

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE
REGULAR SESSION, 2020
TWENTY-NINTH DAY

Charleston, West Virginia, 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 3rd 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,

finest, and fees associated with his or her 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 procedures 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, 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 record keeping” 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, and Rucker:

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 (*Prohibiting certain misleading lawsuit advertising practices*): Senator Romano;

And,

Senate Bill 611 (*Permitting third-party ownership of renewable and alternative energy generating facilities*): 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:

Senate Bill 49 (*Allowing counties to implement one-percent consumers sales tax in certain circumstances*): Senator Cline;

Com. Sub. for Senate Bill 138 (*Incentives for consolidating local governments*): Senators Palumbo and Roberts;

Senate Bill 236 (*Relating to online privacy protection of children*): Senator Maroney;

Com. Sub. for Com. Sub. for Senate Bill 275 (*Creating Intermediate Court of Appeals*): Senator Roberts;

Senate Bill 279 (*Requiring dental insurance plans honor assignment made in writing by person covered*): Senator Roberts;

Senate Bill 318 (*Prohibiting regulation and licensing of occupations by local government*): Senator Cline;

Senate Bill 506 (*Creating Office of Outdoor Recreation*): Senator Cline;

Com. Sub. for Senate Bill 575 (*Designating local fire department as safe-surrender site to accept physical custody of certain children from lawful custodian*): Senator Rucker;

Senate Bill 583 (*Creating program to further development of renewable energy resources*): Senator Cline;

Senate Bill 600 (*Creating special revenue account designated Military Authority Fund*): Senator Maroney;

Com. Sub. for Senate Bill 607 (*Reporting motor vehicle crashes to owners*): Senator Roberts;

Senate Bill 618 (*Conforming WV law to federal distance requirements for locations of salvage yards*): Senator Plymale;

Senate Bill 628 (*Creating WV Children's Vision Act*): Senator Beach;

Com. Sub. for Senate Bill 678 (*Waiving fines and fees for completing Getting Over Addicted Lifestyles Successfully Program*): Senators Romano and Woelfel;

Senate Bill 687 (*Increasing compensation of elected county officials*): Senator Roberts;

Senate Bill 689 (*Enacting Requiring Accountable Pharmaceutical Transparency, Oversight, and Reporting Act*): Senators Cline, Plymale, Prezioso, and Woelfel;

Senate Bill 690 (*Relating to overland recreation*): Senator Cline;

Senate Bill 691 (*Limiting programs adopted by State Board of Education*): Senators Cline and Roberts;

Senate Bill 693 (*Creating personal income tax credit for volunteer firefighters*): Senators Ihlenfeld, Smith, and Stollings;

Senate Bill 694 (*Relating to penalties for neglect, emotional abuse, or death by caregiver*): Senators Cline, Roberts, and Smith;

Senate Bill 697 (*Requiring State Police be compensated for time spent on standby*): Senators Plymale, Roberts, Stollings, and Woelfel;

And,

Senate Bill 698 (*Relating to retirees employed as substitute bus drivers*): Senators Ihlenfeld and Stollings.

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

Senate Resolution 30 (*Designating February 5, 2020, as Tucker County Day*): Senators Plymale and Stollings;

And,

Senate Resolution 31 (*Designating February 5, 2020, as Cancer Survivorship Day*): 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.

SENATE CALENDAR

**Thursday, February 06, 2020
11:00 AM**

UNFINISHED BUSINESS

- S. C. R. 20 - US Senator Joseph Rosier Memorial Highway
- S. C. R. 21 - US Army SSG James "Junior" Spurrier Memorial Bridge
- S. C. R. 22 - George M. Hall Memorial Bridge
- S. R. 32 - Designating February 6, 2020, as Veterans Visibility Day **[ADOPT]**
- S. R. 33 - Reaffirming sister-state relationship between WV and Taiwan **[ADOPT]**

THIRD READING

- Eng. S. B. 482 - Eliminating permit requirement for storing concealed handgun in vehicle on school property for persons over 21
- Eng. S. B. 620 - Authorizing Division of Corrections and Rehabilitation approve home plans for inmates
- Eng. Com. Sub. for S. B. 625 - Creating one-day annual license to permit charitable auction of sealed rare, antique, or vintage liquor bottles
- Eng. Com. Sub. for S. B. 629 - Clarifying alcohol by volume percentage for certain wines
- Eng. Com. Sub. for H. B. 4042 - Requiring agencies exempt from some or all of state purchasing requirements to adopt procedural rules

SECOND READING

- Com. Sub. for S. B. 136 - Prohibiting certain misleading lawsuit advertising practices
- Com. Sub. for S. B. 138 - Incentives for consolidating local governments
- Com. Sub. for S. B. 142 - Expanding Coyote Control Program through voluntary assessment on breeding cows
- S. B. 203 - Allowing certain deductions from personal income tax refunds
- Com. Sub. for S. B. 522 - Relating to compensation awards to crime victims
- Com. Sub. for S. B. 615 - Declaring certain claims against state as moral obligations of state
- Com. Sub. for S. B. 623 - Allowing noncitizen of US be eligible for teaching certificate

FIRST READING

- Com. Sub. for Com. Sub. for S. B. 96 - Prohibiting municipalities from limiting persons' rights to possess certain weapons

Com. Sub. for S. B. 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 S. B. 131 - Creating Tim Tebow Act

Com. Sub. for S. B. 195 - Updating powers of personal representatives of deceased person's estate

S. B. 202 - Allowing one member of PSD board to be county commissioner

Com. Sub. for S. B. 208 - Protecting consumers from unfair pricing practices during state of emergency

S. B. 266 - Clarifying and updating language regarding Fairmont State alumni license plates

Com. Sub. for Com. Sub. for S. B. 275 - Creating Intermediate Court of Appeals

Com. Sub. for S. B. 517 - Creating State Parks and Recreation Endowment Fund

S. B. 573 - Supplementing, amending, and increasing appropriations of public moneys for claims against state

Com. Sub. for S. B. 575 - Designating local fire department as safe-surrender site to accept physical custody of certain children from lawful custodian

Com. Sub. for S. B. 576 - Relating to management of public records

S. B. 600 - Creating special revenue account designated Military Authority Fund

Com. Sub. for S. B. 607 - Reporting motor vehicle crashes to owners

S. B. 618 - Conforming WV law to federal distance requirements for locations of salvage yards

Com. Sub. for S. B. 665 - Requiring persons convicted of certain crimes on or after March 8, 1995, provide DNA samples

Com. Sub. for S. B. 670 - Amending service of process on nonresident persons or corporate entities

Com. Sub. for S. B. 676 - Permitting fees from Child Abuse Registry be used for information technology support costs

Com. Sub. for S. B. 678 - Waiving fines and fees for completing Getting Over Addicted Lifestyles Successfully Program

Eng. Com. Sub. for H. B. 2086 - Uniform Real Property Electronic Recording Act - (Com. amend. pending)

Eng. H. B. 4007 - Born-Alive Abortion Survivors Protection Act - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 4058 - Relating to pharmacy benefit managers - (Com. amend. pending)

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2020

Thursday, February 6, 2020

9:30 a.m.

Children & Families

(Room 208W)