

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE
REGULAR SESSION, 2020
FORTY-FOURTH DAY

Charleston, West Virginia, Thursday, February 20, 2020

The Senate met at 11:14 a.m.

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

Prayer was offered by Dr. D. W. Cummings, Senior Pastor, Bethlehem Apostolic Temple, Wheeling, West Virginia.

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

Pending the reading of the Journal of Wednesday, February 19, 2020,

At the request of Senator Unger, 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, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2028—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 or sewer lines on state rights-of-way; limiting the onsite time required supervision by a state engineer; requiring payment and performance bonds to cover a reasonable length of time for defects to be discovered; requiring public service districts to notify municipalities or county commissions; requiring the public service district to allow the local government unit to install a fiber optics cable or conduit suitable for future installation of fiber optic cable; and requiring the local governmental unit to pay for the costs of installation of the cable or conduit and shall own and control its use.

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 4092—A Bill to repeal §49-2-102, and §49-2-104 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, §49-2-111a, §49-2-112, §49-2-118, §49-2-121, §49-2-124, and §49-2-126 of said code; to amend said code by adding thereto two new sections designated, §49-2-127, §49-2-128, and §49-2-129; and to amend and reenact §49-4-604, of said code; all relating to foster care; defining terms; increasing the number children allowed in a foster care family; setting forth the requirements of performance based contracting; requiring certain moneys to be used in setting the rate for performance based contracting; requiring the department to create a tiered reimbursement model; setting payment minimums; providing rulemaking authority; establishing the rights of foster children; establishing the rights of foster parents; establishing the rights of certified kinship placements; setting forth the reasonable and prudent parent standard; establishing criteria for scattered-site living arrangements; establishing the criteria for supervised group settings; requiring the department promulgate emergency rules; setting forth reporting requirements of a guardian ad litem; and removing non applicable language from the code.

Referred to the Committee on the Judiciary; 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 4099—A Bill to repeal §30-27-11a of the code of West Virginia, 1931, as amended; to amend and reenact §30-27-1 and §30-27-3 of said code; all relating to eliminating the regulation of shampooing and eliminating the permit requirement for shampoo assistants.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced that that body had refused to concur in the Senate amendments to, and requested the Senate to recede therefrom, as to

Eng. Com. Sub. for House Bill 4275, Authorizing Department of Military Affairs and Public Safety promulgate legislative rules relating to the Fire Commission.

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

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

Senators Weld, Takubo, and Jeffries.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, of

Eng. House Bill 4353, Creating a rational nexus requirement between prior criminal conduct and initial licensure decision making.

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 4450—A Bill to amend and reenact §17B-2-5 of the Code of West Virginia, 1931, as amended, relating to instruction permits issued by the Division of Motor Vehicles; and changing the expiration date of instruction permits issued to persons who have reached the age of 18 years from 90 days to six months.

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. House Bill 4499—A Bill to amend and reenact §20-17-7, §20-17A-2 and §20-17A-3 of the Code of West Virginia, 1931, as amended, all relating to multicounty trail network authorities and the Mountaineer Trail Network Recreation Authority.

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 4504—A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, relating to renewal application requirements for individuals with permanent disabilities.

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 4537—A Bill to amend and reenact §20-7-23 of the Code of West Virginia, 1931, as amended, relating to allowing boats with motors larger than 10 horsepower to idle on the Upper Mud River Lake; and requiring the Division of Natural Resources to create special permits for 100 boaters.

Referred to the Committee on Natural 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 4543—A Bill to repeal an article designated §33-15C-1 of the Code of West Virginia, 1931, as amended; to amend said code by repealing one section , designated §33-16-16, of said code; to amend said code by adding thereto a new article

designated, §33-53-1, of said code; and to amend and reenact two sections designated §5A-3-1a and §5-16-7, of said code, all relating to insurance coverage for diabetics.

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. Com. Sub. for House Bill 4620—A Bill to amend and reenact §16-59-2 of the Code of West Virginia, 1931, as amended; relating to certification of recovery residences; and clarifying that building code applies to certain structures; and clarifying that fire code applies to certain structures.

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 4714—A Bill to amend and reenact §29-19-6 of the Code of West Virginia, 1931, as amended, relating to increasing the monetary threshold for requiring nonprofit organizations to register as a charitable organization to be consistent with the United States Internal Revenue Service and other states;

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 4734—A Bill to repeal §30-7-1a, §30-7-6a, §30-7-6b, §30-7-8a, §30-7-11a, §30-7-15a, §30-7-15b, §30-7-15c, §30-7-15d, and §30-7-15e of the Code of West Virginia, 1931, as amended; to repeal §30-7E-1, §30-7E-2, and §30-7E-3 of said code; to amend said code by adding thereto a new section, designated §16-5B-19; to amend and reenact §30-7-1, §30-7-2, §30-7-3, §30-7-4, §30-7-5, §30-7-6, §30-7-7, §30-7-8, §30-7-9, §30-7-10, §30-7-11, §30-7-12, §30-7-13, §30-7-14, §30-7-16, §30-7-17, §30-7-18, §30-7-19, and §30-7-20 of said code; to amend said code by adding thereto 11 new sections, designated §30-7-21, §30-7-22, §30-7-23, §30-7-24, §30-7-25, §30-7-26, §30-7-27, §30-7-28, §30-7-29, §30-7-30, and §30-7-31, all relating to the Board of Nursing, prohibiting the practice of nursing without a license; providing other applicable sections; defining terms; renaming the board; providing for board composition and qualifications; setting forth the powers and duties of the board; clarifying rule-making authority; continuing a special revenue account; establishing license and permit requirements; establishing qualifications for licensure; codifying a scope of practice; creating a temporary permit; providing for reciprocal licensure; establishing renewal requirements; providing for exemptions from licensure; creating a special volunteer license; continuing a Joint Advisory Council; providing the council's composition; providing council members' terms; providing powers of the council; providing duties of the council; setting forth limitations of the article; permitting the board to file an injunction; setting forth grounds for disciplinary actions; allowing for specific disciplinary actions; providing procedures for investigation of complaints; providing for judicial review and appeals of decisions; setting forth hearing and notice requirements; providing for civil causes of action; providing criminal offenses are to be reported to law enforcement; providing criminal penalties; repealing expired authority; and updating references.

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 4773—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5AA-1, all relating to creating a workgroup to study protocols for adverse childhood trauma in this state; designating members of workgroup; providing for duties of workgroup; providing that the West Virginia Bureau of Public Health shall provide staff for the workgroup; providing for public hearings; and providing for the submission of a final report to the Legislature.

Referred to the Select Committee on Children and Families.

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 4—Requesting the Division of Highways name bridge number 20-77/1-0.70 (20A237), locally known as Lower Fields Creek Bridge, carrying County Route 71/1 over Fields Creek in Kanawha County, the “U. S. Marine Corps LCpl Michael Linn Cooper Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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

Com. Sub. for House Concurrent Resolution 13—Requesting the Division of Highways name a portion of WV Route 42 in Mineral County from its intersection with WV Route 46 in Elk Garden to the West Virginia/ Maryland border, the “Watts Brothers Veterans Memorial Road”.

Referred to the Committee on Transportation and Infrastructure.

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 14—Requesting the Division of Highways name bridge number 18-25/1-1.50 (18A261), locally known as Tug Fork Box Beam Bridge, carrying CR 25/1 over the Tug Fork of Mill Creek in Jackson County, the “U. S. Army, Staff Sargent Wendell Otho Casto Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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

Com. Sub. for House Concurrent Resolution 17—Requesting the Division of Highways name bridge number 21-15-2.39 (21A165), locally known as Vandalia Bridge, carrying County Route 15 over Skin Creek in Lewis County, the “U. S. Army PFC William E. “Ed” Smith and WVARNG SSG Edward L. “Eddie” Smith Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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 19—Requesting the Division of Highways name that portion of West Virginia Route 3 beginning at its intersection with Keenan Road and ending at Gap Mills in Monroe County, the “Gold Star Families Highway”.

Referred to the Committee on Transportation and Infrastructure.

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

Com. Sub. for House Concurrent Resolution 20—Requesting the Division of Highways name bridge number 18-77-119.23 NB & SB(18A147, 18A148), Lat/Long: 38.58855, -81.64116 locally known as Spicewood Bridges NB & SB, carrying Interstate 77 over Spicewood Branch and CR 21/34 in Jackson County, the “U. S. Army PFC James Ray Miller Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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

Com. Sub. for House Concurrent Resolution 21—Requesting the Division of Highways name bridge number 44-79—25 79 NB & SB (34A124, 34A135), locally known as the Amma/Big Sandy Creek Bridge, carrying Interstate 79 South over Big Sandy Creek and County Route 29 in Roane County, the “U. S. Army SPC Franklin D. Ashley II Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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

Com. Sub. for House Concurrent Resolution 32—Requesting the Division of Highways name bridge number 6-39-0.01, currently under construction, at the mouth of Mount Union Road at Route 10, in Cabell County, the “Six Wolfe Brothers WW II Era Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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

Com. Sub. for House Concurrent Resolution 33—Requesting the Division of Highways to name bridge number 17-79-119.96 (17A318), locally known as Lodgeville I-79 Bridge, carrying Interstate 79 over CR 50/16, 50/25 and railroad in Harrison County, the “U.S.A.F. LTC Frederick Donald Belknap Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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 34—Requesting the Division of Highways to place at least 10 additional signs along highways entering West Virginia honoring fallen veterans and Gold Star Families.

Referred to the Committee on Transportation and Infrastructure.

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 35—Requesting the Division of Highways to name bridge number 21-1-4.66 (21A212), locally known as Horse Run W-Beam Bridge, carrying County Route 1 over Freemans Creek in Lewis County, the “U.S. Navy BT 2nd Wade E. Burnside Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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 38—Requesting the Division of Highways to name a portion of County Route 1/2, Costa Road, near Costa, Boone County, W.Va., beginning at point (38.16421297” N) (-81.71190007W), at the intersection of Secondary Rt. 1, Ashford Nellis Rd., and Costa Rd., County Route 1/2, and ending at point (38.16056707N) (-81.7041669W), traveling approximately .75 miles, the “U. S. Army PFC Nile C. Ballard Memorial Road”.

Referred to the Committee on Transportation and Infrastructure.

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 39—Requesting the Division of Highways name a portion of Ritchie CR 16/35, known locally as School Road, beginning at the junction of WV 16 (MP 0.00) and ending at the junction of US 50 (MP.0.75) Ritchie County, the “Coach Kenny Wright Road”.

Referred to the Committee on Transportation and Infrastructure.

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 45—Requesting the Division of Highways name bridge number 20-11-1.21 (20A854), locally known as Alum Creek Bridge 1.21, carrying County Route 11 over Alum Creek in Kanawha County, the “U. S. Army Sgt John Matthew Tully Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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 52—Requesting the Division of Highways name bridge number 43-50-10.01 EB & WB (43A198, 43A199), (39.25868, -81.10639) locally known as Bonds

Creek Bridges, carrying US 50 over Bonds Creek in Ritchie county, the “U. S. Army PFC Paul Eugene Gregg Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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 53—Requesting the Division of Highways name bridge number 13-60-34.93 (13A114), locally known as Caldwell Bridge, carrying U. S. Route 60 over the Greenbrier River in Greenbrier County, the “U. S. Army Air Corps T SGT Ralph H. Ray Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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

Com. Sub. for House Concurrent Resolution 54—Requesting the Division of Highways name bridge number 12-042/06-003.19 (12A128), locally known as Possum Hollow Bridge, carrying County Route 42/6 over North Fork Lunice Creek in Grant County, West Virginia, the “U.S. Army PFC Marvin K. “Sonny” Sherman Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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 55—Requesting the Division of Highways name bridge number 36-009/00-00.13 (36A146), locally known as Riverton Truss, carrying County Route 9 over the North Fork of the South Branch of the Potomac River in Pendleton County, the “Pendleton County Veterans Killed in Action Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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 62—Requesting the Division of Highways name bridge number 22-007/00-021.18 (22A153), (38.22218, -82.11335) locally known as Myra Pony Truss, carrying CR 7 over Mud River in Lincoln County, the “USMC Cpl Guy Maywood Edwards Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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 65—Requesting the Division of Highways name bridge number 22-037/00-004.35 (22A059), (38.10346, -82.17775) locally known as East Fork Bridge,

carrying WV 37 over East Fork in Lincoln County, the “U. S. Army TEC5 Donald “Tiny” Lucas Memorial Bridge”.

Referred to the Committee on Transportation and Infrastructure.

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 70—Requesting the Division of Highways name a 1.7 mile stretch of highway, beginning at the intersection of Route 20/1 and County Route 20, also known as Mulberry Ridge Road, in Roane County, West Virginia, the “U. S. Army Air Corps Private Albert J. Sutphin Memorial Highway”.

Referred to the Committee on Transportation and Infrastructure.

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 38 (originating in the Committee on Education), 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 Com. Sub. for Senate Bill 38 (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 §18-2-9a, relating to allowing county boards of education to offer students in grade nine or above an elective social studies course on sacred texts or comparative world religions; permitting a student to use a translation of his or her 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 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 213, Relating to administration of trusts.

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

Com. Sub. for Senate Bill 213 (originating in the Committee on the Judiciary)—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-6-603 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.

And,

Senate Bill 772, Clarifying American Law Institute's Restatements of Law.

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

Com. Sub. for Senate Bill 772 (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 §2-1-3, relating to clarifying that The Restatements of Law and other legal treatises are not controlling authority.

With the recommendation that the two committee substitutes 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 246, Including family court judges in retirement system for judges.

Com. Sub. for Senate Bill 614, Changing method of allocating funding from Safe School Funds.

Senate Bill 816, Updating North American Industry Classification System code references.

And,

Senate Bill 828, Clarifying municipal B&O taxation where business activity occurs.

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

Respectfully submitted,

Craig Blair,
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 514, Creating WV FinTech Regulatory Sandbox Act.

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

Com. Sub. for Senate Bill 514 (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 §31A-8G-1, §31A-8G-2, §31A-8G-3, §31A-8G-4, §31A-8G-5, §31A-8G-6, §31A-8G-7, and §31A-8G-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; providing reporting requirements; defining terms; and providing for rulemaking.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Chandler Swope,
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 530, Relating to taxation of aircraft.

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

Com. Sub. for Senate Bill 530 (originating in the Committee on Finance)—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, all relating to taxation of aircraft; exempting from sales and service tax aircraft sold in this state and removed from the state within 60 days, and providing conditions of exemptions.

And,

Senate Bill 793, Relating to B&O taxes imposed on certain coal-fired electric generating units.

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

Com. Sub. for Senate Bill 793 (originating in the Committee on Finance)—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 electric 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.

With the recommendation that the two committee substitutes 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 635, Allowing administration of small estates.

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

Com. Sub. for Senate Bill 635 (originating in the Committee on the Judiciary)—A Bill to repeal §44-1-28 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; providing a mechanism for administration of a small estate upon affidavit and without appointment; detailing methods for payment or delivery of small assets to authorized successors; discharging and releasing payors; detailing treatment of real estate in a small estate; providing for the applicability of this article in relation to other sections of the West Virginia code; providing an effective date; and allowing payment or delivery of small assets of a decedent to an authorized successor.

And,

Senate Bill 668, Enacting Uniform Trust Decanting Act.

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

Com. Sub. for Senate Bill 668 (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 §44D-8B-1, §44D-8B-2, §44D-8B-3, §44D-8B-4, §44D-8B-5, §44D-8B-6, §44D-8B-7, §44D-8B-8, §44D-8B-9, §44D-8B-10, §44D-8B-11, §44D-8B-12, §44D-8B-13, §44D-8B-14, §44D-8B-15, §44D-8B-16, §44D-8B-17, §44D-8B-18, §44D-8B-19, §44D-8B-20, §44D-8B-21, §44D-8B-22, §44D-8B-23, §44D-8B-24, §44D-8B-25, §44D-8B-26, §44D-8B-27, §44D-8B-28, §44D-8B-29, §44D-8B-30, and §44D-8B-31, all relating to enactment of the Uniform Trust Decanting Act to allow a trustee to distribute assets of one trust into another trust; providing a short title; defining terms; setting forth the scope of the act; setting forth a fiduciary's duty and the fiduciary's authority to exercise the decanting power; setting forth those trusts to which the act applies; providing for actions or failure to act as a result of reasonable reliance; requiring fiduciary to give notice containing specified information to certain persons before exercising decanting power; providing

for notice to representatives and consent of or waiver by a representative; providing for court involvement upon application by a fiduciary or other specified persons; specifying actions which the court may take; requiring a signed record of any exercise of the decanting power; providing for fiduciary's decanting power under expanded distributive discretion and setting forth restrictions on a second trust; providing for fiduciary's decanting power under expanded limited distributive discretion; providing when a special-needs fiduciary may exercise the decanting power for a beneficiary with a disability; requiring fiduciary to protect charitable interests; setting forth first trust limitations which affect decanting; setting forth limitations on a change in a fiduciary's compensation; providing for relief from liability and indemnification of the fiduciary in the second trust instrument; providing for the removal or replacement of an authorized fiduciary through exercise of the decanting power; setting forth tax-related limitations; providing for the duration of the second trust; providing that distribution is not required; setting forth saving provision where second trust does not comply with the act; setting forth requirements regarding a trust for the care of an animal; providing for second trust terms; providing grantor of the first trust is a grantor of the second trust; providing for later discovered property; providing that obligations of the first trust are obligations of the second trust; providing that application and construction of the act is to be uniform; relating to application of federal act to electronic signatures; and providing for severability and an effective date.

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 700, Exempting physicians from specified traffic laws when responding to emergencies.

And,

Senate Bill 827, Relating to protection and repair of damage caused by oil and gas industry to state roads.

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 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 739, Authorizing PSC protect consumers of distressed and failing water and wastewater utilities.

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

Com. Sub. for Senate Bill 739 (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; 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; and 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.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,
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 800, Authorizing electric utilities construct and operate project within electric utility distribution system.

And,

Senate Bill 831, Clarifying Economic Development Authority board enter into contracts necessary to carry out duties.

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

Respectfully submitted,

Chandler Swope,
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 819, Relating to DOH management of Coal Resource Transportation roads.

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

Com. Sub. for Senate Bill 819 (originating in the Committee on Transportation and Infrastructure)—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 to coal resource transportation roads; defining certain terms; expanding coal resource transportation road system; updating reporting requirements for Division of Highways and Public Service Commission; updating maximum distance for special crossing permits; updating process for designation and decertification of coal resource transportation roads; renaming Coal Resource Transportation Designation Committee as Coal Resource Transportation Advisory Committee and redefining authority; and correcting technical errors

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles H. Clements,
Chair.

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 839 (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 §18B-1D-11, relating to creating the State Advisory Council on Postsecondary Attainment Goals; designating members of the council; providing for the powers and duties of the council; requiring certain state agencies to cooperate with the council; and establishing a sunset date for the council.

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

Respectfully submitted,

Rollan A. Roberts,
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 17, USMC PFC Manuel P. Markos Memorial Bridge.

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

Respectfully submitted,

Chandler Swope,
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

Eng. Com. Sub. for House Bill 4217, Authorizing the Department of Environmental Protection to promulgate legislative rules.

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 Azinger, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Eng. House Bill 4600, Relating to the definition of the term member regarding distributing premium tax proceeds.

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.

Senators Mann, Carmichael (Mr. President), Baldwin, Blair, Jeffries, Prezioso, Romano, Swope, Takubo, and Weld offered the following resolution:

Senate Concurrent Resolution 42—Requesting the Division of Highways name bridge number 32-025/00-005.38 (32A098), locally known as Hans Creek Bridge, carrying CR 25 over Hans Creek in Monroe County, the “U.S. Army CPL Richard ‘Warren’ Ellison Memorial Bridge”.

Whereas, Richard “Warren” Ellison was born December 29, 1924, at home in the “Big House” on the family farm at Hans Creek, West Virginia, the son of the late Addison Dunlap and Emma Catherine Kyle Ellison. In his early days, Warren attended a one room schoolhouse on Hans Creek, then when the family moved to Morgantown, he attended Elementary and Junior High Schools there. From Morgantown, he moved with his sister, Catherine, to the Roanoke- Salem, Virginia area and graduated in 1942 from Andrew Lewis High School in Salem, Virginia. In 1943 he married the love of his life, Juliet “Judy” Ellen Kuhn of Huntington, West Virginia; and

Whereas, Warren was inducted into the U.S. Army in September of 1944. Warren served in the Pacific Theatre during World War II on Okinawa and in the Philippines until he was Honorably Discharged in November of 1946, the rank of corporal; and

Whereas, Warren furthered his education in 1947 in agriculture at West Virginia University. He was a member of the WV Farm Bureau since 1959, serving as secretary and treasurer. He was a member and elder of the Centerville Presbyterian Church at Greenville, West Virginia. He was a director and Chairman of the Board of the Bank of Greenville and served as a supervisor for the Greenbrier Valley Soil Conservation District for eight years and for one term as county committeeman for the Farmer’s Home Administration. Part of his involvement with the Extension was as a 4-H Leader for the Handy Hans 4-H Club for many years, and his other community involvement was extensive. Warren had dedicated his entire life to farming, his family, and helping others. He, along with his son Bert, has owned and operated the family farm on Hans Creek, West Virginia, that was designated a “Bicentennial Farm” in 1988 with emphasis on beef cattle production and Holstein heifer calves as dairy herd replacements. Warren was the sixth-generation farm owner. A long time ago, as a third grader in a city school, Warren’s teacher asked the class, “what do you want to be when you grow up?” Warren’s answer then without a moment’s hesitation was, “A Farmer!”, and the rest was history; and

Whereas, Richard “Warren” Ellison, age 94, of “Hans Creek”, Greenville, West Virginia, passed away on Tuesday, March 12, 2019 at Springfield Center at Lindside, West Virginia; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army CPL Richard “Warren” Ellison 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 32-025/00-005.38 (32A098), locally known as Hans Creek Bridge, carrying CR 25 over Hans Creek in Monroe county the “U.S. Army CPL Richard ‘Warren’ Ellison 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 Richard ‘Warren’ Ellison 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 Swope and Maynard offered the following resolution:

Senate Resolution 48—Recognizing the 125th anniversary of Bluefield State College.

Whereas, Senate Bill 122 was introduced into the West Virginia Senate by Mercer County State Senator William Mahood on February 1, 1895, providing expanded educational opportunities for the Mountain State's individuals of color; and

Whereas, Senate Bill 122 passed both chambers of the State Legislature on February 21, 1895, and advanced to the desk of West Virginia Governor William McCorkle, who neither signed nor vetoed the bill. As a result, Senate Bill 122 became law 60 days after passage in both chambers; and

Whereas, Senate Bill 122 established a school in Bluefield, "to be called 'Bluefield Colored Institute,'" and a sum of eight thousand dollars in state funding was designated for the purpose of a site for the school and construction of buildings; and

Whereas, Bluefield Colored Institute began serving its first class of students on September 1, 1896, and embraced its academic mission with passion and an entrepreneurial spirit, embodied by its Industrial Arts program, whose students built many of the structures in which they studied and lived on campus; and

Whereas, Bluefield Colored Institute soon evolved into a normal school, Bluefield State Teachers College, then further diversified its curriculum through offer several high-demand, career-focused degree programs, and the Institute was, as a result, renamed Bluefield State College; and

Whereas, Throughout its 125-year history, Bluefield State College has served the residents of the state, nation, and world with distinction, holding 12 program specific academic accreditations, winning two world robotics championships, and equipping students for successful careers in STEM reliant careers, education, and liberal arts; and

Whereas, Bluefield State College students, employees, and alumni, through the insight of the College's Board of Governors and the vision and leadership of the College's administration, take an active role in volunteerism and community engagement; and

Whereas, The year 2020 marks the 125th anniversary of Bluefield State College's founding; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the 125th anniversary of Bluefield State College; and, be it

Further Resolved, That the Senate extends its sincere appreciation and gratitude to Bluefield State College for its 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 the president of Bluefield State College, Robin Capehart.

Which, under the rules, lies over one day.

Senators Jeffries and Lindsay offered the following resolution:

Senate Resolution 49—Designating February 21, 2020, as West Virginia State University Day.

Whereas, West Virginia State University is a premier regional research university that is recognized nationally for its quality education, innovative teaching and experiential learning; and

Whereas, The University was founded as the West Virginia Colored Institute by the West Virginia Legislature on March 17, 1891, as a public historically black college and university (HBCU) in Institute, West Virginia; and

Whereas, It was one of the original universities among the 1890 land-grant colleges and universities established by the second Morrill Act of 1890; and

Whereas, Along with academic programs, military education became an integral part of the curriculum, with the Legislature passing a bill to admit up to 60 cadets in 1899, graduating more than 900 second lieutenants and 15 generals throughout the University's history; and

Whereas, In 1927, the university was accredited by the North Central Association (Higher Learning Commission) making it the first of 17 original schools to be certified by a regional association, becoming the first public college in West Virginia to be accredited by the North Central Association Higher Learning Commission holding the longest continuous accreditation of any public college or university in West Virginia; and

Whereas, In 1929, the Institution became known as West Virginia State College and over the next decades, West Virginia State was recognized as one of the leading public institutions of higher education for African-Americans; and

Whereas, In 1954, the United States Supreme Court gave its historic decision outlawing school segregation and West Virginia State rapidly transitioned to an integrated institution garnering national attention for substantial enrollment increases after the removal of racial barriers; and

Whereas, In 2004, the West Virginia Legislature approved the transition to University status; and

Whereas, West Virginia State University now offers 72 academic program options leading to 23 baccalaureate and seven master's degrees and seven fully online programs; and

Whereas, As one of only two land-grant institutions in the state, West Virginia State University's Extension Service serves all 55 counties and approximately 20,000 people throughout the year, including through the statewide Healthy Grandfamilies program, which provides information and resources to grandparents raising their grandchildren; and

Whereas, As a regional research institution, West Virginia State University contributes significantly to state economic development efforts in the natural and social sciences, including agricultural, environmental, biomedical, and business and economics research endeavors, amassing over \$17 million in research revenues; and

Whereas, With every dollar the state invests in West Virginia State University, the University returns \$16 in economic activity, resulting in an estimated economic output of \$254 million per year; and

Whereas, Prominent alumni from West Virginia State University include scholars, celebrities, politicians, business people, athletes, leaders, who have distinguished themselves across the globe and changed the world, such as the Tuskegee Airmen; NBA legend Earl Lloyd and Presidential Medal of Freedom recipient Katherine Johnson, who inspired the film, "Hidden Figures"; and

Whereas, West Virginia State University is a member of the NCAA Division II Mountain East Conference, fielding 11 men's and women's athletic teams the compete regularly for conference championships; and

Whereas, Since its founding 129 years ago, West Virginia State University has always proven to be a community of students, outstanding faculty and staff devoted to helping people excel and gain the education needed to launch successful careers; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 21, 2020, as West Virginia State University Day; and, be it

Further Resolved, That the Senate hereby recognizes West Virginia State 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. Anthony L. Jenkins, President of West Virginia State University.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Com. Sub. for Senate Concurrent Resolution 19, USMC LCpl Fred Michael Kerns 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 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.

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 47, Recognizing Clay County High School “We the People” team for winning sixth consecutive WV state championship.

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

At the request of Senator Facemire, 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. 47) adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Facemire and Romano regarding the adoption of Senate Resolution 47 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 47.

The Senate reconvened at 11:48 a.m.

At the request of Senator Romano, unanimous consent being granted, Senator Romano addressed the Senate regarding former Clay County High School student and Senate Parliamentarian Jake Nichols.

At the request of Senator Trump, and by unanimous consent, 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 Com. Sub. for Senate Bill 291, Requiring PEIA and health insurance providers provide mental health parity.

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 291 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 Com. Sub. for S. B. 291) 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 502, Relating to methamphetamine criminal penalty.

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. 502) 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 562, Expunging certain criminal convictions.

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. 562) 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 610, Removing resident manager requirement for Alcohol Beverage Control Administration.

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. 610) 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, 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. 610) 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 692, Clarifying persons indicted or charged jointly for felony offense can move to have separate trial.

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. 692) 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 130, Relating to procedure for driver's license suspension and revocation for DUI.

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 253, Providing for fair pay and maximized employment of disabled persons.

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

Senate Bill 651, Relating to definition of "mortgage loan originator".

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 660, Regulating electric bicycles.

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

Eng. House Bill 4149, Relating to insurance.

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

The following amendment to the bill, from the Committee on Banking and Insurance, was reported by the Clerk and adopted:

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

ARTICLE 4. GENERAL PROVISIONS.

§33-4-2. Application of chapter to particular types of insurers.

(a) No provision of this chapter shall apply to:

(1) Hospital service corporations and medical service corporations except as stated in §33-24-1 *et seq.* of this code;

(2) Fraternal benefit societies except as stated in §33-23-1 *et seq.* of this code;

(3) Farmers' mutual fire insurance companies except as stated in §33-22-1 *et seq.* of this code;

(4) Warranties;

(5) Service contracts;

(6) Maintenance agreements.

(b) For the purposes of this article:

(1) "Holder" means a resident of this state who either purchases a service agreement or is legally in possession of a service contract and is entitled to enforce the rights of the original purchaser of the service contract.

(2) "Incidental costs" means expenses specified in a vehicle protection product warranty that are incurred by the warranty holder due to the failure of a vehicle protection product to perform as provided in the contract. Incidental costs may be reimbursed in either a fixed amount specified in the vehicle protection product warranty or by use of a formula itemizing specific incidental costs incurred by the warranty holder.

~~(2)~~ (3) "Maintenance agreement" means a contract for a limited period that provides only for scheduled maintenance.

~~(3)~~ (4) "Provider" means a person who is obligated to a holder pursuant to the terms of a service contract to repair, replace, or perform maintenance on or to indemnify the holder for the costs of repairing, replacing, or performing maintenance on goods.

(5) "Road hazard" means a hazard that is encountered while driving a motor vehicle, which may include potholes, rocks, wood debris, metal parts, glass, plastic, curbs, or composite scraps.

~~(4)~~ (6) "Service contract" means an agreement entered into for a separately stated consideration and for a specified term under which a provider agrees to repair, replace, or maintain a product or provide indemnification for the repair, replacement, or maintenance of a product for operational or structural failure caused by a defect in materials or workmanship or by normal wear. A service contract may additionally provide for incidental payment or indemnity under limited circumstances, including towing, rental, and emergency road service or for the repair or replacement of a product for damage resulting from power surges or accidental damage incurred in handling the product. "Service contract" includes a contract or agreement that provides for one or more of the following:

(A) The repair or replacement of tires or wheels on a motor vehicle damaged as a result of coming into contact with road hazards;

(B) The removal of dents, dings, or creases on a motor vehicle that can be repaired using the process of paintless dent removal without affecting the existing paint finish and without replacing vehicle body panels, sanding, bonding, or painting;

(C) The repair of chips or cracks in, or the replacement of, motor vehicle windshields as a result of damage caused by road hazards;

(D) The replacement of a motor vehicle key or key-fob in the event that the key or key-fob becomes inoperable or is lost or stolen;

(E) The repair of damage to the interior components of a motor vehicle caused by wear and tear;

(F) The cosmetic repair of minor damage such as scuffs, scratches, scrapes, or rash on exterior surfaces of a motor vehicle; or

(G) In conjunction with a motor vehicle leased for use, the repair, replacement, or maintenance of property, or indemnification for repair, replacement, or maintenance, due to excess wear and use, damage for items such as tires, paint cracks or chips, interior stains, rips or scratches, exterior dents or scratches, windshield cracks or chips, missing interior or exterior parts, or excess mileage that result in a lease-end charge, or any other charge for damage that is deemed as excess wear and use by a lessor under a motor vehicle lease, provided any such payment does not exceed the purchase price of the vehicle.

(7) "Vehicle protection product" means a protective chemical, substance, device, or system that: (A) is installed on or applied to a motor vehicle; (B) is designed to prevent loss or damage to a motor vehicle from a specific cause; and (C) includes a vehicle protection product warranty. "Vehicle protection product" does not include fuel additives, oil additives, or other chemical products applied to the engine, transmission, or fuel system.

(8) "Vehicle protection product warranty" means a warranty that provides that if the vehicle protection product fails to prevent loss or damage to a motor vehicle from a specific cause, the warrantor will pay to or on behalf of the warranty holder specified incidental costs as a result of the failure of the vehicle protection product to perform pursuant to the terms of the vehicle protection product warranty.

~~(5)~~ (9) "Warranty" means in relation to a product or service an undertaking that guarantees indemnity for defective parts, mechanical or electrical breakdown, labor costs, or other remedial measures, such as repair or replacement of the product or repetition of services, and that is made solely by the manufacturer, importer, or seller of the product or services made without payment of additional consideration, not negotiated or separated from the sale of the product or service and incidental to the sale of the product or service. "Warranty" includes a vehicle protection product warranty.

The bill (Eng. H. B. 4149), as amended, was then ordered to third reading.

Eng. House Bill 4359, Modifying the filing fees for insurers.

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

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

On page one, section thirty-four, lines one through three, by striking out all of subsection (a) and inserting in lieu thereof a new subsection, designated subsection (a), to read as follows:

(a) As used in this section, "filing" means any form filing made pursuant to §33-6-8 of this code or any rule or rate filing made pursuant to this chapter.;

And,

On page one, section thirty-four, line eleven, after the word "refunded" by inserting a comma.

The bill (Eng. H. B. 4359), as amended, was then ordered to third reading.

Eng. House Bill 4411, Relating to the West Virginia Residential Mortgage Lender, Broker and Servicer Act.

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

Eng. House Bill 4515, Relating to wildlife resources, eligibility for license or permit application.

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 and joint resolution on first reading were considered read a first time and ordered to second reading:

Com. Sub. for Com. Sub. for Senate Bill 284, Creating WV Health Care Continuity Act.

Com. Sub. for Senate Bill 484, Requiring free feminine hygiene products be provided to female prisoners.

Com. Sub. for Com. Sub. for Senate Bill 491, Relating to Seed Certification Program.

Com. Sub. for Senate Bill 528, Creating Uniform Worker Classification Act.

Com. Sub. for Senate Bill 578, Recalculating tax on generating, producing, or selling electricity from solar energy facilities.

Com. Sub. for Com. Sub. for Senate Bill 579, Changing and adding fees to wireless enhanced 911 fee.

Com. Sub. for Senate Bill 586, Reorganizing and re-designating Department of Military Affairs and Public Safety as Department of Homeland Security.

Com. Sub. for Senate Bill 649, Permitting county emergency phone system directors negotiate contracts for mobile phones.

Com. Sub. for Senate Bill 672, Creating special registration plate recognizing Girl Scouts.

Com. Sub. for Senate Bill 689, Enacting Requiring Accountable Pharmaceutical Transparency, Oversight, and Reporting Act.

Senate Bill 691, Limiting programs adopted by State Board of Education.

Com. Sub. for Senate Bill 705, Allowing military veterans with certain experience qualify for examination as electrician or plumber.

Com. Sub. for Senate Bill 707, Relating to nursing career pathways.

Com. Sub. for Senate Bill 722, Relating to special license plates for public and private nonprofit transit providers.

Senate Bill 723, Requiring Department of Education develop plan based on analyzed data on school discipline.

Senate Bill 727, Relating to disbursement of funds for highway road repair.

Com. Sub. for Senate Bill 728, Exempting all property used for agricultural purposes from county property maintenance codes or ordinances.

Senate Bill 734, Clarifying powers and duties of DOH in acquiring property for state road purposes.

Com. Sub. for Senate Bill 751, Removing certain requirements of municipality annexing property within urban growth boundary.

Senate Bill 755, Relating to High-Wage Growth Business Tax Credit Act.

Com. Sub. for Senate Bill 760, Allowing state college or university apply to HEPC for designation as administratively or financially exempt school.

Com. Sub. for Senate Bill 770, Revising requirements for post-doctoral training.

Senate Bill 781, Relating to reports regarding collaborative agreements between community and technical colleges and federally registered apprenticeship programs.

Senate Bill 782, Relating to fees assessed by Health Care Authority on certain hospitals.

Com. Sub. for Senate Bill 787, Providing benefits to pharmacists for rendered care.

Senate Bill 789, Repealing obsolete sections of WV Code relating to Legislature.

Senate Bill 803, Supplemental appropriation of money out of General Revenue Fund to DHHR.

Senate Bill 804, Supplemental appropriation of moneys from Treasury to PSC, Consumer Advocate Fund.

Senate Bill 806, Supplemental appropriation out of federal funds in Treasury to DOT.

Senate Bill 837, Providing exemptions from ad valorem taxes for certain types of personal property.

Senate Bill 838, Directing state police establish referral program for substance abuse treatment.

Com. Sub. for Senate Joint Resolution 9, Amendment Authorizing Legislature to Eliminate or Lower Ad Valorem Tax on Motor Vehicles and Any Other Tangible Personal Property.

Eng. Com. Sub. for House Bill 2338, Allowing the owner of an antique military vehicle to display alternate registration insignia.

Eng. House Bill 4477, West Virginia Mutual to Mutual Insurance Holding Company Act.

And,

Eng. House Bill 4661, Relating to the powers of the Public Service Commission and the regulation of natural gas utilities.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Tarr, Woelfel, and Plymale.

Thereafter, at the request of Senator Lindsay, and by unanimous consent, the remarks by Senators Woelfel and Plymale were ordered printed in the Appendix to the Journal.

At the request of Senator Takubo, unanimous consent being granted, the remarks by Senator Tarr 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:

Com. Sub. for Senate Bill 246 (*Including family court judges in retirement system for judges*): Senator Plymale;

Senate Bill 752 (*Relating generally to medical cannabis*): Senator Woelfel;

Senate Bill 759 (*Authorizing municipalities establish low-cost alternative energy revolving loan program*): Senator Woelfel;

Senate Bill 762 (*Creating Preserving Patient Stability Act of 2020*): Senator Woelfel;

Senate Bill 765 (*Modifying "Habitual Offender" statute*): Senator Woelfel;

Senate Bill 792 (*Relating to employment of nurses in public schools*): Senator Woelfel;

Senate Bill 817 (*Reducing cost of prescription drugs*): Senator Smith;

Senate Bill 822 (*Increasing annual longevity-based salary increase for civil service deputy sheriffs*): Senator Stollings;

Senate Bill 823 (*Increasing salaries for WV State Police*): Senator Stollings;

Senate Bill 824 (*Establishing Summer Feeding for All Program*): Senator Stollings;

And,

Senate Bill 827 (*Relating to protection and repair of damage caused by oil and gas industry to state roads*): Senators Baldwin, Stollings, and Smith.

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

Senate Resolution 47 (*Recognizing Clay County High School “We the People” team for winning sixth consecutive WV state championship*): Senators Lindsay, Baldwin, Jeffries, and Stollings.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:27 p.m., the Senate adjourned until tomorrow, Friday, February 21, 2020, at 11 a.m.

SENATE CALENDAR

**Friday, February 21, 2020
11:00 AM**

UNFINISHED BUSINESS

- S. C. R. 17 - USMC PFC Manuel P. Markos Memorial Bridge **[ADOPT]**
- S. C. R. 42 - US Army CPL Richard "Warren" Ellison Memorial Bridge
- S. R. 48 - Recognizing 125th Anniversary of Bluefield State College **[ADOPT]**
- S. R. 49 - Designating February 21, 2020, as WV State University Day **[ADOPT]**

THIRD READING

- Eng. Com. Sub. for S. B. 130 - Relating to procedure for driver's license suspension and revocation for DUI
- Eng. Com. Sub. for S. B. 253 - Providing for fair pay and maximized employment of disabled persons
- Eng. S. B. 651 - Relating to definition of "mortgage loan originator" (original similar to HB 3060)
- Eng. Com. Sub. for S. B. 660 - Regulating electric bicycles
- Eng. H. B. 4149 - Relating to insurance - (Com. title amend. pending)
- Eng. H. B. 4359 - Modifying the filing fees for insurers - (Com. title amend. pending)
- Eng. H. B. 4411 - Relating to the West Virginia Residential Mortgage Lender, Broker and Servicer Act
- Eng. H. B. 4515 - Relating to wildlife resources, eligibility for license or permit application

SECOND READING

- Com. Sub. for Com. Sub. for S. B. 284 - Creating WV Health Care Continuity Act
- Com. Sub. for S. B. 484 - Requiring free feminine hygiene products be provided to female prisoners
- Com. Sub. for Com. Sub. for S. B. 491 - Relating to Seed Certification Program
- Com. Sub. for S. B. 528 - Creating Uniform Worker Classification Act
- Com. Sub. for S. B. 578 - Recalculating tax on generating, producing, or selling electricity from solar energy facilities
- Com. Sub. for Com. Sub. for S. B. 579 - Changing and adding fees to wireless enhanced 911 fee
- Com. Sub. for S. B. 586 - Reorganizing and re-designating Department of Military Affairs and Public Safety as Department of Homeland Security (original similar to HB4485)

Com. Sub. for S. B. 649 - Permitting county emergency phone system directors negotiate contracts for mobile phones

Com. Sub. for S. B. 672 - Creating special registration plate recognizing Girl Scouts

Com. Sub. for S. B. 689 - Enacting Requiring Accountable Pharmaceutical Transparency, Oversight, and Reporting Act

S. B. 691 - Limiting programs adopted by State Board of Education

Com. Sub. for S. B. 705 - Allowing military veterans with certain experience qualify for examination as electrician or plumber

Com. Sub. for S. B. 707 - Relating to nursing career pathways

Com. Sub. for S. B. 722 - Relating to special license plates for public and private nonprofit transit providers

S. B. 723 - Requiring Department of Education develop plan based on analyzed data on school discipline

S. B. 727 - Relating to disbursement of funds for highway road repair

Com. Sub. for S. B. 728 - Exempting all property used for agricultural purposes from county property maintenance codes or ordinances

S. B. 734 - Clarifying powers and duties of DOH in acquiring property for state road purposes

Com. Sub. for S. B. 751 - Removing certain requirements of municipality annexing property within urban growth boundary

S. B. 755 - Relating to High-Wage Growth Business Tax Credit Act

Com. Sub. for S. B. 760 - Allowing state college or university apply to HEPC for designation as administratively or financially exempt school

Com. Sub. for S. B. 770 - Revising requirements for post-doctoral training

S. B. 781 - Relating to reports regarding collaborative agreements between community and technical colleges and federally registered apprenticeship programs

S. B. 782 - Relating to fees assessed by Health Care Authority on certain hospitals

Com. Sub. for S. B. 787 - Providing benefits to pharmacists for rendered care

S. B. 789 - Repealing obsolete sections of WV Code relating to Legislature

S. B. 803 - Supplemental appropriation of money out of General Revenue Fund to DHHR (original similar to HB4965)

S. B. 804 - Supplemental appropriation of moneys from Treasury to PSC, Consumer Advocate Fund (original similar to HB4962)

S. B. 806 - Supplemental appropriation out of federal funds in Treasury to DOT (original similar to HB4964)

S. B. 837 - Providing exemptions from ad valorem taxes for certain types of personal property

S. B. 838 - Directing state police establish referral program for substance abuse treatment

Com. Sub. for S. J. R. 9 - Amendment Authorizing Legislature to Eliminate or Lower Ad Valorem Tax on Motor Vehicles and Any Other Tangible Personal Property

Eng. Com. Sub. for H. B. 2338 - Allowing the owner of an antique military vehicle to display alternate registration insignia - (Com. amend. pending)

Eng. H. B. 4477 - West Virginia Mutual to Mutual Insurance Holding Company Act - (Com. title amend. pending) (original similar to SB598)

Eng. H. B. 4661 - Relating to the powers of the Public Service Commission and the regulation of natural gas utilities

FIRST READING

Com. Sub. for Com. Sub. for S. B. 38 - Requiring schools provide elective course on Hebrew Scriptures or Bible

Com. Sub. for S. B. 213 - Relating to administration of trusts (original similar to HB4933)

Com. Sub. for S. B. 246 - Including family court judges in retirement system for judges

Com. Sub. for S. B. 514 - Creating WV FinTech Regulatory Sandbox Act

Com. Sub. for S. B. 530 - Relating to taxation of aircraft

Com. Sub. for S. B. 614 - Changing method of allocating funding from Safe School Funds

Com. Sub. for S. B. 635 - Allowing administration of small estates

Com. Sub. for S. B. 668 - Enacting Uniform Trust Decanting Act

Com. Sub. for S. B. 739 - Authorizing PSC protect consumers of distressed and failing water and wastewater utilities

Com. Sub. for S. B. 772 - Clarifying American Law Institute's Restatements of Law

Com. Sub. for S. B. 793 - Relating to B&O taxes imposed on certain coal-fired electric generating units

S. B. 800 - Authorizing electric utilities construct and operate project within electric utility distribution system

S. B. 816 - Updating North American Industry Classification System code references

Com. Sub. for S. B. 819 - Relating to DOH management of Coal Resource Transportation roads

S. B. 828 - Clarifying municipal B&O taxation where business activity occurs

S. B. 831 - Clarifying Economic Development Authority board enter into contracts necessary to carry out duties

S. B. 839 - Creating State Advisory Council on Postsecondary Attainment Goals

Eng. Com. Sub. for H. B. 4217 - Authorizing the Department of Environmental Protection to promulgate legislative rules - (Com. amend. and title amend. pending)

Eng. H. B. 4600 - Relating to the definition of the term member regarding distributing premium tax proceeds