

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

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

Charleston, West Virginia, Friday, February 21, 2020

The Senate met at 11:14 a.m.

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

Prayer was offered by Pastor Chad Cobb, River Ridge Church Teays Valley Campus in Hurricane, West Virginia.

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

Pending the reading of the Journal of Thursday, February 20, 2020,

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

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

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage, to take effect from passage, of

Eng. Com. Sub. for Senate Bill 209, Relating to annexation by minor boundary adjustment.

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 4015—A Bill to amend and reenact §17-2E-3, §17-2E-5, §17-2E-6, §17-2E-8, and §17-2E-9 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto two new sections, designated §17-2E-6a and §17-2E-6b; to amend and reenact §31-15-8 of said code; to amend and reenact §31G-1-3 and §31G-1-6 of said code; and to amend said code by adding thereto a new article, designated §31G-5-1, §31G-5-2, §31G-5-3 and §31G-5-4, all relating generally to economic development; providing a timetable for Division of Highways to approve or deny applications for right-of-way access; providing that telecommunications carriers may satisfy an obligation to provide the notice to other

telecommunications carriers under this section by requesting the assistance and coordination of the Broadband Enhancement Council; providing the Broadband Enhancement Council is responsible for ensuring compliance with certain requirements; setting the fair market value for purposes of this article at \$0 in monetary compensation if the division is required by law to accept compensation for use of the division's right-of-way; providing the division may receive in-kind compensation; explaining what the division may consider when valuing in-kind compensation; delineating that in-kind compensation may be used only for state purposes; setting forth that where two or more providers share the obligation of compensating the division they shall do so on a fair, reasonable and equitable basis; providing that subject to the provisions of the Vertical Real Estate Management and Availability, the division may enter into an agreement and issue a permit to allow any carrier to use excess telecommunications facilities owned or controlled by the division; providing that with gubernatorial approval, the division may transfer or assign the rights related to a telecommunications facilities owned or controlled by the division to any other state agency; allowing the commissioner to establish a policy to provide for installation of conduit on bridges; changing language relating to the commissioner's rule-making authority; permitting the existing insurance fund to insure additional broadband internet service; giving the Governor authority to name the chair of the Broadband Enhancement Council; providing that executive agencies shall cooperate with and provide all necessary information to the council to determine the feasibility and federal allowability of creating Advanced Regulatory Environment Analysis (AREA) maps; enacting the Vertical Real Estate Management and Availability Act; requiring the Department of Administration to coordinate with the Governor to seek proposals to manage state-owned vertical real estate; establishing how the vertical real estate is to be managed; defining "vertical real estate" as any structure that is suitable for the mounting of communications equipment and associated ground facilities; providing for a distribution of funds from leasing state-owned vertical real estate; and, setting forth certain exceptions to the availability for management of state-owned vertical real estate.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 4026, Exempting businesses transporting scrap tires, waste tires, or other used tires, from certain statutory provisions.

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 4039—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to providing limitations on nuisance actions against fire department and emergency medical services fixed sirens under certain circumstances.

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 4422—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-60-1, §16-60-2, and §16-60-3, all relating to prohibiting patient brokering; defining terms; prohibiting causing or participating in acts

that are intended to derive any benefit or profit from referral of a patient to a healthcare provider or health care facility; prohibiting patient brokering related to a recovery residence; establishing criminal penalties for persons and business entities engaged in unlawful patient brokering; providing exceptions; and defining terms.

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

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

Eng. House Bill 4514—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §20-2-5j; and to amend and reenact §20-2-16 of said code, all relating to hunting; permitting the use of leashed dogs to track mortally wounded deer or bear; and setting forth how dogs caught chasing deer are to be handled.

Referred to the Committee on Natural Resources.

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 4529—A Bill to amend and reenact §7-25-22 of the Code of West Virginia, 1931, as amended, relating to the collection of assessments and the priority of liens on property within a resort area district.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 4589—A Bill to amend and reenact §29-1-3 of the Code of West Virginia, 1931, as amended, relating to causing a study and recommendations by the Commission on the Arts on the construction and design of a memorial to honor West Virginians killed in the United States War on Terror.

Referred to the Committee on Military.

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

Eng. Com. Sub. for House Bill 4593—A Bill to amend and reenact §3-1-5 and §3-1-30 of the Code of West Virginia, 1931, as amended, all relating to authorizing the assignment of poll workers to serve more than one precinct when those precinct polling places are located in the same building or facility.

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 4594—A Bill to amend and reenact §3-1-28 of the Code of West Virginia, 1931, as amended, relating to allowing election officials to be appointed to work in precincts outside their county of residence; and prohibiting candidates for certain offices from serving as election officials for 18 months prior or subsequent to an election.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 4697—A Bill to amend and reenact §60-1-5b of the Code of West Virginia, 1931, as amended, relating to the definition of “mini-distillery” and sourcing of raw agricultural products used therein.

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 4747—A Bill to amend and reenact §29-19-2, §29-19-5, §29-19-6, and §29-19-9 of the Code of West Virginia, 1931, as amended; to amend and reenact §39-4A-2 of said code; and to amend and reenact §47-2-1 and §47-2-3, all relating generally to extending current laws allowing electronic submission of applications and forms to the Secretary of State’s Office relating to licensure or regulation charities, nonprofit organizations, out-of-state commissioners, and trademarks; providing new definitions for the term “sign” and “signature” relating to applications or forms in the foregoing regulated industries; providing for more efficient application processes in the foregoing regulated industries; and technical typographical changes to distinguish the Secretary of State from an entity’s secretary or administrative assistant.

Referred to the Committee on Government Organization.

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

Eng. House Bill 4749—A Bill to amend and reenact §30-18-3, §30-18-6, §30-18-9, and §30-18-10 of the Code of West Virginia, 1931, as amended, all relating to providing more efficient application processes for private investigators, security guards, and firms; removing unnecessary requirements for each private investigator and security guard applicant to submit fingerprints and photographs of each applicant to the Secretary of State; to allow private investigators, security guards, and private investigator or security guard firms to obtain liability insurance in lieu of a surety bond; increasing the amount of a surety bond; increasing the licensure renewal term of a private investigator, security guard, and private investigator or security guard firms from one to two years; and making technical typographical changes to distinguish the Secretary of State from an entity’s secretary or administrative assistant.

Referred to the Committee on Government Organization.

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

Eng. House Bill 4777—A Bill to amend and reenact §30-6-22A of the Code of West Virginia, 1931, as amended, relating to the right of disposition of remains.

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 4864—A Bill to amend and reenact §4-10-7 and §4-10-9 of the Code of West Virginia, 1931, as amended, all relating to performance reviews of state agencies and regulatory boards; authorizing the Joint Committee on Government Operations and the Joint Standing Committee on Government Organizations to include analysis of the rules of agencies and regulatory boards and to make recommendations to the Legislative Rule-Making Review Committee.

Referred to the Committee on Government Organization.

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

Eng. House Bill 4865—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-25, relating to requiring certain boards that seek to increase a fee or seek to impose a new fee to also submit cost saving measures undertaken or proposed to be undertaken.

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

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

Eng. House Bill 4956—A Bill to amend and reenact §37-4-3 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto five new sections, designated §37-4-9, §37-4-10, §37-4-11, §37-4-12, and §37-4-13, all relating generally to the partition of real property; providing for allotment or sale of real property and procedures therefore; providing for appointment, duties, and requirements for commissioners for partitions; providing certain relevant factors to be considered in determining whether partition in kind is appropriate; providing for rebuttable presumptions regarding property valuation and partition in kind of severed minerals; providing procedures for courts to follow in determining the fair market value of real property being partitioned; providing for appointment, duties, and requirements for appraisers for partitions; providing for open-market sales, sealed bids, or public auctions of real property being partitioned and procedures and exceptions therefore; providing for appointment, duties, and requirements for real estate brokers for partitions; providing reporting requirements and report contents for open-market sales; providing for a reserve price in open market sales; providing protections from sale for certain specified real property interests.

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

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 21st 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:

(H. B. 4030), Increasing limit for application for original appointment as a firefighter to 40 years of age for honorably discharged veterans.

Respectfully submitted,

Mark R. Maynard,
Chair, Senate Committee.
Moore Capito,
Chair, House Committee.

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 106, Making daylight saving time official time year round in WV.

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

Com. Sub. for Senate Bill 106 (originating in the Committee on Government Organization)—
A Bill to amend and reenact §5-1-25 of the Code of West Virginia, 1931, as amended, relating to making daylight saving time the official time in West Virginia, year-round.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

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

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

Your Committee on the Judiciary has had under consideration

Senate Bill 123, Relating generally to pyramid promotional schemes.

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

Com. Sub. for Senate Bill 123 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §47-15-1 and §47-15-2 of the Code of West Virginia, 1931, as amended, all relating to pyramid promotional schemes; defining terms; prohibiting pyramid promotional schemes; allowing certain plans or operations which do not cause inventory loading and implement a bona fide inventory repurchase program; specifying requirements for recruiting literature, sales manuals, and contracts; providing that a bona fide inventory repurchase program is not required to apply to certain inventory; requiring certain disclosures; and providing criminal penalties.

And,

Senate Bill 752, Relating generally to medical cannabis.

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

Com. Sub. for Senate Bill 752 (originating in the Committee on the Judiciary)—A Bill to repeal §16A-4-2 of the Code of West Virginia, 1931, as amended; to repeal §16A-6-4 of said code; to repeal §16A-13-1 of said code; to amend and reenact §16A-2-1 of said code; to amend and reenact §16A-3-1, §16A-3-2, §16A-3-3, and §16A-3-5 of said code; to amend and reenact §16A-4-3 and §16A-4-5 of said code; to amend and reenact §16A-5-1 of said code; to amend and reenact §16A-6-2, §16A-6-3, §16A-6-6, §16A-6-12, and §16A-6-13 of said code; to amend said code by adding thereto a new section, designated §16A-6-14; to amend and reenact §16A-7-5 of said code; to amend and reenact §16A-8-2 of said code; to amend and reenact §16A-12-2, §16A-12-7, and §16A-12-8 of said code; to amend and reenact §16A-13-2, §16A-13-3, §16A-13-4, §16A-13-5, §16A-13-6, and §16A-13-8 of said code; to amend and reenact §16A-14-1, §16A-14-2, and §16A-14-3 of said code; and to amend and reenact §16A-15-2 and §16A-15-4 of said code, all relating to medical cannabis generally; defining terms; authorizing the Commissioner of the Bureau for Public Health to approve additions to the forms of lawful medical cannabis which may be used and the conditions for which medical cannabis use is authorized pursuant to recommendations of the Medical Cannabis Advisory Board; adding certain qualifying medical conditions; removing requirement for training course for physicians; requiring an eight hour training course for principals and employees; providing unlawful use of medical cannabis is subject to the criminal code; removing restriction on dispensing dry leaf or plant form medical cannabis to a patient by a caregiver; clarifying public officials and family members who cannot own or operate medical cannabis organizations; requiring employees of medical cannabis organizations to be registered and establishing a registration fee; authorizing the commissioner to enter into reciprocity agreements with other jurisdictions for terminally ill cancer patients; authorizing the commissioner to promulgate rules relating to 30-day supplies of medical cannabis; lowering fee to for replacement patient identification card; modifying criminal background check requirement for 5% ownership or less in privately held business entity and for publicly held entities; modifying permit fee for each medical cannabis organization location; removing the residency requirement for medical cannabis organization owners, operators, shareholders, partners, and members; adding certain convictions which preclude participation as or in a medical cannabis organization; clarifying that the Tax Division of the Department of Revenue is charged with monitoring medical cannabis pricing; removing requirement that the bureau must obtain approval of local boards of health for medical cannabis organizations; modifying and clarifying the distance a medical cannabis dispensary must be from certain educational facilities; modifying and clarifying entities engaged in medical cannabis research subject to nondisclosure provisions; removing requirement that certain federal agencies must preapprove medical cannabis research projects; authorizing accredited colleges, universities, and medical schools to be eligible to engage in approved medical cannabis research; clarifying that the governing body of an academic clinical

research center must approve the institution's participation in a medical cannabis research project; requiring report of research sent to the bureau be made public within 180 days; increasing the number of clinical registrants; clarifying that only those public officials directly involved in the administrations of the medical cannabis program are prohibited from having a monetary interest in a medical cannabis organization; and adding accredited educational institutions engaged in research to the list of persons, entities, and organizations exempt from licensure, discipline for lawful use, possession, or manufacture of medical cannabis.

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 193, Establishing deadlines for spending units to submit certain procurements.

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

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

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

Respectfully submitted,

Mark R. Maynard,
Chair.

At the request of Senator Blair, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Government Organization.

Senator 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 259, Requiring mandatory incarceration prior to parole for certain persons convicted of distributing controlled substances near libraries.

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

Com. Sub. for Senate Bill 259 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §60A-4-406 of the Code of West Virginia, 1931, as amended, relating to applying a mandatory period of incarceration prior to parole eligibility to persons 18 years old or over who are convicted of distributing a controlled substance within 200 feet of a public library; and establishing penalties.

And,

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

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

Com. Sub. for Senate Bill 700 (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 §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 and displaying emblem; providing that physicians must still exercise due care for safety; and providing for rulemaking.

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

Com. Sub. for Senate Bill 269, Establishing advisory council on rare diseases.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Com. Sub. for Senate Bill 312 (originating in the Select Committee on Children and Families), Relating to provisional licensure of social workers.

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

Com. Sub. for Com. Sub. for Senate Bill 312 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §30-30-16 and §30-30-18 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §30-30-30, all relating to provisional licensure requirements for social workers; creating licensure exception for Bureau for Children and Families service workers; permitting emergency rulemaking; creating registration process for service workers employed by the Bureau for Children and Families; providing deadline for conversion of license to registry; and setting forth registration eligibility criteria and continuing education requirements.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 329, 330, 331, 332, 333, 334, 335, 336, 337, and 338, DEP rule relating to ambient air quality standards.

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

Com. Sub. for Senate Bill 329 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-3-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating generally to authorizing certain agencies of the Department of Environmental Protection to promulgate legislative rules; authorizing the rules as filed, as modified by the Legislative Rule-Making Review Committee, and as amended by the Legislature; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from hazardous waste treatment, storage and disposal facilities; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of ozone season nitrogen oxides emissions; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to West Virginia surface mining reclamation rule; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to groundwater protection rules for coal mining operations; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to hazardous waste management system; authorizing the Department of Environmental Protection to promulgate a legislative rule relating to voluntary remediation and redevelopment rule; and authorizing the Oil and Gas Conservation Commission to promulgate a legislative rule relating to rules of the commission.

And,

Senate Bill 356, Fire Commission rule relating to State Building Code.

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

Com. Sub. for Senate Bill 356 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-6-2 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Commission to promulgate a legislative rule relating to State Building Code as modified by the Legislative Rule-Making Review Committee and amended by the legislature.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 355, Fire Commission rule relating to State Fire Code.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 472, Providing alternative sentencing program for work release.

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

Com. Sub. for Senate Bill 472 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §62-11A-1a of the Code of West Virginia, 1931, as amended, relating to inmate work generally; including persons convicted in municipal court of ordinance violations as eligible to participate in alternative work programs; specifying supervisory authority for municipally sentenced inmates;; authorizing approved and sentenced inmates in the custody of the Commissioner of Corrections to work for municipal, county, and state agencies; providing for sentenced persons in jails and state correctional facilities to perform tasks such as cleaning streams, parks, streets, and highways for municipal and county governments and state agencies; and requiring the commissioner to approve the tasks.

Senate Bill 513, Protecting consumers against businesses using automatic renewals without consent.

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

Com. Sub. for Senate Bill 513 (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 §46A-6O-1, §46A-6O-2, §46A-6O-3, §46A-6O-4, §46A-6O-5, and §46A-6O-6, all relating to automatic purchase renewal offers and continuous service offers; stating legislative intent; defining terms; setting notice and disclosure requirements for automatic purchase renewal offers and continuous service offers; providing that a business may not charge the consumer for an automatic renewal or continuous services without first obtaining the consumer's affirmative consent; providing acknowledgement requirements; providing that a business shall disclose how to cancel the automatic renewal or continuous service before the consumer pays if the offer includes a free gift or trial; providing that a business shall provide certain mechanisms for cancellation of the automatic renewal or continuous offer in the acknowledgement; requiring a business to provide contact information to the consumer; providing means for terminating the automatic renewal or continuous service offer online; providing notice requirements in the case of material changes in the terms of the automatic renewal or continuous service; providing that a business shall provide to the consumer a reminder of the recurring charge and information on how the consumer may cancel at least 30 days prior to the charge in the case of automatic renewal or continuous service offers of certain frequency; providing a period of application; providing that goods, wares, merchandise, or products shall be deemed an unconditional gift to the consumer when the business sends any goods, wares, merchandise, or products to a consumer without first obtaining the consumer's affirmative consent under a continuous service agreement or automatic renewal of a purchase; providing a civil cause of action; providing statutory penalties; providing that no action may be brought until written notice is provided by the consumer, or his or her representative, to the business; providing written notice requirements; providing mailing requirements; providing the business an opportunity to cure the alleged violation; providing for expiration of the cure offer and cure period; providing a period for the business to remit payment, if any, as specified in the accepted cure offer; providing that a claim may be brought for failure of the business to timely effect the accepted cure offer; providing that the written notice is a jurisdictional prerequisite to bringing a cause of action; prohibiting certification of certain class action litigation; providing the court discretion to award plaintiff costs of the action, including reasonable attorney's fees; providing that plaintiff is not entitled to costs and attorney's fees under certain circumstances; providing a statute of limitations; providing that the statute of limitations shall be tolled; and stating exemptions.

And,

Senate Bill 785, Establishing uniform electioneering prohibition area.

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

Com. Sub. for Senate Bill 785 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-3-2a of the Code of West Virginia, 1931, as amended, relating to prohibiting electioneering within 100 feet from the outside entrance of community voting locations during early voting periods.

With the recommendation that the three 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 489, Moving provisions of licensing contractors to chapter 30 of code.

And,

Senate Bill 758, Relating to authority of Emergency Medical Services Advisory Council.

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

Respectfully submitted,

Mark R. Maynard,
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 569, Expiring funds from various accounts to DHHR, Medical Services Program Fund.

Senate Bill 805, Supplemental appropriation of moneys from Treasury to WV Commuter Rail Access Fund.

And,

Senate Bill 812, Supplemental appropriation from Lottery Net Profits to Bureau of Senior Services.

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

Respectfully submitted,

Craig Blair,
Chair.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 570, Expiring funds from State Excess Lottery Revenue Fund to DHHR, Medical Services Program Fund.

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

Com. Sub. for Senate Bill 570 (originating in the Committee on Finance)—A Bill expiring funds to the balance of the Department of Health and Human Resources - Division of Human Services – Medical Services Program Fund, fund 5084, organization 0511, in the amount of \$36,202,960, from the State Excess Lottery Revenue Fund – Division of Human Services, fund 5365, fiscal year 2020, organization 0511, by supplementing and amending chapter 31, Acts of the Legislature, regular session 2019, known as the Budget Bill.

And,

Senate Bill 633, Creating Medicaid Families First Reserve Fund account.

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

Com. Sub. for Senate Bill 633 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-28, relating generally to creating in the State Treasury a special account known as Medicaid Families First Reserve Fund; specifying moneys that may be deposited in fund; providing for expenditures from fund; and authorizing investments.

With the recommendation that the two committee substitutes 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 648 (originating in the Committee on Health and Human Resources), Providing dental coverage for adult Medicaid recipients.

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

Com. Sub. for Com. Sub. for Senate Bill 648 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-12a, relating to providing dental coverage for adult Medicaid recipients; providing limitations; defining terms; designating the Department of Health and Human Resources as the responsible department to implement these provisions; providing effective date; providing for the Department of Health and Human Resources to seek authority for the Centers for Medicare and Medicaid Services to implement the program; and making the provisions of the section effective only upon approval by Centers for Medicare and Medicaid Services of specified provider taxes.

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

Respectfully submitted,

Craig Blair,
Chair.

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 680, Qualifying not-for-profit private baccalaureate institutions for Advanced Career Education programs and WV Invests Grant 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,

Patricia Puertas Rucker,
Chair.

At the request of Senator Blair, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Education.

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 710, Establishing pilot program to evaluate telemedicine health services.

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

Com. Sub. for Senate Bill 710 (originating in the Committee on Health and Human Resources)—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 the 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.

Senate Bill 749, Requiring Fatality and Mortality Review Team share data with CDC.

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

Com. Sub. for Senate Bill 749 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §61-12A-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §61-12A-4 of said code; and to amend said code by adding thereto a new section, designated §61-12A-5 relating to requiring the Bureau for Public Health to submit its maternal mortality data to the Centers for Disease Control and Prevention for data aggregation; permitting peer review report to be made to birth hospital; requiring Infant and Mortality Review Panel to annually analyze factors impacting maternal and infant mortality and prepare report; and requiring the Bureau for Public Health to perform multi-year analysis to recommend system change to reduce maternal and infant deaths.

Senate Bill 797, Authorizing governing boards of public and private hospitals employ hospital police officers.

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

Com. Sub. for Senate Bill 797 (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5B-19; to amend and reenact §17C-1-6 of said code; and to amend and reenact §30-29-1, §30-29-5, and §30-29-8 of said code, all relating generally to the authorization by governing boards of public and private hospitals to appoint and employ hospital police officers; providing for the qualifications, training, authority, compensation, and removal of hospital police officers; providing for the assistance of local law-enforcement agencies upon request; and providing limitations on liability of hospital police officers.

And,

Senate Bill 820, Authorizing DHHR transfer comprehensive community mental health centers and intellectual disability facilities to regional centers and facilities.

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

Com. Sub. for Senate Bill 820 (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §27-2A-2, relating to authorizing the Department of Health and Human Resources to transfer comprehensive community mental health centers and comprehensive intellectual disability facilities to regional mental health centers or regional intellectual disability facilities.

With the recommendation that the four committee substitutes do pass.

Respectfully submitted,

Michael J. Maroney,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 711, Relating to juvenile jurisdiction of circuit courts.

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

Com. Sub. for Senate Bill 711 (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 §49-4-726 relating to directing the Secretaries of the Department of Health and Human Resources, the Department of Military Affairs and Public Safety, and requesting that the Juvenile Justice Commission of the Supreme Court of Appeals to collaborate and undertake an investigation of numerous issues related to juvenile justice, juvenile competency and procedures for dealing with juveniles found incompetent to assist counsel in proceedings against them; and

are determined to be nonrestorable; requiring certain recommendations and proposed legislation; and requiring the report and proposed legislation be supplied to the President of the Senate and the Speaker of the House of Delegates on or before July 31, 2020.

And,

Senate Bill 821, Providing immunity from civil liability to facilities and employees providing crisis stabilization.

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

Com. Sub. for Senate Bill 821 (originating in the Committee on the Judiciary)—A Bill to amend and re-enact the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-7K-1, §55-7K-2, and §55-7K-3, all relating to providing immunity from civil liability to facilities and employees providing drug and alcohol detoxification services, substance use disorder services, drug overdose services on a short-term basis, or crisis stabilization services related to drug and alcohol detoxification services, substance use disorder services, drug overdose services on a short-term basis; establishing an effective date of July 1, 2020 for newly amended sections; and detailing the relationship of this article with §55-7B-1.

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 729, Relating to awards and disability under Deputy Sheriff Retirement Act.

And,

Com. Sub. for Senate Bill 738, Creating Flatwater Trail Commission.

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

Respectfully submitted,

Craig Blair,
Chair.

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 750, Establishing extended learning opportunities.

And,

Senate Bill 775, Requiring two water bottle filling stations be included in newly built or renovated schools.

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

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

Senate Bill 798, Requiring dairy foods processed in state be added to list of items to be purchased by state-funded institutions.

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

Com. Sub. for Senate Bill 798 (originating in the Committee on Finance)—A Bill to amend and reenact §19-37-2 of the Code of West Virginia, 1931, as amended, relating to adding pasteurized milk and other dairy foods produced or processed in West Virginia to the list of items required to be purchased by all state-funded institutions, such as schools, colleges, correctional facilities, governmental agencies, and state parks.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

Senator Maynard, from the Committee on Government Organization, submitted the following report, which was received:

Your Committee on Government Organization has had under consideration

Senate Bill 802, Relating to public utilities generally.

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

Com. Sub. for Senate Bill 802 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-20, relating to the regulation of public utilities generally; providing legislative findings; providing that certain large volume end users may receive natural gas service without the permission, consent, control, review, or input of the West Virginia Public Service Commission; providing that the end user shall make certain certifications to the commission; providing that the commission shall receive, file, and retain all end user certifications; providing that no person, entity, or body shall be a public utility, intrastate pipeline, common carrier, or otherwise subject to

the jurisdiction of the commission as a result of supplying such end users; and providing that provisions shall not prevent or impede the commission's safety regulation of pipelines.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,
Chair.

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

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

Senate Bill 810, Implementing federal Affordable Clean Energy rule.

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

Respectfully submitted,

Randy E. Smith,
Chair.

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

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 830, Eliminating special merit-based employment system for health care professionals.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

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

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

Senate Bill 840 (originating in the Committee on Energy, Industry, and Mining)—A Bill to create and enact §22-6A-7A of the Code of West Virginia, 1931, as amended, relating to modifications of well work permits issued by the Department of Environmental Protection's Office of Oil and Gas.

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

Respectfully submitted,

Randy E. Smith,
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 841 (originating in the Committee on Finance)—A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended, relating to requiring the Governor to fix the salaries of certain state appointed officers after the office is vacated or after July 1, 2020, whichever occurs first; providing for an effective date; and requiring the salary be included in appointment letter.

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

Respectfully submitted,

Craig Blair,
Chair.

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 842 (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 §18-3-13, all relating to requiring the State Superintendent of Schools to immediately establish a Behavior Interventionist Pilot Program in two county school districts for the duration of five years; setting forth criteria to be used in the selection of the two county school districts; allowing the two county school districts to immediately create a new behavior interventionist position; requiring the county superintendent to convene a committee consisting of certain school personnel and the education organizations to establish qualifications and hiring; requiring behavior interventionists to be designated by the county board as either a professional person or a service person; requiring the designated county school districts to establish the qualifications and training requirements; and requiring annual report to the Legislative Oversight Commission on Education Accountability.

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

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

The Senate proceeded to the sixth order of business.

Senators Smith and Sypolt offered the following resolution:

Senate Concurrent Resolution 43—Requesting the Division of Highways name bridge number 16-048/00-008.59 (16A143), locally known as US 220 Overpass Bridge, carrying US 48 over US 220 in Hardy County, the “U.S. Army 1LT Fred Omar Pratt Memorial Bridge”.

Whereas, Fred Omar Pratt was born on August 17, 1941, the son of Edwin M. Pratt, Sr., and Vern Hose Pratt of Moorefield of Hardy County; and

Whereas, On October 13, 1958, Fred Omar Pratt enlisted in the U.S. Army and served tours of duty in Japan, Korea, and Vietnam, and was a distinguished graduate of the Airborne School and served as a Ranger in the 101st Airborne Division in Vietnam during 1962. That same year, 1LT Fred Omar Pratt volunteered for Special Forces and returned to the United States for further training. After winning the Green Beret, he was appointed to attend Officers’ Candidate School in Fort Benning, Georgia. There, he was elected to the honored position of Council of President of the Battalion and was named distinguished graduate of his class; and

Whereas, First Lieutenant Fred Omar Pratt attended the U.S. Army’s Rotary Wing Flight School and returned to Vietnam in June 1968. He served as a C Model Gun Ship Pilot in the 155th Assault Helicopter Company. On August 23, 1968, 1LT Fred Omar Pratt distinguished himself by exceptionally valorous actions while serving as pilot of a UH-1 Huey helicopter gunship supporting friendly Special Forces and MACV compounds in the vicinity of Duc Lop, South Vietnam, that were under attack by an enemy regiment. During the battle, 1LT Fred Omar Pratt observed a tree line in which large enemy forces had concentrated and began to attack the enemy force; and

Whereas, In the course of combat on August 23, 1968, 1LT Fred Omar Pratt’s aircraft sustained numerous hits from anti-aircraft fire and was downed. Under heavy mortar and automatic weapons fire and being injured in the arm and back himself, 1LT Fred Omar Pratt tended to his seriously injured crew chief and exposed himself to enemy fire to summon aid for his crew. Upon reaching a secure area, 1LT Fred Omar Pratt continued to give aid to his injured crew chief while refusing treatment for himself; and

Whereas, On August 26, 1968, 1LT Fred Omar Pratt insisted on returning to battle in light of dire circumstances and aggressive actions by NVA forces whereby the enemy had captured half the camp. Upon arrival in the area of aggression, 1LT Fred Omar Pratt took actions against a large enemy force drawing heavy fire. During this engagement, he was fatally wounded. His co-pilot returned the heavily damaged gunship to the 155th AHC at Ban Me Thuot; and

Whereas, For his gallant and courageous efforts, 1LT Fred Omar Pratt was awarded the Silver Star for gallantry in action (Posthumous), the Distinguished Flying Cross for heroism (Posthumous), the Air Medal with Seven Oak Leaf Clusters, the Purple Heart (twice), the National Defense Service medal, the Vietnam Service Medal, and the Republic of Vietnam Campaign Medal, two of the highest awards for bravery awarded by the Vietnamese government; and

Whereas, In June of 1974, the U.S. Army dedicated the Flight Simulator Building, Building 4901, at the U.S. Army Aviation School at Fort Rucker, Alabama as “Pratt Hall” in his honor. This building houses the most sophisticated flight simulator systems used to train Army Aviators; and

Whereas, First Lieutenant Fred Omar Pratt left behind a loving wife, three young sons, as well as his beloved brothers and sisters and many other family members and friends. Those who served with him were proud to do so, and one comrade stated that: “we wish for him a peaceful

eternal rest and those who remember and mourn his sacrifice are mindful of his duty and service in fighting for and protecting the freedoms that we enjoy today”; and

Whereas, Many in the Moorefield, West Virginia community today still remember the young man who went off to serve his country and did not return; and

Whereas, It is fitting that an enduring memorial be established to commemorate 1LT Fred Omar Pratt and his contributions and sacrifice 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 16-048/00-008.59 (16A143), locally known as US 220 Overpass Bridge, carrying US 48 over US 220 in Hardy County, the “U.S. Army 1LT Fred Omar Pratt Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested have made and be placed signs identifying the bridge as the “U.S. Army 1LT Fred Omar Pratt 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 Woelfel and Plymale offered the following resolution:

Senate Concurrent Resolution 44—Requesting the Division of Highways name a portion of Buffalo Creek Road, CR7, along the 2.59 miles between WV75 and Rice Branch Road CR14/1 in Wayne County, the “In Memory of Tootsie Hensley, Please Keep Buffalo Creek Litter Free”.

Whereas, Mary Ola “Tootsie” Hensley lived on Buffalo Creek since the early 1960s, where she and her husband raised four children; and

Whereas, Tootsie was a faithful member of the Buffalo Missionary Baptist Church where she was a faithful Sunday school teacher, AWANA leader, vacation bible school teacher, helper at the annual church camp, and Treasurer of the Women’s Missionary Society; and

Whereas, Tootsie worked with the Wayne County Special Olympics at their field day for nearly 20 years; and

Whereas, Tootsie singlehandedly worked to keep Buffalo Creek litter free where she could be seen on any given day walking the roadside picking up litter from Rocky Tops Pizza to the Buffalo Valley Missionary Baptist Church, a 2.59-mile stretch; and

Whereas, Tootsie died unexpectedly on May 22, 2019, and is deeply missed by members of her church and community; and

Whereas, It is fitting that an enduring memorial be established to commemorate Tootsie Hensley and her contributions to her church and community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name a portion of Buffalo Creek Road, CR7, between WV 75 and Rice Branch Road CR14/1, in Wayne County, "In Memory of Tootsie Hensley, Please Keep Buffalo Creek Litter Free"; 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 "In Memory of Tootsie Hensley, Please Keep Buffalo Creek Litter Free"; and, be it

Further Resolved, That the Clerk of the Senate is requested to forward a copy of this resolution to the Commissioner of the Division of Highways, and, be it

Further Resolved, That six small plaques be made and given at a dedication ceremony to each family member and to the Buffalo Valley Missionary Baptist Church.

Which, under the rules, lies over one day.

Senators Romano, Beach, Baldwin, Hardesty, Jeffries, Lindsay, and Woelfel offered the following resolution:

Senate Concurrent Resolution 45—Requesting the Joint Committee on Government and Finance study the benefits of creating a West Virginia State Bank to facilitate access to capital for returning veterans, low income entrepreneurs and for underserved communities, to promote access to capital for developing sustainable agricultural and community investment projects and to study the best practices and management structures necessary to create a successful State Bank.

Whereas, Having access to financial services and capital is necessary to make investments across this state from developing farming opportunities to community reinvestment and a State Bank can play a vital role in providing access to capital by partnering with financial institutions to stimulate and facilitate investment in this state; and

Whereas, Cities and municipalities across this state are wrestling with blighted and dilapidated buildings and citizens in these communities have limited resources to address these problems without access to financial services and capital to invest and improve our communities; and

Whereas, West Virginia had a food import, export deficit of approximately \$6 billion in 2018, where as a state we imported more than \$7 billion in agricultural consumer products and produce in state less than \$1 billion for export in agricultural consumer products annually; and

Whereas, A State Bank investing in state residents and promoting in state agriculture has the potential to create jobs and provide for developing a wide range of local agricultural projects, products and farming opportunities; and

Whereas, A West Virginia State Bank with its mission to provide access to capital, for resident small businesses and entrepreneurial minded individuals, greater access to capital by partnering with local banks, increasing local lending through measures such as guaranteeing larger loans and backing smaller, riskier loans that benefit this state and our citizens; and

Whereas, West Virginia should strive to learn from the highly successful Bank of North Dakota and create a prudent state bank management structure that is insulated from political influence with an advisory board that consists of finance experts and executives who are experienced

bankers to promote state bank operations and lending decisions that are made by professionals for the explicit purpose of making investments in this state for the benefit of our citizens; and

Whereas, Small businesses represent the largest block of employers in this state and loans for small business are consistently about half of the national average and without access to capital, businesses cannot begin to operate, and small business startups don't start up, entrepreneurship gets curtailed, and growth is hindered; Therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study the benefits of creating a West Virginia State Bank to facilitate access to capital for returning veterans, low income entrepreneurs and for underserved communities, to promote access to capital for developing sustainable agricultural and community investment projects and to study the best practices and management structures necessary to create a successful State Bank; and, be it

Further Resolved, That the Joint Committee on Government and Finance contract with the Department of Public Administration at West Virginia University, at a cost of up to \$50,000, to prepare a report regarding implementing a State Bank of West Virginia, including possible funding mechanisms, the structure of the Bank Board of Directors, and by identifying the target lending clients and entrepreneurial purposes that benefit and support the people of this state and to report to the Legislature on or before December 31, 2020 on their findings, conclusions, and recommendations, together with any drafts of legislation necessary to effectuate any recommendations; and, be it

Further Resolved, That the State Treasurer, the West Virginia Division of Financial Institutions, the West Virginia Development Office and the Division of Financial Institutions shall cooperate with the Legislature and provide information requested for this study; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the Regular Session of the Legislature 2021 on its findings, conclusions, and recommendations, together with any drafts of legislation necessary to effectuate any recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, prepare a report, and draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Which, under the rules, lies over one day.

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Senate Concurrent Resolution 46 (originating in the Committee on the Judiciary)—Requesting the Department of Environmental Protection and the Department of Health and Human Resources cooperatively propose and initiate a public source-water supply study plan to sample perfluoroalkyl and polyfluoroalkyl substances (PFAS) for all community water systems in

West Virginia, including schools and daycares that operate treatment systems regulated by the West Virginia Department of Health and Human Resources

Whereas, The Legislature recognizes the prevalence and potential health risks of certain perfluoroalkyl and polyfluoroalkyl substances (PFAS). These compounds have been manufactured and are used in thousands of applications in a variety of industries and are an ingredient in some fire fighting foams, food packaging, cleaning products, nonstick pots and pans, and various other household items. These compounds are very stable and accumulate in the environment, and many are highly water soluble, easily transferring through soil to groundwater. Some are associated with adverse health effects.

Whereas, The United States Environmental Protection Agency's lifetime drinking water health advisory level for the individual or the combined concentrations of two of the most studied of the PFAS compounds, perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) in drinking water is currently 70 parts per trillion.

Whereas, The United States Environmental Protection Agency is moving forward with the Maximum Contaminant Level (MCL) process for PFOA and PFOS two of the most well-known and prevalent PFAS chemicals. The United States Environmental Protection Agency is also gathering and evaluating information to determine if regulation is appropriate for a broader class of PFAS.

Whereas, In accordance with § 7321 of the National Defense Authorization Act ("NDAA") for Fiscal Year 2020 (P.L. 116-92), the United States Environmental Protection Agency ("EPA") added 160 per-and polyfluoroalkyl substances ("PFAS") to the Emergency Planning and Community Right-to-Know Act's ("EPCRA") § 313 list of reportable chemicals. Since January 1, 2020, Industry reporters have been required to track and collect data on the listed PFAS with the first Toxics Release Inventory ("TRI") report due by July 1, 2021. Federal law requires industry to report this information to: 1) The State Emergency Response Commission (SERC), which in West Virginia is the West Virginia Division of Homeland Security and Emergency Management; 2) The Local Emergency Planning Committee (LEPC); and 3) The fire department with jurisdiction over the affected facility.

Whereas, It is in the public interest for West Virginia to identify the presence and prevalence of specific PFAS chemicals in and near drinking water supplies to protect the health of West Virginians.

Therefore, be it resolved by the Legislature of West Virginia:

That on or before January 1, 2021, the Secretary of the Department of Health and Human Resources, in consultation with the Secretary of the Department of Environmental Protection, shall propose and initiate a public source-water supply study plan to sample raw water for specific PFAS for all community water systems in West Virginia, including schools and daycares that operate treatment systems regulated by the West Virginia Department of Health and Human Resources.

Resolved further, That the purpose of the PFAS public source-water supply study plan is to inform state regulatory agencies about the distribution of PFAS contamination and potential PFAS contamination in public drinking water sources using data of known quality. Specific objectives of the PFAS public source-water supply study plan shall include:

(1) Identifying the drinking water supplies in West Virginia that have measurable amounts of PFOS, PFOA, and related PFAS compounds in their raw source-water;

(2) Determining if there are geochemical, watershed, industrial use, land use, or geohydrologic factors or processes that affect the presence of these compounds in public source-water supplies;

(3) Informing state agencies and the public of any need for additional PFAS investigation, such as sampling of domestic wells; and

(4) Assisting state regulatory agencies in protecting public health by providing risk-based information on state-wide PFAS distribution in source water.

Resolved further, That any entity required to report PFAS compounds based on the TRI reporting requirements listed above shall also report that information to the Department of Environmental Protection by July 1, 2021.

Resolved further, That the Department of Environmental Protection and the Department of Health and Human Resources report to the Joint Legislative Oversight Committee on State Water Resources semi-annually beginning in the fiscal year 2021, on its findings, conclusions, and recommendations.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 17, USMC PFC Manuel P. Markos Memorial Bridge.

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

On motion of Senator Clements, the following amendments to the resolution were reported by the Clerk, considered simultaneously, and adopted:

On page two, in the Resolved clause, by striking out the words “35-43-0.10 (35A054), locally known as Middle Creek School Bridge, carrying CR 43 over Middle Wheeling Creek in Ohio County” and inserting in lieu thereof the words “35-002/00-011.58 (35A147), locally known as Short Creek Bridge, carrying WV 2 over Short Creek in Ohio County”;

And,

By striking out the title and substituting therefor a new title to read as follows:

Senate Concurrent Resolution No. 17—Requesting the Division of Highways name bridge number 35-002/00-011.58 (35A147), locally known as Short Creek Bridge, carrying WV 2 over Short Creek in Ohio County, the “U.S.M.C. PFC Manuel P. Markos Memorial Bridge”.

The question now being on the adoption of the resolution (S. C. R. 17), as amended, 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 42, US Army CPL Richard “Warren” Ellison 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 48, Recognizing 125th Anniversary of Bluefield State College.

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

At the request of Senator Swope, 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 Swope and Maynard regarding the adoption of Senate Resolution 48 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 11:42 a.m., the Senate recessed to present Senate Resolution 48.

The Senate reconvened at 11:46 a.m. and resumed business under the seventh order.

Senate Resolution 49, Designating February 21, 2020, as WV State University Day.

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

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

The question being on the adoption of the resolution, and on this question, Senator Beach demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Mann and Maroney—2.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 49) adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Jeffries and Lindsay regarding the adoption of Senate Resolution 49 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 11:53 a.m., the Senate recessed to present Senate Resolution 49.

The Senate reconvened at 12:00 p.m. and proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 130, Relating to procedure for driver's license suspension and revocation for DUI.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 130) 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 253, Providing for fair pay and maximized employment of disabled persons.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 253) 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 651, Relating to definition of "mortgage loan originator".

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Eng. Com. Sub. for Senate Bill 660, Regulating electric bicycles.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: Ihlenfeld—1.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 660) passed with its title.

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

Eng. House Bill 4149, Relating to insurance.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: Romano—1.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4149) passed.

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

Eng. House Bill 4149—A Bill to amend and reenact §33-4-2 of the Code of West Virginia, 1931, as amended, relating to insurance; clarifying when insurance code chapter provisions are not applicable; adding definitions; and clarifying “service contract” and “warranty” definitions.

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

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

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo,

Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4359) passed.

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

Eng. House Bill 4359—A Bill to amend and reenact §33-6-34 of the Code of West Virginia, 1931, as amended, relating to modifying the filing fees for insurers; permitting multiple insurers to make a single filing with a fee collected from each insurer; defining “filing”; and deleting language.

Senator Takubo moved that the bill take effect July 1, 2020.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4359) 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. House Bill 4411, Relating to the West Virginia Residential Mortgage Lender, Broker and Servicer Act.

On third reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

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

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

Pending discussion,

The question being “Shall Engrossed House Bill 4515 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4515) passed with its title.

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

On motion of Senator Takubo, at 12:20 p.m., the Senate recessed for ten minutes.

The Senate reconvened at 12:28 p.m. and proceeded to the ninth order of business.

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

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

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

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

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Blair, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Boley and Maroney—2.

Engrossed Committee Substitute for Senate Bill 484 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Boley and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 484) passed with its title.

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

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

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

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Blair, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Boley and Maroney—2.

Engrossed Committee Substitute for Committee Substitute for Senate Bill 491 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Boley and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 491) passed with its title.

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

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

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

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

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

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

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 586, Reorganizing and re-designating Department of Military Affairs and Public Safety as Department of Homeland Security.

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 649, Permitting county emergency phone system directors negotiate contracts for mobile phones.

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

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Blair, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Boley and Maroney—2.

Engrossed Committee Substitute for Senate Bill 649 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Boley and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 649) passed with its title.

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

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

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

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Blair, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Boley and Maroney—2.

Engrossed Committee Substitute for Senate Bill 672 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Boley and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 672) passed with its title.

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

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

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

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

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

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 707, Relating to nursing career pathways.

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 722, Relating to special license plates for public and private nonprofit transit providers.

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

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Blair, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Boley and Maroney—2.

Engrossed Committee Substitute for Senate Bill 722 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Boley and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 722) 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, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Boley and Maroney—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 722) takes effect July 1, 2020.

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

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

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

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

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

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

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

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

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-3n. Authority of certain counties as to building and housing codes; state building code.

(a) In addition to all other powers and duties now conferred by law upon county commissions, county commissions are hereby authorized and empowered, by order duly entered of record, to adopt building and housing codes establishing and regulating minimum building and housing standards for the purpose of improving the health, safety, and well-being of its citizens. Such codes may be adopted either for the entire county, or for any portion or portions of such county which may constitute an effective area or areas for such purposes, without the necessity of adopting such codes for any other portion of such county. Notwithstanding any other provision of this subsection to the contrary, no such code shall apply to or affect any territory within the boundaries of any municipal corporation which has adopted and in effect a housing and building code, unless and until such municipal corporation so provides by ordinance, or to structures on parcels of land used primarily for agricultural purposes. If a county adopts a property maintenance code or ordinance, including, but not limited to, the ICC International Property Maintenance Code, such code or ordinance shall exempt all property used for agricultural purposes. Any such code heretofore adopted by any county will be and is unenforceable as to agricultural property.

(b) Notwithstanding the provisions of subsection (a) of this section, all existing county building codes are void one year after the promulgation of a state building code by the State Fire Commission as provided in §29-3-5b of this code.

Upon the voidance of the county's existing building code, if the county commission votes to adopt a building code, it must be the state building code promulgated pursuant to §29-3-5b of this code.

(c) In addition to all other powers and duties now conferred by law upon county commissions, county commissions are hereby authorized and empowered, by order duly entered of record, to adopt such state building code upon promulgation by the State Fire Commission. However, such state building code shall not apply to or affect any territory within the boundaries of any municipal corporation which has not adopted the state building code.

The bill (Com. Sub. for S. B. 728), as amended, was then ordered to engrossment and third reading.

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

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 751, Removing certain requirements of municipality annexing property within urban growth boundary.

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

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

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

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

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

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

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

On motion of Senator Maynard, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page three, section four, line twenty-one, after the word "college" by inserting the word "and";

On page three, section four, line twenty-three, after the word "training" by changing the colon to a period and striking out the word "and";

And,

On page three, section four, line twenty-four, by striking out all of subdivision (4).

The bill (Com. Sub. for S. B. 770), as amended, was then ordered to engrossment and third reading.

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

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

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Blair, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Boley and Maroney—2.

Engrossed Senate Bill 781 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Boley and Maroney—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 781) passed with its title.

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

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

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 787, Providing benefits to pharmacists for rendered care.

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

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

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

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Blair, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Boley and Maroney—2.

Engrossed Senate Bill 789 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Boley, Maroney, and Romano—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 789) passed with its title.

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

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

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

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

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

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Blair, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard,

Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Boley and Maroney—2.

Engrossed Senate Bill 804 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Boley and Maroney—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 804) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Boley and Maroney—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 804) takes effect from passage.

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

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

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

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Blair, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Boley and Maroney—2.

Engrossed Senate Bill 806 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Boley and Maroney—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 806) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Boley and Maroney—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 806) takes effect from passage.

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

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

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

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

On page sixteen, section four-b, line twenty-four, by striking out the words "\$1.00 per milliliter or fraction thereof" and inserting in lieu thereof the words "50 percent of the wholesale price of each article or item".

The bill (S. B. 837), as amended, was then ordered to engrossment and third reading.

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

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

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.

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

On motions of Senators Romano, Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Palumbo, Plymale, Prezioso, Unger, and Woelfel, the following amendments to the resolution were reported by the Clerk and considered simultaneously:

On page one, by striking out all of section one-d and inserting in lieu thereof a new section, designated one-d, to read as follows:

§1d. Legislative Authority Related to Ad Valorem Taxation and Assessment of Tangible Motor Vehicle Personal Property.

Notwithstanding any other provision of this Constitution, the Legislature may, by general law exempt motor vehicles from *ad valorem* property taxation or reduce the rate of taxation or assessment on motor vehicles.;

And,

On page two, by striking out lines twelve through twenty and inserting in lieu thereof the following:

Resolved further, That in accordance with the provisions of article eleven, chapter three of the Code of West Virginia, 1931, as amended, such amendment is hereby numbered “Amendment No. 1” and designated as the “Motor Vehicle Personal Property Tax Reduction or Elimination Amendment” and the purpose of the proposed amendment is summarized as follows: “The purpose of this amendment is to permit the Legislature to eliminate or lower the ad valorem personal property tax on motor vehicles.”

Following discussion,

The question being on the adoption of the amendments offered by Senators Romano, Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Palumbo, Plymale, Prezioso, Unger, and Woelfel to the resolution (Com. Sub. for S. J. R. 9), and on this question, Senator Romano demanded the yeas and nays.

The roll being taken, the yeas were: Baldwin, Beach, Cline, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—15.

The nays were: Azinger, Blair, Clements, Hamilton, Mann, Maynard, Pitsenbarger, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, and Carmichael (Mr. President)—17.

Absent: Boley and Maroney—2.

So, a majority of those present and voting not having voted in the affirmative, the President declared the amendments offered by Senators Romano, Baldwin, Beach, Facemire, Hardesty,

Ihlenfeld, Jeffries, Lindsay, Palumbo, Plymale, Prezioso, Unger, and Woelfel to the resolution rejected.

The resolution (Com. Sub. for S. J. R. 9) was then ordered to engrossment and third reading.

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

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

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

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

ARTICLE 10. FEES FOR REGISTRATION, LICENSING, ETC.

§17A-10-3a. Special registration and use of antique motor vehicles and motorcycles; definition, registration, and definitions; use of classic motor vehicles and classic motorcycles; customized antique plates; exemption for display of registration plate.

(a) The annual registration fee for any antique motor vehicle or motorcycle as defined in this section is \$2. As used in this section:

“Antique motor vehicle” means any motor vehicle which is more than 25 years old and is owned solely as a collector’s item.

“Antique military vehicle” means an antique motor vehicle, regardless of the vehicle’s size or weight, that was manufactured for use in any country’s military forces, and that is maintained to represent its military design and markings accurately, including a trailer meeting the same requirements, but not including a vehicle or trailer currently in service.

“Antique motorcycle” means any motorcycle which is more than 25 years old and is owned solely as a collector’s item.

“Classic motor vehicle” means a motor vehicle which is more than 25 years old and is registered pursuant to §17A-10-3 of this code and is used for general transportation.

“Classic motorcycle” means a motorcycle which is more than 25 years old and is registered pursuant to §17A-10-3 of this code and is used for general transportation.

(b) Except as otherwise provided in this section, antique motor vehicles or motorcycles may not be used for general transportation but may only be used for:

(1) Participation in club activities, exhibits, tours, parades, and similar events;

(2) The purpose of testing their operation, obtaining repairs or maintenance, and transportation to and from events as described in §17A-10-3a(b)(1) of this code; and

(3) Recreational purposes over weekends, beginning on Friday at 12:00 p. m., and ending on the following Monday at 12:00 p. m., and on holidays: *Provided*, That a classic motor vehicle or a classic motorcycle as defined in this section may be registered under the applicable class at the

applicable registration fee set forth in §17A-10-3 of this code and may be used for general transportation.

(c) A West Virginia motor vehicle or motorcycle displaying license plates of the same year of issue as the model year of the antique motor vehicle or motorcycle, as authorized in this section, may be used for general transportation purposes if the following conditions are met:

(1) The license plate's physical condition has been inspected and approved by the Division of Motor Vehicles;

(2) The license plate is registered to the specific motor vehicle or motorcycle by the Division of Motor Vehicles;

(3) The owner of the motor vehicle or motorcycle annually registers the motor vehicle or motorcycle and pays an annual registration fee for the motor vehicle or motorcycle equal to that charged to obtain regular state license plates;

(4) The motor vehicle or motorcycle passes an annual safety inspection; and

(5) The motor vehicle or motorcycle displays a sticker attached to the license plate, issued by the division, indicating that the motor vehicle or motorcycle may be used for general transportation.

(d) If more than one request is made for license plates having the same number, the division shall accept only the first application.

(e) The commissioner may propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code as may be necessary or convenient for the carrying out of the provisions of this section.

(f) Upon appropriate application, together with a special annual fee of \$40, which is in addition to all other fees required by this chapter, there shall be issued to the owner of an antique motor vehicle a special registration plate for an antique motor vehicle titled in the name of the qualified applicant, bearing a combination of letters or numbers requested by that applicant, subject to the approval by the commissioner, and with the maximum number of letters or numbers to be determined by the commissioner.

(g) Upon proper application pursuant to §17A-10-3a(f) of this code, the commissioner shall approve an alternative registration insignia for an antique military vehicle that is compatible with the vehicle's original markings, including, but not limited to, the display of the vehicle's unique military identification number not to exceed eight characters on the bumper of the vehicle: *Provided*, That nothing in this section exempts the operator of an antique military vehicle from the requirements set forth in §17A-3-13 of this code. Pursuant to this subsection, an antique military vehicle is exempt from the requirement to display a registration plate if the exemption is necessary to maintain the vehicle's accurate military marking.

The bill (Eng. Com. Sub. for H. B. 2338), as amended, was then ordered to third reading.

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

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

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

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

The Senate proceeded to the tenth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

Com. Sub. for Com. Sub. for Senate Bill 38, Requiring schools provide elective course on Hebrew Scriptures or Bible.

Com. Sub. for Senate Bill 213, Relating to administration of trusts.

Com. Sub. for Senate Bill 246, Including family court judges in retirement system for judges.

Com. Sub. for Senate Bill 514, Creating WV FinTech Regulatory Sandbox Act.

Com. Sub. for Senate Bill 530, Relating to taxation of aircraft.

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

Com. Sub. for Senate Bill 635, Allowing administration of small estates.

Com. Sub. for Senate Bill 668, Enacting Uniform Trust Decanting Act.

Com. Sub. for Senate Bill 739, Authorizing PSC protect consumers of distressed and failing water and wastewater utilities.

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

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

Senate Bill 800, Authorizing electric utilities construct and operate project within electric utility distribution system.

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

Com. Sub. for Senate Bill 819, Relating to DOH management of Coal Resource Transportation roads.

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

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

Senate Bill 839, Creating State Advisory Council on Postsecondary Attainment Goals.

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

And,

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

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill:

Senate Bill 835 (*Transferring WV Network for Educational Telecomputing to Office of Technology*): Senator Tarr.

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 472 (*Providing alternative sentencing program for work release*): Senator Cline;

Senate Bill 681 (*Creating Persistent Symptoms Act*): Senators Maroney and Rucker;

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

Com. Sub. for Senate Bill 819 (*Relating to DOH management of Coal Resource Transportation roads*): Senator Plymale;

And,

Com. Sub. for Senate Bill 820 (*Authorizing DHHR transfer comprehensive community mental health centers and intellectual disability facilities to regional centers and facilities*): Senator Stollings.

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

Senate Concurrent Resolution 42 (*US Army CPL Richard "Warren" Ellison Memorial Bridge*): Senators Lindsay and Stollings;

Senate Resolution 48 (*Recognizing 125th Anniversary of Bluefield State College*): Senators Lindsay, Stollings, Jeffries, Rucker, Cline, and Baldwin;

And,

Senate Resolution 49 (*Designating February 21, 2020, as WV State University Day*): Senators Stollings, Rucker, Cline, and Baldwin.

Pending announcement of meetings of standing committees of the Senate, including the Committee on Rules,

On motion of Senator Takubo, at 1:15 p.m., the Senate adjourned until Monday, February 24, 2020, at 11 a.m.

SENATE CALENDAR

Monday, February 24, 2020
11:00 AM

UNFINISHED BUSINESS

- S. C. R. 43 - US Army 1LT Fred Omar Pratt Memorial Bridge
- S. C. R. 44 - Naming portion of road in Wayne County "In Memory of Tootsie Hensley, Please Keep Buffalo Creek Litter Free"
- S. C. R. 45 - Requesting study of benefits of creating WV State Bank to facilitate access to capital for returning veterans
- S. C. R. 46 - Requesting DEP and DHHR propose public source-water supply study plan **[ADOPT]**

THIRD READING

- Eng. Com. Sub. for S. B. 528 - Creating Uniform Worker Classification Act
- Eng. Com. Sub. for S. B. 578 - Recalculating tax on generating, producing, or selling electricity from solar energy facilities
- Eng. Com. Sub. for Com. Sub. for S. B. 579 - Changing and adding fees to wireless enhanced 911 fee
- Eng. 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)
- Eng. S. B. 651 - Relating to definition of "mortgage loan originator" (original similar to HB 3060)
- Eng. Com. Sub. for S. B. 689 - Enacting Requiring Accountable Pharmaceutical Transparency, Oversight, and Reporting Act
- Eng. S. B. 691 - Limiting programs adopted by State Board of Education
- Eng. Com. Sub. for S. B. 705 - Allowing military veterans with certain experience qualify for examination as electrician or plumber
- Eng. Com. Sub. for S. B. 707 - Relating to nursing career pathways
- Eng. S. B. 723 - Requiring Department of Education develop plan based on analyzed data on school discipline
- Eng. S. B. 727 - Relating to disbursement of funds for highway road repair
- Eng. Com. Sub. for S. B. 728 - Exempting all property used for agricultural purposes from county property maintenance codes or ordinances
- Eng. S. B. 734 - Clarifying powers and duties of DOH in acquiring property for state road purposes
- Eng. Com. Sub. for S. B. 751 - Removing certain requirements of municipality annexing property within urban growth boundary

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

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

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

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

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

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

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

Eng. 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

Eng. H. B. 4411 - Relating to the West Virginia Residential Mortgage Lender, Broker and Servicer Act

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

SECOND 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 Com. Sub. for S. B. 284 - Creating WV Health Care Continuity Act

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

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

FIRST READING

Com. Sub. for S. B. 106 - Making daylight saving time official time year round in WV

Com. Sub. for S. B. 123 - Relating generally to pyramid promotional schemes

Com. Sub. for S. B. 193 - Setting forth timeframes for continuing purchases of commodities and services over \$1 million

Com. Sub. for S. B. 259 - Requiring mandatory incarceration prior to parole for certain persons convicted of distributing controlled substances near libraries

Com. Sub. for S. B. 269 - Establishing advisory council on rare diseases

Com. Sub. for Com. Sub. for S. B. 312 - Relating to provisional licensure of social workers (original similar to HB4128)

Com. Sub. for S. B. 329 - DEP rule relating to ambient air quality standards (original similar to HB4217)

S. B. 355 - Fire Commission rule relating to State Fire Code (original similar to HB4275)

Com. Sub. for S. B. 356 - Fire Commission rule relating to State Building Code (original similar to HB4276)

Com. Sub. for S. B. 472 - Providing alternative sentencing program for work release (original similar to SB612)

S. B. 489 - Moving provisions of licensing contractors to chapter 30 of code

Com. Sub. for S. B. 513 - Protecting consumers against businesses using automatic renewals without consent

S. B. 569 - Expiring funds from various accounts to DHHR, Medical Services Program Fund (original similar to HB4487)

Com. Sub. for S. B. 570 - Expiring funds from State Excess Lottery Revenue Fund to DHHR, Medical Services Program Fund (original similar to HB4489)

Com. Sub. for S. B. 633 - Creating Medicaid Families First Reserve Fund account (original similar to HB4643)

Com. Sub. for Com. Sub. for S. B. 648 - Providing dental coverage for adult Medicaid recipients

S. B. 680 - Qualifying not-for-profit private baccalaureate institutions for Advanced Career Education programs and WV Invests Grant Program

Com. Sub. for S. B. 700 - Exempting physicians from specified traffic laws when responding to emergencies

Com. Sub. for S. B. 710 - Establishing pilot program to evaluate telemedicine health services

Com. Sub. for S. B. 711 - Relating to juvenile jurisdiction of circuit courts

Com. Sub. for S. B. 729 - Relating to awards and disability under Deputy Sheriff Retirement Act

Com. Sub. for S. B. 738 - Creating Flatwater Trail Commission

Com. Sub. for S. B. 749 - Requiring Fatality and Mortality Review Team share data with CDC

S. B. 750 - Establishing extended learning opportunities

Com. Sub. for S. B. 752 - Relating generally to medical cannabis

S. B. 758 - Relating to authority of Emergency Medical Services Advisory Council

S. B. 775 - Requiring two water bottle filling stations be included in newly built or renovated schools

Com. Sub. for S. B. 785 - Establishing uniform electioneering prohibition area

Com. Sub. for S. B. 797 - Authorizing governing boards of public and private hospitals employ hospital police officers

Com. Sub. for S. B. 798 - Requiring dairy foods processed in state be added to list of items to be purchased by state-funded institutions

Com. Sub. for S. B. 802 - Relating to public utilities generally

S. B. 805 - Supplemental appropriation of moneys from Treasury to WV Commuter Rail Access Fund (original similar to HB4963)

S. B. 812 - Supplemental appropriation from Lottery Net Profits to Bureau of Senior Services (original similar to HB4961)

Com. Sub. for S. B. 820 - Authorizing DHHR transfer comprehensive community mental health centers and intellectual disability facilities to regional centers and facilities

Com. Sub. for S. B. 821 - Providing immunity from civil liability to facilities and employees providing crisis stabilization

S. B. 830 - Eliminating special merit-based employment system for health care professionals

S. B. 840 - Creating statutory fee for modifying permits issued by DEP Office of Oil and Gas

S. B. 841 - Requiring Governor to fix salaries of certain appointed officers after office is vacated

S. B. 842 - Requiring Superintendent of Schools establish a Behavior Interventionist Pilot Program
in two school districts for five years

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2020

Monday, February 24, 2020

9:30 a.m. Finance (Room 451M)

9:30 a.m. Judiciary (Room 208W)