal penalty.

And,

**Senate Bill 692**, Clarifying persons indicted or charged jointly for felony offense can move to have separate trial.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 692** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §62-3-8 of the Code of West Virginia, 1931, as amended, relating to clarifying that persons charged with a felony offense or offenses are entitled to a separate trial as to their guilt or innocence upon moving therefor; and clarifying that the statutory right to a separate trial preempts any provisions of law or judicial rule to the contrary.

With the recommendation that the two committee substitutes 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 562**, Expunging certain criminal convictions.

And reports the same back with the recommendation that it 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 610**, Removing resident manager requirement for Alcohol Beverage Control Administration.

And reports the same back with the recommendation that it do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

**By Senator Takubo:**

**Senate Bill 797**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5B-19; to amend and reenact §17C-1-6 of said code; and to amend and reenact §30-29-1, §30-29-5, and §30-29-8 of said code, all relating generally to the authorization by governing boards of public and private hospitals to appoint and employ hospital police officers; providing for the qualifications, training, authority, compensation, and removal of hospital police officers; providing for the assistance of local law-enforcement agencies upon request; and providing limitations on liability of hospital police officers.

Referred to the Committee on Health and Human Resources.

**By Senator Sypolt:**

**Senate Bill 798**—A Bill to amend and reenact §19-37-2 of the Code of West Virginia, 1931, as amended, relating to adding pasteurized milk and other dairy foods produced or processed in West Virginia to the list of items required to be purchased by all state-funded institutions, such as schools, colleges, correctional facilities, governmental agencies, and state parks.

Referred to the Committee on Finance.

**By Senator Maynard:**

**Senate Bill 799**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-

9-1, relating to establishing the West Virginia Convention and Visitor's Bureau Oversight Council; establishing membership of council; providing for the appointment of members; and establishing the council's duties.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

**By Senators Romano and Facemire:**

**Senate Bill 800**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31G-4-5a, relating to authorizing electric utilities to construct and operate a project within the electric utility distribution system.

Referred to the Committee on Economic Development.

**By Senator Palumbo:**

**Senate Bill 801**—A Bill to amend and reenact §18-7A-17a of the Code of West Virginia, 1931, as amended, relating to providing a 12-month window to permit members of the State Teachers Retirement System to purchase qualified military service credits that had been previously forfeited.

Referred to the Committee on Pensions; and then to the Committee on Finance.

**By Senator Swope:**

**Senate Bill 802**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-1-10, relating to the regulation of public utilities generally; providing legislative findings; providing that certain large volume end users may receive natural gas service without the permission, consent, control, review, or input of the West Virginia Public Service Commission; providing that the end user shall make certain certifications to the commission; providing that the commission shall receive, file, and retain all end user certifications; providing that no person, entity, or body shall be a public utility, intrastate pipeline, common carrier, or otherwise subject to the jurisdiction of the commission as a result of supplying such end users; and

providing that provisions shall not prevent or impede the commission's safety regulation of pipelines.

Referred to the Committee on Government Organization.

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 803**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2020, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020.

Referred to the Committee on Finance.

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 804**—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, 2020, to the Public Service Commission, Consumer Advocate Fund, fund 8627, fiscal year 2020, organization 0926, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020.

Referred to the Committee on Finance.

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 805**—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, 2020, to the Department of Transportation, Division of Highways, A. James Manchin Fund, fund 8319, fiscal year 2020, organization 0803, and to the Department of Transportation, State Rail Authority, West Virginia Commuter Rail Access Fund, fund 8402, fiscal year 2020, organization 0804, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020.

Referred to the Committee on Finance.

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 806**—A Bill supplementing and amending by adding a new appropriation of federal funds out of the Treasury to the Department of Transportation, fund 8831, fiscal year 2020, organization 0807, by supplementing, amending, and adding a new appropriation for the fiscal year ending June 30, 2020.

Referred to the Committee on Finance.

**By Senators Beach, Baldwin, Facemire, Hamilton, and Unger:**

**Senate Bill 807**—A Bill to amend and reenact §18-5-18b of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-9A-8 of said code, all relating to requiring a statewide full-time professional counselor to student ratio of one to every 250 students; and requiring that every public school in the state have at least one professional counselor.

Referred to the Committee on Education; and then to the Committee on Finance.

**By Senator Stollings:**

**Senate Bill 808**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13Q-10b, relating to authorizing a tax credit for business entities that invest in certain fresh food retailers located in underserved communities and similar areas.

Referred to the Committee on Finance.

**By Senator Ihlenfeld:**

**Senate Bill 809**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18A-2A-1, §18A-2A-2, §18A-2A-3, §18A-2A-4, §18A-2A-5, §18A-2A-6, and §18A-2A-7, all relating to persons not eligible for employment in public schools.

Referred to the Committee on Education.

**By Senator Smith:**

**Senate Bill 810**—A Bill to amend and reenact §22-5-20 of the Code of West Virginia, 1931, as amended, relating to adoption of a state plan implementing the federal Affordable Clean Energy rule pursuant to section 111(d) of the federal Clean Air Act.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on the Judiciary.

**By Senator Tarr:**

**Senate Bill 811**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-1-9, relating to creating the Economic Diversification Act of 2020 for the purpose of income tax relief, by state, county, and municipal government, to new or existing businesses whose product or service offered is not currently offered in the state; requiring the Secretary of Commerce to appoint a commission to determine eligibility; providing that commission to be composed of government officials and private citizens; limiting the tax relief to a maximum period of eight years; and providing for rulemaking.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

**By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):**

**Senate Bill 812**—A Bill making a supplementary appropriation of Lottery Net Profits from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits to the Bureau of Senior Services - Lottery Senior Citizens Fund, fund 5405, fiscal year 2020, organization 0508, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020.

Referred to the Committee on Finance.

**By Senator Maynard:**

**Senate Bill 813**—A Bill to amend and reenact §31D-1-131 of the Code of West Virginia, 1931, as amended, relating to the Secretary of State; and requiring the establishment of searchable

databases for West Virginia registered corporation and sole proprietorship information.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

**By Senators Romano, Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Palumbo, Plymale, Prezioso, Stollings, Unger, and Woelfel:**

**Senate Bill 814**—A Bill to amend and reenact §18A-4-2 of the Code of West Virginia, 1931, as amended, relating to providing pay raises to public school teachers.

Referred to the Committee on Education; and then to the Committee on Finance.

**By Senator Blair:**

**Senate Bill 815**—A Bill to amend and reenact §17-2A-2 of the Code of West Virginia, 1931, as amended, relating to removing the residency requirement for the Commissioner of the Division of Highways.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Blair:**

**Senate Bill 816**—A Bill to amend and reenact §11-6F-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-13S-3 of said code, all relating generally to updating the North American Industry Classification System code references; and making other technical changes to conform to new bill-drafting requirements.

Referred to the Committee on Finance.

**By Senator Cline:**

**Senate Bill 817**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15C-2; and to amend said code by adding thereto a new section, designated §33-51-11, all relating to reducing the cost of prescription drugs; providing consumers with an insulin cost cap



for a 30-day supply; and requiring certain compensation received from a pharmaceutical manufacturer, developer, or labeler to be used for benefit of covered persons.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

**By Senator Roberts:**

**Senate Bill 818**—A Bill to authorize and empower the State of West Virginia to transfer Little Beaver State Park in Raleigh County to the Raleigh County Commission.

Referred to the Committee on Natural Resources.

**By Senator Cline:**

**Senate Bill 819**—A Bill to amend and reenact §17C-17A-2, §17C-17A-3, §17C-17A-5, and §17C-17A-12 of the Code of West Virginia, 1931, as amended, all relating generally to the Commissioner of the Division of Highways to effectively manage the Coal Resource Transportation roads; defining certain terms; requiring reports be filed with the Legislative Oversight Commission on Department of Transportation Accountability; specifying information to be provided; Creating the Coal Resource Transportation Advisory Committee; simplifying process for the commissioner to designate or decertify a road in the Coal Resource Transportation System; revising reporting requirements; specifying information to be provided; and correcting technical errors.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Takubo:**

**Senate Bill 820**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §27-2A-2, relating to authorizing the Department of Health and Human Resources to transfer comprehensive community mental health centers and comprehensive intellectual disability facilities to regional mental health centers or regional intellectual disability facilities.

Referred to the Committee on Health and Human Resources.

**By Senator Takubo:**

**Senate Bill 821**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-7K-1, §55-7K-2, and §55-7K-3, all relating to providing immunity from civil liability to facilities and employees providing crisis stabilization and/or drug and alcohol detoxification services, substance use disorder services, and/or drug overdose services on a short-term basis.

Referred to the Committee on the Judiciary.

**By Senator Mann:**

**Senate Bill 822**—A Bill to amend and reenact §7-14-17c of the Code of West Virginia, 1931, as amended, relating to increasing the annual longevity-based salary increase for civil service deputy sheriffs to \$50 per month for every year of service.

Referred to the Committee on Finance.

**By Senator Hamilton:**

**Senate Bill 823**—A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to increasing salaries for members of the West Virginia State Police over a three-year period; increasing the annual interval salary increase; and setting effective dates.

Referred to the Committee on Finance.

**By Senator Romano:**

**Senate Bill 824**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5D-6, relating to establishing the Summer Feeding for All Program; providing findings; directing a county-by-county assessment of nonschool day student initiative; food insecurities; empowering county school boards to develop initiatives and programs for feeding students in need during summer and other nonschool time periods; providing county board reporting requirements to the Office of Child Nutrition; and directing the

Office of Child Nutrition to collect and distribute information regarding available food resources.

Referred to the Committee on Education; and then to the Committee on Finance.

**By Senator Maynard:**

**Senate Bill 825**—A Bill to amend and reenact §11A-1-9 of the Code of West Virginia, 1931, as amended, relating to payment of taxes by co-owners.

Referred to the Committee on the Judiciary.

**By Senator Baldwin:**

**Senate Bill 826**—A Bill to amend and reenact §3-1-16 of the Code of West Virginia, 1931, as amended; and to amend said code by adding a new article, designated §3-13-1, §3-13-2, §3-13-3, §3-13-4, and §3-13-5, all relating to implementing a system for ranked choice voting for the election of justices to the West Virginia Supreme Court of Appeals.

Referred to the Committee on the Judiciary.

**By Senator Jeffries:**

**Senate Bill 827**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-30-1, §17-30-2, §17-30-3, and §17-30-4; and to amend and reenact §22-1-6 of said code, all relating to the protection and repair of damage caused by the oil and gas industry to our state roads; stating legislative findings and intent; defining terms; prohibiting issuance of any permit under chapter 22 of this code until Division of Highways agreement and permit issued; requiring a road use agreement and permit; specifying terms and conditions for road use agreement and permit; requiring surety; specifying minimum bond amounts; authorizing commissioner to increase bond requirements; and authorizing the oil and gas operation to choose form of security provided.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

**By Senator Jeffries:**

**Senate Bill 828**—A Bill to amend and reenact §8-13-5 of the Code of West Virginia, 1931, as amended, relating to clarifying municipal business and occupation taxation where business activity occurs in more than one location; defining terms to reflect the changing national economy; and authorizing the Tax Commissioner to promulgate any necessary regulations.

Referred to the Committee on Finance.

**By Senator Maynard:**

**Senate Bill 829**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2I-9, relating to establishing the Overland Recreation Fund as a special fund; specifying the purposes for which the fund may be used; and defining terms.

Referred to the Committee on Finance.

**By Senator Blair:**

**Senate Bill 830**—A Bill to repeal §5-5-4a of the Code of West Virginia, 1931, as amended, relating to eliminating a special merit-based employment system for health care professionals in state-operated health care facilities.

Referred to the Committee on Health and Human Resources.

**By Senator Swope:**

**Senate Bill 831**—A Bill to amend and reenact §31-15-5 and §31-15-6 of the Code of West Virginia, 1931, as amended, all relating to clarifying the ability of the Economic Development Authority Board of Directors to enter into any contracts necessary to carry out its duties; clarifying the ability of the board of directors to delegate to the executive director the authority to enter into said contracts; and to clarify the exemption from the requirements to use the Purchasing Division for contracts made in furtherance of the agency's statutory purpose.

Referred to the Committee on Economic Development.

**By Senator Maynard:**

**Senate Bill 832**—A Bill to repeal §11-9-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-15-3, §11-15-4, §11-15-4a, §11-15-4b, and §11-15-13 of said code; and to amend and reenact §11-15A-5, §11-15A-6, and §11-15A-8 of said code, all relating to permitting retailers to assume or absorb any sales or use tax assessed on tangible personal property.

Referred to the Committee on Finance.

**By Senator Cline:**

**Senate Bill 833**—A Bill to amend and reenact §18-5-20 of the Code of West Virginia, 1931, as amended, relating to all county boards of education requiring all schools in the county to have a library; and requiring all county boards of education require all schools in the county employ a full-time librarian.

Referred to the Committee on Education; and then to the Committee on Finance.

**By Senator Maynard:**

**Senate Bill 834**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-13-1, relating to the operation of street-legal special purpose vehicles; permitting the operation of street-legal special purpose vehicles on highways; providing for registration of street-legal special purpose vehicles on highways; providing for registration of street-legal special purpose vehicles; establishing licensing and equipment requirements for street-legal special purpose vehicles; defining terms; and requiring rulemaking.

Referred to the Committee on Transportation and Infrastructure.

**By Senators Tarr and Plymale:**

**Senate Bill 835**—A Bill to amend and reenact §5A-6-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5A-6-9; to amend and reenact §18B-2B-6 of said code; to amend and reenact §18B-4-2 of said code; and to amend and reenact §18B-6-1a of said code, all

relating to transferring the West Virginia Network for Educational Telecomputing and all its property and personnel to the Office of Technology.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

**By Senator Sypolt:**

**Senate Bill 836**—A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to providing rule-making power to Director of the Division of Natural Resources for the purposes of regulating the training of dogs that pursue or track bear.

Referred to the Committee on Natural Resources.

Senators Baldwin and Mann offered the following resolution:

**Senate Concurrent Resolution 39**—Requesting the Division of Highways name bridge number 13-60-1.43 (13A103), locally known as Little Sewell Creek Bridge, carrying US 60 over Little Sewell Creek in Greenbrier County, the “U.S. Navy PO1 Jeffrey S. Taylor Memorial Bridge”.

Whereas, U.S. Navy Petty Officer 1st Class E-6 Jeffrey S. Taylor was born May 18, 1975, in Midway West Virginia. He enlisted in the U.S. Navy on July 23, 1993, and attended basic training at NTC Great Lakes, Illinois, from June to August 1994. Petty Officer Taylor completed Hospital Corpsman training in December 1994, followed by service at the Naval Medical Center in Portsmouth, Virginia, from January 1995 to December 1996. Petty Officer Taylor attended the Field Medical Service School at Camp Lejeune, North Carolina, from January to February 1997, and then served as Corpsman with the Marine Corps’ 2d Marine Division at Camp Lejeune from February 1997 to July 1999; and

Whereas, Petty Officer Taylor entered Basic Underwater Demolition/SEAL training at the end of July 1999, and after completing BUD/S training, Jump School, and SEAL Qualification training, he served with SEAL Team Eight at the Naval Amphibious Base (NAB) Little Creek, Virginia, from September

2000 to October 2001. His next assignment was aboard the aircraft carrier USS Theodore Roosevelt (CVN-71) from October 2001 to June 2002, followed by service at the John F. Kennedy Special Warfare Center at Fort Bragg, North Carolina, from July 2002 to February 2003; and

Whereas, While serving aboard the USS Theodore Roosevelt, Petty Officer Taylor deployed to Afghanistan with SEAL Team Three in November 2001. His final assignment was with SEAL Team Ten at NAB Little Creek from February 2003 until he was killed in action on June 28, 2005 while deployed to Afghanistan when the MH-47 Chinook helicopter he was aboard was shot down by an enemy rocket-propelled grenade during Operation Red Wings. Petty Officer Taylor was buried in Arlington National Cemetery; and

Whereas, Petty Officer Taylor's Bronze Star Medal with Valor Citation reads: "For heroic achievement in connection with combat operations against the enemy while serving as Leading Platoon Petty Officer, SEAL Team Ten, while deployed to Afghanistan in support of Operation Enduring Freedom on 28 June 2005. As part of a Quick Reaction Force, Petty Officer Taylor was sent to reinforce a Navy SEAL Special Reconnaissance element engaged in a fierce firefight against a numerically superior Anti-Coalition Militia near Asadabad, Konor Province, Afghanistan. The Special Reconnaissance element was under siege from enemy fire in extremely rugged and unforgiving terrain. Demonstrating exceptional resolve and fully comprehending the ramifications of the mission, Petty Officer Taylor's element launched aboard a Helicopter for direct insertion onto an active battlefield, ready to engage and destroy the enemy in order to protect the lives of their fellow SEALs. While airborne Petty Officer Taylor continued working with member of his team to develop the plan of attack to support both a Quick Reaction Force and an urgent execution of the intended deliberate assault. As the helicopter hovered in preparation for a daring fast-rope insertion of the SEALs, the aircraft was struck by an enemy rocket-propelled grenade fired by Anti-Coalition Militia. The resulting explosion and impact caused the tragic and untimely loss of life of all onboard. Petty Officer

Taylor's bravery and heroism in the face of severe danger while fighting the Global War on Terrorism was extraordinary. By his courageous actions, zealous initiative and loyal dedication to duty, Petty Officer Taylor reflected great credit upon himself and upheld the highest traditions of the United States Navel Service"; and

Whereas, In 2007 the book *Lone Survivor: The Eyewitness Account of Operation Redwing and the Lost Heroes of SEAL Team 10*, written by Marcus Luttrell with Patrick Robinson, was published by Little, Brown and Company. That book was the basis for the motion picture *Lone Survivor*, released in 2013 and directed by Peter Berg. Both the book and the motion picture told the story of Petty Officer Taylor's last mission; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Navy Petty Officer 1st Class E-6 Jeffrey S. Taylor's contributions to our state and country, and for having made the ultimate sacrifice; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 13-60-1.43 (13A103), locally known as Little Sewell Creek Bridge, carrying US 60 over Little Sewell Creek in Greenbrier County, the "U.S. Navy PO1 Jeffrey S. Taylor Memorial Bridge"; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. Navy PO1 Jeffrey S. Taylor 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.

Senator Boley offered the following resolution:



**Senate Resolution 45**—Congratulating the St. Mary’s High School golf team for winning the 2019 West Virginia Class A state golf championship.

Whereas, The St. Mary’s golf team had an outstanding year on the links which culminated in the team winning the school’s first golf state championship since 1989; and

Whereas, The St. Mary’s golf team captured their state championship in dominant fashion with a 21-stroke victory over their nearest competitor at the Speidel Golf Club at Oglebay Resort – Jones Course, in Wheeling, West Virginia; and

Whereas, The St. Mary’s golf team is coached by Catie Hamilton and Blaze Armstrong and consists of team members: Grant Barnhart, Ethan Bennett, Ethan Davis, Brandon Lawhon, Luke Webb, Brayden Hall, and Kyle Jones; and

Whereas, The St. Mary’s golf team displayed their strong will and determination for an entire season and is a shining example of what can be accomplished with dedication, commitment, and teamwork; and

Whereas, The St. Mary’s golf team will be remembered as one of the best teams ever assembled in West Virginia high school golf history; therefore, be it

*Resolved by the Senate:*

That the Senate hereby congratulates the St. Mary’s High School golf team for winning the 2019 West Virginia Class A state golf championship; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the St. Mary’s High School golf team.

Which, under the rules, lies over one day.

### **Petitions**

Senator Sypolt presented a petition from Robert L. Kelly and 93 West Virginia residents, supporting Committee Substitute for

Senate Bill 160 (*Creating Voluntary WVU Rifle Team Check-Off Program on hunting and fishing licenses*).

Referred to the Committee on Finance.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 25**, Requesting study on impact of future electromagnetic pulse catastrophe.

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.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Azinger regarding the adoption of Senate Concurrent Resolution 25 were ordered printed in the Appendix to the Journal.

**Senate Concurrent Resolution 33**, US Air Force MSGT Dvon Duncan 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 34**, US Army CPL Dane Hampton Hamric 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 35**, Veterans Memorial Drive.

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 36**, Shafer Brothers US Military Veterans 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 37**, Naming intersection in Hanover, Wyoming County, “Godfrey’s Corner”.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

**Senate Resolution 41**, Designating February 17, 2020, as Pancreatic Cancer Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Smith, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Smith and Stollings regarding the adoption of Senate Resolution 41 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 11:53 a.m., the Senate recessed to present Senate Resolution 41.

The Senate reconvened at 11:57 a.m. and resumed business under the seventh order.

**Senate Resolution 42**, Commemorating centennial of ratification of 19th Amendment to the US Constitution.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Boley, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Boley and Cline regarding the adoption of Senate Resolution 42 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 12:03 p.m., the Senate recessed to present Senate Resolution 42.

The Senate reconvened at 12:08 p.m. and resumed business under the seventh order.

**Senate Resolution 43**, Recognizing President George Washington and President Abraham Lincoln on President's Day.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Azinger, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with, and adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Azinger regarding the adoption of Senate Resolution 43 were ordered printed in the Appendix to the Journal.

**Senate Resolution 44**, Urging Major League Baseball rescind ill-advised proposal that threatens future of professional baseball in WV.

On unfinished business, coming up in regular order, was reported by the Clerk.

At the request of Senator Lindsay, 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, and on this question, Senator Lindsay demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Mann and Palumbo—2.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 44) adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Lindsay and Beach regarding the adoption of Senate Resolution 44 were ordered printed in the Appendix to the Journal.

At the request of Senator Blair, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 265**, Authorizing DEP to develop Reclamation of Abandoned and Dilapidated Properties Program.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton,

Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Mann and Palumbo—2.

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. 265) 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 279**, Requiring dental insurance plans honor assignment made in writing by person covered.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Mann and Palumbo—2.

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. 279) 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 306**, Licensing of drivers utilizing bioptic telescopic devices.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Mann and Palumbo—2.

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. 306) 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 Com. Sub. for Senate Bill 490**, Relating to criminal offenses against agricultural facilities.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Mann and Palumbo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 490) 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 Com. Sub. for Senate Bill 490**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3B-7, relating to creating the offenses of trespass upon an animal or crop facility and conspiracy to trespass upon an animal or crop facility; defining terms; establishing criminal penalties; creating an enhanced felony offense for second and subsequent violations; authorizing double damages for injuries to animal and crop facilities and equipment; and allowing injunctive relief.

*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 589**, Creating Critical Needs/Failing Systems Sub Account.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Mann and Palumbo—2.

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. 589) 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 Com. Sub. for Senate Bill 597**, Relating to judicial branch members' salaries and pensions.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Committee Substitute for Senate Bill 597 pass?"

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—29.

The nays were: Baldwin, Beach, and Tarr—3.

Absent: Mann and Palumbo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 597) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2020.

On this question, the yeas were: Azinger, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—29.

The nays were: Baldwin, Beach, and Tarr—3.

Absent: Mann and Palumbo—2.

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 Com. Sub. for S. B. 597) takes effect July 1, 2020.

*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 702**, Designating specific grade levels in which nutrition and physical fitness programs are taught.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Mann and Palumbo—2.

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. 702) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2020.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Mann and Palumbo—2.

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. 702) takes effect July 1, 2020.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 703**, Increasing earning limit for employees who accept separation incentive.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Mann and Palumbo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 703) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Mann and Palumbo—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 703) 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 706**, Clarifying duties of law-enforcement training and certification subcommittee.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Mann and Palumbo—2.

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. 706) 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 712**, Correcting name of Forensic Analysis Laboratory.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith,

Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Mann and Palumbo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 712) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Mann and Palumbo—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 712) 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 746,** Providing contracted managed care companies access to uniform maternal screening tool.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith,

Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Mann and Palumbo—2.

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. 746) 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 House Bill 2497**, Relating to the whistleblower law.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Mann and Palumbo—2.

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. 2497) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

**Eng. Com. Sub. for House Bill 2497**—A Bill to amend and reenact §6C-1-3, §6C-1-4, and §6C-1-7 of the Code of West Virginia, 1931, as amended, all relating to the whistle-blower law;

protecting promotion or increase in compensation; lengthening the statute of limitations; allowing the use of grievance procedure; protecting use of other right or legal action; protecting rights related to political activity; and protecting rights related to membership in organizations of employees.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. House Bill 4166**, Prohibiting certain sex offenders from being in a supervisory position over children.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed House Bill 4166 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Mann and Palumbo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4166) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

**Eng. House Bill 4381**, Relating to lifetime hunting, fishing and trapping licenses for adopted children.

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: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Mann and Palumbo—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4381) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

**Eng. Com. Sub. for House Bill 4470**, Relating to persons 18 years of age or older in the custody of the Bureau of Juvenile Services.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for House Bill 4470 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Mann and Palumbo—2.



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. 4470) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Mann and Palumbo—2.

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 H. B. 4470) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence in the changed effective date.

**Eng. House Bill 4476**, Providing for the timely and efficient collection, submission, testing, retention, and disposition of forensic evidence in sexual assault cases.

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: Azinger, Baldwin, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Beach, Mann, and Palumbo—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4476) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

**Eng. House Bill 4476**—A Bill to amend and reenact §15-9B-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto 2 new sections, designated §15-9B-1a and §15-9B-5; and to amend and reenact §15-9B-2 and §15-9B-4 of said code, all relating to providing for the collection, submission, testing, retention, and disposition of forensic evidence in sexual assault cases; transferring some duties of the Division of Justice and Community Services to the Division of Administrative Services; defining terms; requiring sexual assault forensic examination kits collected by health care providers to be directly submitted to the West Virginia State Police Forensic Laboratory; requiring certain kits to be transported to Marshall University Forensic Science Center; establishing protocols for storage, retention, transmission and disposal of kits; notice to victim regarding disposal; establishing misdemeanor penalties; and granting rule-making authority.

*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 285**, Eliminating WV Greyhound Breeding Development Fund.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

**Senate Bill 572**, Expiring funds from General Revenue and Lottery Net Profits to various accounts.

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 717**, Relating generally to adult protective services.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 725**, Supplemental appropriation to various Department of Education accounts.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 778**, Supplemental appropriation expiring funds from State Excess Lottery Revenue Fund to DHHR.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 779**, Supplemental appropriation expiring funds in State Excess Lottery Revenue to Department of Veterans' Assistance.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Senate Bill 780**, Supplemental appropriation by decreasing and adding new appropriation out of Treasury to DMAPS.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Eng. House Bill 4353**, Creating a rational nexus requirement between prior criminal conduct and initial licensure decision making.

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 and adopted:

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION,  
REGISTRATION, CERTIFICATE OF TITLE, AND  
ANTITHEFT PROVISIONS.**

**ARTICLE 6. LICENSING OF DEALERS AND WRECKERS  
OR DISMANTLERS; SPECIAL PLATES; TEMPORARY  
PLATES OR MARKERS.**

**§17A-6-6. Refusal or issuance of license certificate; license  
certificate not transferable.**

(a) Upon the review of the application and all other information before him or her, the commissioner may make and enter an order denying an application for a license certificate and refuse the license certificate sought. A denial and refusal are final and conclusive unless an appeal is made in accordance with the provisions of rules proposed for legislative approval in accordance with the provisions of §29A-3-1 *et seq.*, of this code. The commissioner shall make and enter an order denying or refusing a license, if the commissioner finds that the applicant (individually, if an individual, or the partners, if a co-partnership, or the officers and directors, if a corporation):

(1) Has failed to furnish the required bond unless otherwise exempt under the provisions of §17A-2-2a of this code;

(2) Has failed to furnish the required certificate of insurance;

(3) Has knowingly made false statement of a material fact in his or her application;

(4) Has habitually defaulted on financial obligations in this state or any other state or jurisdiction;

(5) Has been convicted of a felony: ~~*Provided, That upon appeal, the Motor Vehicle Dealers Advisory Board established pursuant to the provisions of section eighteen a of this article may grant an exemption of this restriction if the felony did not involve financial matters, the motor vehicle industry or matters of moral turpitude*~~ *Provided, That the commissioner shall apply §17A-6-6(c) and §17A-6-6(d) of this code in determining whether an applicant's prior criminal convictions bear a rational nexus to the license being sought;*

(6) So far as can be ascertained, has not complied with and will not comply with the registration and title laws of this state or any other state or jurisdiction;

(7) Does not or will not have or maintain at each place of business, subject to the qualification contained in 17A-6-1(a)(17) of this code with respect to a new motor vehicle dealer (an established place of business as defined for the business in question) in that section;

(8) Has been convicted of any fraudulent act in connection with the business of new motor vehicle dealer, used motor vehicle dealer, house trailer dealer, trailer dealer, recreational vehicle dealer, motorcycle dealer, used parts dealer, or wrecker or dismantler in this state or any other state or jurisdiction: *Provided, That the commissioner shall apply §17A-6-6(c) and §17A-6-6(d) of this code in determining whether an applicant's prior criminal convictions bear a rational nexus to the license being sought;*

(9) Has done any act or has failed or refused to perform any duty for which the license certificate sought could be suspended or revoked were it then issued and outstanding;

(10) Is not age 18 years or older;

(11) Is delinquent in the payment of any taxes owed to the United States, the State of West Virginia, or any political subdivision of the state;

(12) Has been denied a license in another state or has been the subject of license revocation or suspension in another state;

(13) Has committed any action in another state which, if it had been committed in this state, would be grounds for denial and refusal of the application for a license certificate;

(14) Has failed to pay any civil penalty assessed by this state or any other state;

(15) Has failed to reimburse when ordered, any claim against the dealer recovery fund as prescribed in §17A-6-2a of this code; or

(16) Has failed to comply with the provisions of §17A-6E-1 *et seq.* of this code, pertaining to the employment of licensed salespersons.

Otherwise, the commissioner shall issue to the applicant the appropriate license certificate which entitles the licensee to engage in the business of new motor vehicle dealer, used motor vehicle dealer, house trailer dealer, trailer dealer, recreational vehicle dealer, motorcycle dealer, used parts dealer, or wrecker or dismantler, as the case may be.

(b) A license certificate issued in accordance with the provisions of this article is not transferable.

(c) The commissioner may not disqualify an applicant from initial licensure because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that bears a rational nexus to the activity requiring licensure. In determining whether a criminal conviction bears a rational nexus to a profession or occupation, the commissioner shall consider at a minimum:

(1) The nature and seriousness of the crime for which the individual was convicted;

(2) The passage of time since the commission of the crime;

(3) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the profession or occupation; and

(4) Any evidence of rehabilitation or treatment undertaken by the individual.

(d) Notwithstanding any other provision of this code to the contrary, if an applicant is disqualified from licensure because of a prior criminal conviction, the commissioner shall permit the applicant to apply for initial licensure if:

(1) A period of five years has elapsed from the date of conviction or the date of release from incarceration, whichever is later;

(2) The individual has not been convicted of any other crime during the period of time following the disqualifying offense; and

(3) The conviction was not for an offense of a violent or sexual nature: *Provided*, That a conviction for an offense of a violent or sexual nature may subject an individual to a longer period of disqualification from licensure, to be determined by the commissioner.

(e) An individual with a criminal record who has not previously applied for licensure may petition the commissioner at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license. This petition shall include sufficient details about the individual's criminal record to enable the commissioner to identify the jurisdiction where the conviction occurred, the date of the conviction, and the specific nature of the conviction. The commissioner shall provide the determination within 60 days of receiving the petition from the applicant. The commissioner may charge a fee to recoup its costs for each petition.

## **CHAPTER 19. AGRICULTURE.**

### **ARTICLE 23. HORSE AND DOG RACING.**

**§19-23-8. Consideration of application for license or permit; issuance or denial; contents of license or permit; grounds for denial of application; determination of racing dates; license or permit not transferable or assignable; limitation on license; validity of permit.**

(a) The Racing Commission shall promptly consider any application for a license or permit, as the case may be. Based upon such application and all other information before it, the Racing Commission shall make and enter an order either approving or denying the application. The application may be denied for any reason specified in subsection (b) of this section. If an application for a license is approved, the Racing Commission shall issue a license to conduct a horse or dog race meeting and shall designate on the face of the license the kind or type of horse or dog racing for which the same is issued, the racing association to which the same is issued, the dates upon which the horse or dog race meeting is to be held or conducted (which may be any weekdays, or week-nights, including Sundays), the location of the horse or dog racetrack, place or enclosure where the horse or dog race meeting is to be held or conducted, and other information as the Racing Commission shall consider proper. If an application for a permit is approved, the Racing Commission shall issue a permit and shall designate on the face of the permit such information as the Racing Commission considers proper.

(b) The Racing Commission may deny the application and refuse to issue the license or permit, as the case may be, which denial and refusal is final and conclusive unless a hearing is demanded in accordance with the provisions of §19-23-16 of this code, if the Racing Commission finds that the applicant individually, if an individual, or the partners or members, if a partnership, firm, or association, or the owners and directors, if a corporation:

(1) Has knowingly made false statement of a material fact in the application or has knowingly failed to disclose any information called for in the application;



(2) Is or has been guilty of any corrupt or fraudulent act, practice, or conduct in connection with a horse or dog race meeting in this or any other state;

(3) Has been convicted, within 10 years prior to the date of the application, of an offense which under the law of this state, of any other state, or of the United States of America, shall constitute a felony: ~~or a crime involving moral turpitude~~ Provided, That the Racing Commission shall apply §19-23-8(g) and §19-23-8(h) of this code in determining whether an applicant's prior criminal convictions bear a rational nexus to the license or permit being sought;

(4) Has failed to comply with the provisions of this article or any reasonable rules of the Racing Commission;

(5) Has had a license to hold or conduct a horse or dog race meeting or a permit to participate therein denied for just cause, suspended, or revoked in any other state;

(6) Has defaulted in the payment of any obligation or debt due to this state under the provisions of this article;

(7) Is, if a corporation, neither incorporated under the laws of this state nor qualified to do business within this state;

(8) In the case of an application for a license, has failed to furnish bond or other adequate security, if the same is required by the Racing Commission under the provisions of §19-23-7 of this code;

(9) In the case of an application for a permit, is unqualified to perform the duties required for the permit sought; or

(10) In the case of an application for a permit, is, for just cause, determined to be undesirable to perform the duties required of the applicant.

(c) In issuing licenses and fixing dates for horse or dog race meetings at the various horse racetracks and dog racetracks in this state, the Racing Commission shall consider the horse racing

circuits and dog racing circuits with which the horse racetracks and dog racetracks in this state are associated or contiguous to and shall also consider dates which are calculated to increase the tax revenues accruing from horse racing and dog racing.

(d) A license issued under the provisions of this article is neither transferable nor assignable to any other racing association and may not permit the holding or conducting of a horse or dog race meeting at any horse or dog racetrack, place, or enclosure not specified thereon. However, if the specified horse or dog racetrack, place, or enclosure becomes unsuitable for the horse or dog race meeting because of flood, fire, or other catastrophe, or cannot be used for any reason, the Racing Commission may, upon application, authorize the horse or dog race meeting, or any remaining portion thereof, to be conducted at any other racetrack, place, or enclosure available for that purpose, provided that the owner of the racetrack, place, or enclosure willingly consents to the use.

(e) No type of horse racing or dog racing shall be conducted by a licensee at any race meeting other than that type for which a license was issued.

(f) Each permit issued under the provisions of this section shall be for a period of one year, unless approved otherwise by the commission. Effective January 1, 2012, each permit shall be renewed according to the following schedule: Permits issued to persons whose date of birth is January 1 through and including April 30 shall be renewed no later than April 30 of each year; permits issued to persons whose date of birth is May 1 through and including August 31 shall be renewed no later than August 31 of each year; and permits issued to persons whose date of birth is September 1 through and including December 31 shall be renewed no later than December 31 of each year. Each permit shall be valid at all horse or dog race meetings during the period for which it was issued unless it be sooner suspended or revoked in accordance with the provisions of this article. A permit issued under the provisions of this article is neither transferable nor assignable to any other person.

(g) The Racing Commission may not disqualify an applicant from an initial license or permit because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that bears a rational nexus to the activity requiring a license or permit. In determining whether a criminal conviction bears a rational nexus to a profession or occupation, the Racing Commission shall consider at a minimum:

(1) The nature and seriousness of the crime for which the individual was convicted;

(2) The passage of time since the commission of the crime;

(3) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the profession or occupation; and

(4) Any evidence of rehabilitation or treatment undertaken by the individual.

(h) Notwithstanding any other provision of this code to the contrary, if an applicant is disqualified from a license or permit because of a prior criminal conviction, the commissioner shall permit the applicant to apply for an initial license or permit if:

(1) A period of five years has elapsed from the date of conviction or the date of release from incarceration, whichever is later;

(2) The individual has not been convicted of any other crime during the period of time following the disqualifying offense; and

(3) The conviction was not for an offense of a violent or sexual nature: *Provided*, That a conviction for an offense of a violent or sexual nature may subject an individual to a longer period of disqualification from licensure, to be determined by the commissioner.

(i) An individual with a criminal record who has not previously applied for a license or permit may petition the Racing Commission at any time for a determination of whether the individual's criminal

record will disqualify the individual from obtaining a license or permit. This petition shall include sufficient details about the individual's criminal record to enable the Racing Commission to identify the jurisdiction where the conviction occurred, the date of the conviction, and the specific nature of the conviction. The Racing Commission shall provide the determination within 60 days of receiving the petition from the applicant. The Racing Commission may charge a fee to recoup its costs for each petition.

~~(g)~~(j) The Racing Commission shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code which establish the criteria for the approval or denial of a license or permit.

## CHAPTER 21. LABOR.

### ARTICLE 1. DIVISION OF LABOR.

#### **§21-1-6. Use of criminal records as disqualification from authorization to engage in licensed profession or occupation.**

(a) The commissioner may not disqualify an applicant from initial licensure, as required in this chapter, because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that bears a rational nexus to the activity requiring licensure. In determining whether a criminal conviction bears a rational nexus to a profession or occupation, the commissioner shall consider at a minimum:

(1) The nature and seriousness of the crime for which the individual was convicted;

(2) The passage of time since the commission of the crime;

(3) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the profession or occupation; and

(4) Any evidence of rehabilitation or treatment undertaken by the individual.

(b) Notwithstanding any other provision of this code to the contrary, if an applicant is disqualified from licensure because of a prior criminal conviction, the commissioner shall permit the applicant to apply for initial licensure if:

(1) A period of five years has elapsed from the date of conviction or the date of release from incarceration, whichever is later;

(2) The individual has not been convicted of any other crime during the period of time following the disqualifying offense; and

(3) The conviction was not for an offense of a violent or sexual nature: *Provided*, That a conviction for an offense of a violent or sexual nature may subject an individual to a longer period of disqualification from licensure, to be determined by the commissioner.

(c) An individual with a criminal record who has not previously applied for licensure may petition the commissioner at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license. This petition shall include sufficient details about the individual's criminal record to enable the commissioner to identify the jurisdiction where the conviction occurred, the date of the conviction, and the specific nature of the conviction. The commissioner shall provide the determination within 60 days of receiving the petition from the applicant. The commissioner may charge a fee to recoup its costs for each petition.

## **ARTICLE 2. EMPLOYMENT AGENCIES.**

### **§21-2-9. Refusal to issue license.**

The State Tax Commissioner shall refuse to issue a license if, upon investigation, he or she finds that the applicant is unfit to engage in the business or has had a license previously revoked, or that the business is to be conducted on or immediately adjoining what is considered by him or her to be unsuitable premises, or that any other good reason exists within the meaning of the law:

Provided, That the commissioner shall apply §21-1-6 of this code when determining to refuse a license.

## **ARTICLE 5. WAGE PAYMENT AND COLLECTION.**

### **§21-5-5c. License required for psychophysiological detection of deception examiners; qualifications; promulgation of rules governing administration of psychophysiological detection of deception examinations.**

(a) No person, firm, or corporation shall administer a psychophysiological detection of deception examination, lie detector, or other similar examination utilizing mechanical or electronic measures of physiological reactions to evaluate truthfulness without holding a current valid license to do so as issued by the Commissioner of Labor. No examination shall be administered by a licensed corporation except by an officer or employee thereof who is also licensed.

(b) A person is qualified to receive a license as an examiner if he or she:

(1) Is at least 21 years of age;

(2) Is a citizen of the United States;

(3) Has not been convicted of ~~a misdemeanor involving moral turpitude~~ or a felony: Provided, That the commissioner shall apply §21-1-6 of this code to determine if the prior criminal conviction bears a rational nexus to the license being sought;

(4) Has not been released or discharged with other than honorable conditions from any of the armed services of the United States or that of any other nation;

(5) Has passed an examination conducted by the Commissioner of Labor or under his or her supervision to determine his or her competency to obtain a license to practice as an examiner;

(6) Has satisfactorily completed not less than six months of internship training; and

(7) Has met any other qualifications of education or training established by the Commissioner of Labor in his or her sole discretion which qualifications are to be at least as stringent as those recommended by the American Polygraph Association.

(c) The Commissioner of Labor may designate and administer any test he or she considers appropriate to those persons applying for a license to administer psychophysiological detection of deception, lie detector, or similar examination. The test shall be designed to ensure that the applicant is thoroughly familiar with the code of ethics of the American Polygraph Association and has been trained in accordance with association rules. The test must also include a rigorous examination of the applicant's knowledge of and familiarity with all aspects of operating psychophysiological detection of deception equipment and administering psychophysiological detection of deception examinations.

(d) The license to administer psychophysiological detection of deception, lie detector, or similar examinations to any person shall be issued for a period of one year. It may be reissued from year to year. The licenses to be issued are:

(1) "Class I license" which authorizes an individual to administer psychophysiological detection of deception examinations for all purposes which are permissible under the provisions of this article and other applicable laws and rules.

(2) "Class II license" which authorizes an individual who is a full-time employee of a law-enforcement agency to administer psychophysiological detection of deception examinations to its employees or prospective employees only.

(e) The Commissioner of Labor shall charge an annual fee to be established by legislative rule. All fees paid pursuant to this section shall be paid to the Commissioner of Labor and deposited in an appropriated special revenue account hereby created in the State Treasury to be known as the Psychophysiological Examiners Fund and expended for the implementation and enforcement of this section. Through June 30, 2019, amounts collected which are found from time to time to exceed funds needed for the purposes set forth

in this section may be utilized by the commissioner as needed to meet the division's funding obligations: *Provided*, That beginning July 1, 2019, amounts collected may not be utilized by the commissioner as needed to meet the division's funding obligations. In addition to any other information required, an application for a license shall include the applicant's Social Security number.

(f) The Commissioner of Labor shall propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code governing the administration of psychophysiological detection of deception, lie detector, or similar examination to any person: *Provided*, That all applicable rules in effect on the effective date of §21-5-5a, §21-5-5b, §21-5-5c, and §21-5-5d of this code will remain in effect until amended, withdrawn, revoked, repealed, or replaced. The legislative rules shall include:

(1) The type and amount of training or schooling necessary for a person before which he or she may be licensed to administer or interpret a psychophysiological detection of deception, lie detector, or similar examination;

(2) Testing requirements, including the designation of the test to be administered to persons applying for licensure;

(3) Standards of accuracy which shall be met by machines or other devices to be used in psychophysiological detection of deception, lie detector, or similar examination;

(4) The conditions under which a psychophysiological detection of deception, lie detector, or similar examination may be administered;

(5) Fees for licenses, renewals of licenses, and other services provided by the commissioner;

(6) Any other qualifications or requirements, including continuing education, established by the commissioner for the issuance or renewal of licenses; and

(7) Any other purpose to carry out the requirements of §21-5-5a, §21-5-5b, §21-5-5c, and §21-5-5d of this code.



**ARTICLE 14. SUPERVISION OF PLUMBING WORK.****§21-14-6. Denial, suspension, and revocation of license.**

(a) The Commissioner of Labor may deny a license to any applicant who fails to comply with the rules established by the Commissioner of Labor, or who lacks the necessary qualifications: Provided, That the commissioner shall apply §21-1-6 of this code to determine if the prior criminal conviction bears a rational nexus to the license being sought.

(b) The Commissioner of Labor may, upon complaint or upon his or her own inquiry, and after notice to the licensee, suspend or revoke a licensee's license if:

(1) The license was granted upon an application or documents supporting the application which materially misstated the terms of the applicant's qualifications or experience;

(2) The licensee subscribed or vouched for a material misstatement in his or her application for licensure;

(3) The licensee incompetently or unsafely performs plumbing work; or

(4) The licensee violated any statute of this state, any legislative rule or any ordinance of any municipality or county of this state which protects the consumer or public against unfair, unsafe, unlawful, or improper business practices.

**ARTICLE 16. REGULATION OF HEATING, VENTILATING, AND COOLING WORK.****§21-16-7. Denial, suspension, and revocation of license.**

(a) The Commissioner of Labor may deny a license to any applicant who fails to comply with the provisions of this article or the rules established by the Commissioner of Labor, or who lacks the necessary qualifications: Provided, That the commissioner shall apply §21-1-6 of this code to determine if the prior criminal conviction bears a rational nexus to the license being sought.

(b) The Commissioner of Labor may, upon complaint or upon his or her own inquiry, and after notice to the licensee, suspend or revoke a licensee's license if:

(1) The license was granted upon an application or documents supporting the application which materially misstated the terms of the applicant's qualifications or experience;

(2) The licensee subscribed or vouched for a material misstatement in his or her application for licensure;

(3) The licensee incompetently or unsafely performs heating, ventilating, and cooling work; or

(4) The licensee violated any statute of this state, any legislative rule, or any ordinance of any municipality or county of this state which protects the consumer or public against unfair, unsafe, unlawful, or improper business practices.

## **CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.**

### **ARTICLE 22. STATE LOTTERY ACT.**

#### **§29-22-8. Lottery director; powers and duties; deputy directors; hiring of staff; civil service coverage; submission of proposed appropriations.**

(a) The director shall have the authority to:

(1) Appoint, with the approval of the commission, a deputy director for each of the divisions established in this article. The deputy directors appointed shall serve at the will and pleasure of the director at an annual salary established by the commission. Deputy directors shall not be eligible for civil service coverage as provided in §29-6-4 of this code;

(2) The director shall hire, pursuant to the approval of the commission, such professional, clerical, technical, and administrative personnel as may be necessary to carry out the provisions of this article. ~~No person shall be employed by the~~

~~lottery who has been convicted of a felony or other crime involving moral turpitude~~ Each person employed by the commission shall execute an authorization to allow an investigation of that person's background: Provided, That the director and the commission shall apply §29-22-8(d) and §29-22-8(e) of this code in determining whether an applicant's prior criminal convictions bear a rational nexus to the occupation being sought.

(3) Designate the number and types of locations at which tickets may be sold.

(b) Effective July 1, 1986, all employees of the commission, except as otherwise provided herein, shall be in the classified service under the provisions of §29-6-1 *et seq.* of this code.

(c) The director shall, pursuant to the approval of the commission, prepare and submit the annual proposed appropriations for the commission to the Governor.

(d) The director and the Lottery Commission may not disqualify an applicant from initial employment because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that bears a rational nexus to the activity required for employment. In determining whether a criminal conviction bears a rational nexus to a profession or occupation, the director and the Lottery Commission shall consider at a minimum:

(1) The nature and seriousness of the crime for which the individual was convicted;

(2) The passage of time since the commission of the crime;

(3) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the profession or occupation; and

(4) Any evidence of rehabilitation or treatment undertaken by the individual.

(e) Notwithstanding any other provision of this code to the contrary, if an applicant is disqualified from employment because

of a prior criminal conviction, the director and the Lottery Commission shall permit the applicant to apply for initial employment if:

(1) A period of five years has elapsed from the date of conviction or the date of release from incarceration, whichever is later;

(2) The individual has not been convicted of any other crime during the period of time following the disqualifying offense; and

(3) The conviction was not for an offense of a violent or sexual nature: *Provided*, That a conviction for an offense of a violent or sexual nature may subject an individual to a longer period of disqualification from employment, to be determined by the Lottery Commission.

(f) An individual with a criminal record who has not previously applied for employment may petition the Lottery Commission at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining employment. This petition shall include sufficient details about the individual's criminal record to enable the Lottery Commission to identify the jurisdiction where the conviction occurred, the date of the conviction, and the specific nature of the conviction. The Lottery Commission shall provide the determination within 60 days of receiving the petition from the applicant. The Lottery Commission may charge a fee to recoup its costs for each petition.

## **ARTICLE 22A. RACETRACK VIDEO LOTTERY.**

**§29-22A-7. License and permit qualifications; individual qualifications; applicant required to furnish information; waiver of liability; oath or affirmation; duty to provide accurate and material information.**

(a) No video lottery license or permit may be granted unless the commission has determined that the applicant satisfies all of the following qualifications:

(1) An applicant for a video lottery license must hold a valid racing license granted by the West Virginia Racing Commission under provisions of §19-23-1 *et seq.* of this code.

(2) An applicant must be a person of good character and integrity.

(3) An applicant must be a person whose background, including criminal record, reputation, and associations, does not pose a threat to the security and integrity of the lottery or to the public interest of the state. All new applicants for licenses and permits issued by the commission shall furnish fingerprints for a national criminal records check by the Criminal Identification Bureau of the West Virginia State Police and the Federal Bureau of Investigation. The fingerprints shall be furnished by all persons required to be named in the application and shall be accompanied by a signed authorization for the release of information by the Criminal Investigation Bureau and the Federal Bureau of Investigation. The commission may require any applicant seeking the renewal of a license or permit to furnish fingerprints for a national criminal records check by the Criminal Identification Bureau of the West Virginia State Police and the Federal Bureau of Investigation: Provided, That the Lottery Commission shall apply §29-22A-7(g) and §29-22A-7(h) of this code in determining whether an applicant's prior criminal convictions bear a rational nexus to the license or permit being sought. A person who has been convicted of any violation of §29-22-1 *et seq.* of this code or of this article or of any crime related to theft, bribery, gambling or involving moral turpitude is not eligible for any license or permit. The commission shall revoke the license or permit of any person who is convicted of any such crime after a license or permit is granted

(4) An applicant must be a person who demonstrates the business ability and experience necessary to establish, operate, and maintain the business for which a video lottery license or permit application is made.

(5) An applicant must be a person who has secured adequate financing for the business for which a video lottery license or

permit application is made. The commission shall determine whether financing is from a source which meets the qualifications of this section and is adequate to support the successful performance of the duties and responsibilities of the licensed racetrack or permit holder. An applicant for a video lottery license shall disclose all financing or refinancing arrangements for the purchase, lease, or other acquisition of video lottery terminals and associated equipment in the degree of detail requested by the commission. A licensed racetrack shall request commission approval of any change in financing or lease arrangements at least 30 days before the effective date of the change.

(6) A racetrack applying for a video lottery license or a license renewal must present to the commission evidence of the existence of an agreement, regarding the proceeds from video lottery terminals, between the applicant and the representative of a majority of the horse owners and trainers, the representative of a majority of the pari-mutuel clerks and the representative of a majority of the breeders or the representative of a majority of the kennel owners for the applicable racetrack who hold permits required by §19-23-2 of this code.

(7) A racetrack applying for a video lottery license or a license renewal must file with the commission a copy of any current or proposed agreement between the applicant and any manufacturer for the sale, lease, or other assignment to the racetrack of video lottery terminals, the electronic computer components of the terminals, the random number generator of the terminals, or the cabinet in which it is housed. Once filed with the commission, the agreement is a public document subject to the provisions of §29B-1-1 *et seq.* of this code.

(b) No video lottery license or permit may be granted to an applicant until the commission determines that each person who has control of the applicant meets all applicable qualifications of subsection (a) of this section. The following persons are considered to have control of an applicant:

(1) Each person associated with a corporate applicant, including any corporate holding company, parent company, or

subsidiary company of the applicant, but not including a bank or other licensed lending institution which holds a mortgage or other lien acquired in the ordinary course of business, who has the ability to control the activities of the corporate applicant or elect a majority of the board of directors of that corporation.

(2) Each person associated with a noncorporate applicant who directly or indirectly holds any beneficial or proprietary interest in the applicant or ~~who~~ whom the commission determines to have the ability to control the applicant.

(3) Key personnel of an applicant, including any executive, employee or agent, having the power to exercise significant influence over decisions concerning any part of the applicant's business operation.

(c) Applicants must furnish all information, including financial data and documents, certifications, consents, waivers, individual history forms, and other materials requested by the commission for purposes of determining qualifications for a license or permit. No video lottery license or permit may be granted to an applicant who fails to provide information and documentation requested by the commission. The burden of proving qualification for any video lottery license or permit is on the applicant.

(d) Each applicant bears all risks of adverse public notice, embarrassment, criticism, damages, or financial loss which may result from any disclosure or publication of any material or information obtained by the commission pursuant to action on an application. The applicant shall, as a part of its application, expressly waive any and all claims against the commission, the State of West Virginia and the employees of either for damages as a result of any background investigation, disclosure, or publication relating to an application for a video lottery license or permit.

(e) All application, registration, and disclosure forms and other documents submitted to the commission by or on behalf of the applicant for purposes of determining qualification for a video lottery license or permit shall be sworn to or affirmed before an officer qualified to administer oaths.

(f) An applicant who knowingly fails to reveal any fact material to qualification or who knowingly submits false or misleading material information is ineligible for a video lottery license or permit.

(g) The Lottery Commission may not disqualify an applicant from an initial license or permit because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that bears a rational nexus to the activity requiring a license or permit. In determining whether a criminal conviction bears a rational nexus to a profession or occupation, the Lottery Commission shall consider at a minimum:

(1) The nature and seriousness of the crime for which the individual was convicted;

(2) The passage of time since the commission of the crime;

(3) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the profession or occupation; and

(4) Any evidence of rehabilitation or treatment undertaken by the individual.

(h) Notwithstanding any other provision of this code to the contrary, if an applicant is disqualified from a license or permit because of a prior criminal conviction, the Lottery Commission shall permit the applicant to apply for an initial license or permit if:

(1) A period of five years has elapsed from the date of conviction or the date of release from incarceration, whichever is later;

(2) The individual has not been convicted of any other crime during the period of time following the disqualifying offense; and

(3) The conviction was not for an offense of a violent or sexual nature: *Provided*, That a conviction for an offense of a violent or sexual nature may subject an individual to a longer period of



disqualification from a license or permit, to be determined by the Lottery Commission.

(i) An individual with a criminal record who has not previously applied for a license or permit may petition the Lottery Commission at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license or permit. This petition shall include sufficient details about the individual's criminal record to enable the Lottery Commission to identify the jurisdiction where the conviction occurred, the date of the conviction, and the specific nature of the conviction. The Lottery Commission shall provide the determination within 60 days of receiving the petition from the applicant. The Lottery Commission may charge a fee to recoup its costs for each petition.

## **ARTICLE 22B. LIMITED VIDEO LOTTERY.**

### **§29-22B-502. General qualifications for all types of limited video lottery licenses.**

(a) No limited video lottery license or license renewal may be granted unless the Lottery Commission has determined that the applicant satisfies all of the following qualifications:

(1) The applicant is a person of good character, honesty, and integrity;

(2) The applicant is a person whose background, criminal record, if any, reputation, habits, and associations, do not threaten to (A) compromise the public interest of the citizens of the state, (B) weaken the effective regulation and control of video gaming, (C) breach the security and integrity of the lottery, or (D) introduce corrupt, unfair, or illegal practices, methods, and activities into the operation of video gaming or the business or financial transactions incidental to the operation of video gaming;

(3) The applicant has not been convicted of any violation of §29-22B-101 *et seq.*, §19-23-1 *et seq.*, §29-22-1 *et seq.*, §29-22A-1 *et seq.*, §29-25-1 *et seq.* of this code, or any felony related to theft, bribery, or gambling or involving moral turpitude in this or in any

other state or foreign country: Provided, That the Lottery Commission shall apply §29-22B-502(b) and §29-22B-502(c) of this code in determining whether an applicant's prior criminal convictions bear a rational nexus to the license being sought.

(4) The applicant has disclosed to the Lottery Commission the identity of each person who has control of the applicant, as control is described in §29-22B-507 of this code, and those persons satisfy all qualifications required by this section and any applicable qualifications required by §29-22B-503 through §29-22B-506 of this code;

(5) The applicant has provided a set of fingerprints and has completed and signed the statement provided for in §29-22B-602 of this code;

(6) The applicant has furnished all information, including financial data and documents, certifications, consents, waivers, individual history forms, and other materials requested by the Lottery Commission for purposes of determining qualifications for a license.

(b) The Lottery Commission may not disqualify an applicant from initial licensure because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that bears a rational nexus to the activity requiring licensure. In determining whether a criminal conviction bears a rational nexus to a profession or occupation, the Lottery Commission shall consider at a minimum:

(1) The nature and seriousness of the crime for which the individual was convicted;

(2) The passage of time since the commission of the crime;

(3) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the profession or occupation; and

(4) Any evidence of rehabilitation or treatment undertaken by the individual.

(c) Notwithstanding any other provision of this code to the contrary, if an applicant is disqualified from licensure because of a prior criminal conviction, the Lottery Commission shall permit the applicant to apply for initial licensure if:

(1) A period of five years has elapsed from the date of conviction or the date of release from incarceration, whichever is later;

(2) The individual has not been convicted of any other crime during the period of time following the disqualifying offense; and

(3) The conviction was not for an offense of a violent or sexual nature: *Provided*, That a conviction for an offense of a violent or sexual nature may subject an individual to a longer period of disqualification from licensure, to be determined by the Lottery Commission.

(d) An individual with a criminal record who has not previously applied for licensure may petition the Lottery Commission at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license. This petition shall include sufficient details about the individual's criminal record to enable the Lottery Commission to identify the jurisdiction where the conviction occurred, the date of the conviction, and the specific nature of the conviction. The Lottery Commission shall provide the determination within 60 days of receiving the petition from the applicant. The Lottery Commission may charge a fee to recoup its costs for each petition.

## **ARTICLE 22C. WEST VIRGINIA LOTTERY RACETRACK TABLE GAMES ACT.**

### **§29-22C-15. License or registration prohibitions.**

(a) The commission may not grant any license or registration pursuant to the provisions of this article if evidence satisfactory to the commission exists that the applicant:

(1) Has knowingly made a false statement of a material fact to the commission;

(2) Has been suspended from operating a gambling game, gaming device, or gaming operation, or had a license or registration revoked by any governmental authority of a state of the United States having responsibility for the regulation of gambling or gaming activities; or

(3) Has been convicted of a crime, ~~of moral turpitude~~ a gambling-related offense, a theft or fraud offense, or has otherwise demonstrated, either by a police record or other satisfactory evidence, a lack of respect for law and order: Provided, That the Lottery Commission shall apply §29-22C-15(d) and §29-22C-15(e) of this code in determining whether an applicant's prior criminal convictions bear a rational nexus to the license being sought.

(b) In the case of an applicant for a license to supply a racetrack with West Virginia Lottery table games, the commission may deny a license to any applicant, reprimand any licensee, or suspend or revoke a license:

(1) If the applicant or licensee has not demonstrated to the satisfaction of the commission financial responsibility sufficient to adequately meet the requirements of the proposed enterprise;

(2) If the applicant or licensee is not the true owner of the business or is not the sole owner and has not disclosed the existence or identity of other persons who have an ownership interest in the business; or

(3) If the applicant or licensee is a corporation which sells more than five percent of a licensee's voting stock, or more than five percent of the voting stock of a corporation which controls the licensee, or sells a licensee's assets, other than those bought and sold in the ordinary course of business, or any interest in the assets, to any person not already determined by the commission to have met the qualifications of a licensee under this article.

(c) In the case of an applicant for a racetrack table games license, the commission may deny a license to any applicant, reprimand any licensee, or suspend or revoke a license:

(1) If the applicant or licensee knowingly employs an individual in a job classification which includes West Virginia Lottery table games management duties who has been convicted of ~~a crime of moral turpitude~~ a gambling-related offense, or a theft, or fraud offense under the laws of this state, another state, the United States or a territory of the United States or knowingly employs any individual in a job classification which includes West Virginia Lottery table games management duties who has had a license relating to the operation of a gaming activity revoked by this state or any other state: Provided, That the Lottery Commission shall apply §29-22C-15(d) and §29-22C-15(e) of this code in determining whether an applicant's prior criminal convictions bear a rational nexus to the licensed profession.

(2) If the applicant or licensee is not the true owner of the business or is not the sole owner and has not disclosed the existence or identity of other persons who have an ownership interest in the business; or

(3) If the applicant or licensee is a corporation, which sells more than five percent of a licensee's voting stock, or more than five percent of the voting stock of a corporation which controls the licensee or sells a licensee's assets, other than those bought and sold in the ordinary course of business, or any interest in the assets, to any person not already determined by the commission to have met the qualifications of a licensee under this article, unless the sale has been approved in advance by the commission.

(d) The Lottery Commission may not disqualify an applicant from initial licensure because of a prior criminal conviction that remains unreversed unless that conviction is for a crime that bears a rational nexus to the activity requiring licensure. In determining whether a criminal conviction bears a rational nexus to a profession or occupation, the Lottery Commission shall consider at a minimum:

(1) The nature and seriousness of the crime for which the individual was convicted;

(2) The passage of time since the commission of the crime;

(3) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the profession or occupation; and

(4) Any evidence of rehabilitation or treatment undertaken by the individual.

(e) Notwithstanding any other provision of this code to the contrary, if an applicant is disqualified from licensure because of a prior criminal conviction, the Lottery Commission shall permit the applicant to apply for initial licensure if:

(1) A period of five years has elapsed from the date of conviction or the date of release from incarceration, whichever is later;

(2) The individual has not been convicted of any other crime during the period of time following the disqualifying offense; and

(3) The conviction was not for an offense of a violent or sexual nature: *Provided*, That a conviction for an offense of a violent or sexual nature may subject an individual to a longer period of disqualification from licensure, to be determined by the Lottery Commission.

(f) An individual with a criminal record who has not previously applied for licensure may petition the Lottery Commission at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license. This petition shall include sufficient details about the individual's criminal record to enable the Lottery Commission to identify the jurisdiction where the conviction occurred, the date of the conviction, and the specific nature of the conviction. The Lottery Commission shall provide the determination within 60 days of receiving the petition from the applicant. The Lottery Commission may charge a fee to recoup its costs for each petition.

**§29-22C-16. License or registration denial, revocation, suspension, and reprimand.**

(a) Notwithstanding any provision of §29-22C-13(b) of this code to the contrary, the commission may deny a license or

registration to any applicant, reprimand any licensee or registrant, or suspend or revoke a license or registration if the applicant, ~~or~~ licensee, registrant, or any person having control of the applicant, ~~or~~ licensee, or registrant:

(1) Fraudulently or deceptively obtains or attempts to obtain a license or registration for the applicant, ~~or~~ licensee, registrant, or another person;

(2) Fraudulently or deceptively uses a license or registration;

(3) Is or has been convicted of a felony under the laws of this state, another state, the United States, or a territory of the United States: Provided, That in the event an applicant is seeking initial licensure, the Lottery Commission shall apply §29-22C-15(d) and §29-22C-15(e) of this code in determining whether an applicant's prior criminal convictions bear a rational nexus to the licensed profession; or

4) Is or has been convicted of a misdemeanor under the laws of this state, another state, the United States or a territory of the United States for gambling or a gambling related activity: Provided, That in the event an applicant is seeking initial licensure, the Lottery Commission shall apply §29-22C-15(d) and §29-22C-15(e) of this code in determining whether an applicant's prior criminal convictions bear a rational nexus to the licensed profession.

(b) Instead of or in addition to reprimanding a licensee or registrant or suspending or revoking a license or registration, the commission may impose a civil penalty under §29-22C-31 of this code.

## **ARTICLE 22D. WEST VIRGINIA LOTTERY SPORTS WAGERING ACT.**

### **§29-22D-10. License prohibitions.**

(a) The commission may not grant any license, pursuant to the provisions of this article, if evidence satisfactory to the commission exists that the applicant:

(1) Has knowingly made a false statement of a material fact to the commission;

(2) Has been suspended from operating a gambling game, gaming device, or gaming operation, or had a license revoked by any governmental authority responsible for regulation of gaming activities;

(3) Has been convicted of ~~a crime of moral turpitude~~ a gambling-related offense, a theft, or fraud offense, or has otherwise demonstrated, either by a police record or other satisfactory evidence, a lack of respect for law and order: Provided, That the Lottery Commission shall apply §29-22D-10(c) and §29-22D-10(d) of this code in determining whether an applicant's prior criminal convictions bear a rational nexus to the license being sought; or

(4) Is a company or individual who has been directly employed by any illegal or offshore book that serviced the United States, or otherwise accepted black market wagers from individuals located in the United States.

(b) The commission may deny a license to any applicant, reprimand any licensee, or suspend or revoke a license:

(1) If the applicant or licensee has not demonstrated to the satisfaction of the commission financial responsibility sufficient to adequately meet the requirements of the proposed enterprise;

(2) If the applicant or licensee is not the true owner of the business or is not the sole owner and has not disclosed the existence or identity of other persons who have an ownership interest in the business; or

(3) If the applicant or licensee is a corporation which sells more than five percent of a licensee's voting stock, or more than five percent of the voting stock of a corporation which controls the licensee, or sells a licensee's assets, other than those bought and sold in the ordinary course of business, or any interest in the assets, to any person not already determined by the commission to have met the qualifications of a licensee under this article.