

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE
REGULAR SESSION, 2020
SEVENTH DAY

Charleston, West Virginia, Tuesday, January 14, 2020

The Senate met at 11:09 a.m.

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

Prayer was offered by the Reverend Dick Corbin, Director of Church Relations, Union Mission of West Virginia, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable John R. Unger II, a senator from the sixteenth district.

Pending the reading of the Journal of Monday, January 13, 2020,

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

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

The Clerk presented the following communications from various state agencies as required by the provisions of law:

Accountancy, Board of (§30-1-12)

Administration, Department of (State Building Commission Fund Monthly Activities Report) (§5-6-1)

Architects, Board of (§30-1-12)

Barbers and Cosmetologists, Board of (§30-1-12)

Children's Health Insurance Program (§5-16B-3)

Chiropractic Examiners, Board of (§30-1-12)

Counseling, Board of Examiners in (§30-1-12)

Forestry, Division of (Logging Sediment Control Act) (§19-1B-13)

Geological and Economic Survey (§29-2-6)

Hearing Aid Dealers Licensure Board (§30-1-12)

Insurance Commissioner, Offices of the (Office of the Consumer Advocate) (§33-2-16)

Landscape Architects, Board of (§30-1-12)

Legislative Rule-Making Review Committee (§29A-3-12)

Licensed Dietitians, Board of (§30-1-12)

Medical Imaging and Radiation Therapy Technology Board of Examiners (§30-1-12)

Miners' Health, Safety, and Training, Office of (§22A-1-4)

Motor Vehicles, Division of (Motorcycle Safety and Awareness Program Board) (§17B-1D-8)

Natural Resources, Division of (§20-1-7)

Personnel, Division of (§29-6-7)

Pharmacy, Board of (§30-1-12)

Physical Therapy, Board of (§30-1-12)

Professional Surveyors, Board of (§30-1-12)

Protective Services, Division of (Monthly Incident Report) (§15-2D-3)

Psychologists, Board of Examiners of (§30-1-12)

Purchasing Division (Comprehensive Procurement Program for Recycled Products) (§22-15A-21)

Real Estate Appraiser Licensing and Certification Board (§30-1-12)

Real Estate Commission (§30-1-12)

Registered Professional Nurses, Board of Examiners for (§30-1-12)

Respiratory Care, Board of (§30-1-12)

Ron Yost Personal Assistance Services Board (§18-10L-7)

Senior Services, Bureau of (§16-5P-14)

Social Work, Board of (§30-1-12)

Speech-Language Pathology and Audiology, Board of Examiners for (§30-1-12)

Treasury Investments, Board of (Comprehensive Annual Financial Report) (§12-6-6)

Veterinary Medicine, Board of (§30-1-12)

Water Development Authority (§22C-1-17)

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 35, Limiting civil penalty for littering conviction to \$2,000.

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

Com. Sub. for Senate Bill 35 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §22-15A-4 of the Code of West Virginia, 1931, as amended, relating to limiting the civil penalty for persons convicted of littering to an amount up to \$2,000.

Senate Bill 46, Providing certain persons be allowed to carry pepper spray in State Capitol Complex.

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

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

And,

Senate Bill 207, Creating Prosecuting Attorney’s Detectives Act.

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

Com. Sub. for Senate Bill 207 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-4A-1, §7-4A-2, §7-4A-3, §7-4A-4, §7-4A-5, §7-4A-6, and §7-4A-7, all relating to creating the Prosecuting Attorney’s Detectives Act; providing a short title; making legislative findings; providing for law-enforcement titles; setting forth the duties and powers of prosecuting attorney’s detectives; providing for compensation of prosecuting attorney’s detectives; permitting prosecuting attorneys to hire detectives; establishing arrest power of prosecuting attorney’s detectives; and setting forth requirements for appointment as a prosecuting attorney’s detective

With the recommendation that the three committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Finance has had under consideration

Senate Bill 140, Changing rate at which certain judges are paid for mileage when traveling within state.

Senate Bill 170, Alleviating double taxation on foreign income at state level.

And,

Senate Bill 310, Updating certain terms used in WV Personal Income Tax Act.

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

Respectfully submitted,

Eric J. Tarr,
Vice Chair.

The Senate proceeded to the sixth order of business.

The following bills were introduced, read by their titles, and referred to the appropriate committees:

[**CLERK'S NOTE:** Senate Bill 323 through Senate Bill 467 are recommended for introduction by the Legislative Rule-Making Review Committee.]

By Senator Maynard:

Senate Bill 323—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to rules for the general administration of records managements and preservation.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 324—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to rules for retention and disposal scheduling.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 325—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to rules for the management of records maintained by the records center.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 326—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to exemptions from management services provided by the fleet management division.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 327—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to financial services reporting.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 328—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Public Defender Services to promulgate a legislative rule relating to payment of fees and reimbursement of expenses of court-appointed attorneys.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 329—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 330—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 331—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of air pollution from hazardous waste treatment, storage, and disposal facilities.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 332—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 333—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to control of ozone season nitrogen oxides emissions.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 334—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to West Virginia surface mining reclamation rule.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 335—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to groundwater protection rules for coal mining operations.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 336—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to the hazardous waste management system.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 337—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to voluntary remediation and redevelopment rule.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 338—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Oil and Gas Conservation Commission to promulgate a legislative rule relating to rules of the commission.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 339—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to public water systems.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 340—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to fees for permits.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 341—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to vital statistics.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 342—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to emergency medical services.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 343—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to primary care center uncompensated care grants.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 344—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to primary care seed money grants.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 345—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—general provisions.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 346—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—growers/processors.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 347—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—laboratories.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 348—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—dispensaries.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 349—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—safe harbor letter.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 350—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to collection and exchange of data related to overdoses.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 351—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults in West Virginia.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 352—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to qualifications for a provisional license to practice as a social worker within the Department of Health and Human Resources.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 353—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to pilot program for drug screening of applicants for cash assistance.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 354—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Health Care Authority to promulgate a legislative rule relating to critical access hospitals.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 355—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Commission to promulgate a legislative rule relating to State Fire Code.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 356—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Commission to promulgate a legislative rule relating to State Building Code.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 357—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to Medicare supplement insurance.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 358—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to credit for reinsurance.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 359—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Insurance Commissioner to promulgate a legislative rule relating to pharmacy auditing entities and pharmacy benefit managers.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 360—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 361—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to payment of taxes by electronic funds transfer.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 362—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to consumers sales and service tax and use tax—drugs, durable medical goods, mobility-enhancing equipment and prosthetic devices per se exemption, and motor vehicles per se exemption.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 363—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to exchange of information pursuant to written agreement.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 364—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Highways to promulgate a legislative rule relating to use of state road rights-of-way and adjacent areas.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 365—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Highways to promulgate a legislative rule relating to transportation of hazardous wastes upon the roads and highways.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 366—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Highways to promulgate a legislative rule relating to small wireless facilities on Division of Highways rights-of-way.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 367—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to safety and treatment programs.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 368—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to state vehicle title, registration, and relicensing project of 2018.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 369—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Accountancy to promulgate a legislative rule relating to board rules and rules of professional conduct.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 370—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Acupuncture to promulgate a legislative rule relating to fees for the Board of Acupuncture.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 371—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Acupuncture to promulgate a legislative rule relating to auricular detoxification therapy certificate.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 372—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Acupuncture to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 373—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Acupuncture to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 374—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to animal disease control.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 375—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to Fresh Food Act.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 376—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to auctioneers.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 377—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to poultry rules for hatcheries, growers, and contractors pertaining to poultry disease control and eradication.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 378—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to grade “A” pasteurized milk.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 379—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia manufacture-grade milk.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 380—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to employment reference and inquiries and background checks.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 381—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia Spay-Neuter Assistance Program.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 382—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to industrial hemp.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 383—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to hemp products.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 384—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to captive cervid farming.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 385—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to farmers markets.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 386—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to West Virginia-exempted dairy farms and milk and milk products processing rules.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 387—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Architects to promulgate a legislative rule relating to registration of architects.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 388—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Architects to promulgate a legislative rule relating to fees for registration of architects.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 389—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Chiropractic Examiners to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 390—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Chiropractic Examiners to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 391—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners in Counseling to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 392—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to rule for the West Virginia Board of Dental Examiners.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 393—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Dentistry to promulgate a legislative rule relating to dental advertising.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 394—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Licensed Dietitians to promulgate a legislative rule relating to licensure and renewal requirements.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 395—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Licensed Dietitians to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 396—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Election Commission to promulgate a legislative rule relating to corporate and membership organization political activity.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 397—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Election Commission to promulgate a legislative rule relating to regulation of campaign finance.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 398—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to applications for waiver of initial licensing fees for certain individuals.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 399—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Funeral Service Examiners to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 400—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Hearing Aid Dealers to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 401—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Hearing Aid Dealers to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 402—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Landscape Architects to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 403—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Massage Therapy Licensure Board to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 404—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Massage Therapy Licensure Board to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 405—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Medical Imaging and Radiation Therapy Technology Board of Examiners to promulgate a legislative rule relating to West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 406—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to licensure, disciplinary and complaint procedures, continuing education, and physician assistants.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 407—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to waiver of initial licensing fees for certain initial licensure applicants.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 408—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Nursing Home Administrators Licensing Board to promulgate a legislative rule relating to nursing home administrators.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 409—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Occupational Therapy to promulgate a legislative rule relating to fees for services rendered by the board.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 410—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Occupational Therapy to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 411—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Occupational Therapy to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 412—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Optometry to promulgate a legislative rule relating to rules for the West Virginia Board of Optometry.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 413—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to osteopathic physician assistants.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 414—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to waiver of initial licensing fees for certain initial licensure applicants.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 415—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 416—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to recordkeeping and automated data processing systems.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 417—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to Board of Pharmacy rules for registration of pharmacy technicians.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 418—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to Board of Pharmacy rules for immunizations administered by pharmacists and pharmacy interns.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 419—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to Board of Pharmacy rules for centralized prescription processing.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 420—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to regulations governing pharmacy permits.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 421—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to regulations governing pharmacists.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 422—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 423—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Physical Therapy to promulgate a legislative rule relating to general provisions for physical therapists and physical therapist assistants.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 424—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Physical Therapy to promulgate a legislative rule relating to fees for physical therapists and physical therapist assistant.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 425—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Physical Therapy to promulgate a legislative rule relating to general provisions for athletic trainers.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 426—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Physical Therapy to promulgate a legislative rule relating to fees for athletic trainers.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 427—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Physical Therapy to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 428—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Registration for Professional Engineers to promulgate a legislative rule relating to examination, licensure, and practice of professional engineers.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 429—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Professional Surveyors to promulgate a legislative rule relating to examination and licensing of professional surveyors in West Virginia.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 430—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Psychologists to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations and application for waiver of initial licensing fees for certain individuals.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 431—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to requirements for licensure and certification.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 432—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Commission to promulgate a legislative rule relating to application for waiver of initial licensing fees for certain individuals.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 433—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Commission to promulgate a legislative rule relating to consideration of prior criminal convictions in initial license eligibility determination.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 434—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to requirements for registration and licensure and conduct constituting professional misconduct.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 435—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to request for waiver of initial licensing fees for certain individuals.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 436—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Respiratory Care to promulgate a legislative rule relating to establishment of fees.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 437—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the West Virginia Board of Respiratory Care to promulgate a legislative rule relating to student limited permit.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 438—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Respiratory Care to promulgate a legislative rule relating to consideration of prior criminal convictions in initial licensure determinations.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 439—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Sanitarians to promulgate a legislative rule relating to waiver of initial application fees and criteria for initial licensure.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 440—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Social Work to promulgate a legislative rule relating to qualifications for the profession of social work.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 441—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Social Work to promulgate a legislative rule relating to fee schedule.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 442—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Speech-Language Pathology and Audiology to promulgate a legislative rule relating to licensure of speech-pathology and audiology.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 443—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Speech-Language Pathology and Audiology to promulgate a legislative rule relating to disciplinary and complaint procedures for speech-language pathology and audiology.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 444—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Auditor to promulgate a legislative rule relating to local government purchasing card program.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 445—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Conservation Committee to promulgate a legislative rule relating to State Conservation Committee Grant Program.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 446—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to organization and operation and licensing of veterinarians.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 447—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to registration of veterinary technicians.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 448—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Veterinary Medicine to promulgate a legislative rule relating to schedule of fees.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 449—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Commerce to promulgate a legislative rule relating to small business innovation research and small business technology transfer matching funds program.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 450—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to supervision of plumbing work.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 451—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to regulation of heating, ventilating, and cooling work.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 452—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Forestry to promulgate a legislative rule relating to sediment control during commercial timber-harvesting operations-licensing.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 453—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Forestry to promulgate a legislative rule relating to sediment control during commercial timber-harvesting operations-logger certification.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 454—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to substance abuse screening, standards, and procedures.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 455—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners', Health, Safety, and Training to promulgate a legislative rule relating to rules governing the certification, recertification, and training of EMT-miners and the certification of EMT-M instructors.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 456—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to commercial whitewater outfitters.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 457—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to transporting and selling wildlife pelts and parts.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 458—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to boating rule.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 459—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to special boating rule.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 460—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to special requirements concerning boating.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 461—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to public use of campgrounds in West Virginia State Parks and State Forests and campsites in State Rail Trails under the Division of Natural Resources.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 462—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to special projects and grants for West Virginia State Parks, State Forests, and State Rail Trails under the Division of Natural Resources.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 463—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to defining the terms used in all hunting and trapping.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 464—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to prohibitions when hunting and trapping.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 465—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to special fishing rule.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 466—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to catching and selling bait fish.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 467—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to falconry.

Referred to the Committee on the Judiciary.

Senator Carmichael (Mr. President) offered the following resolution:

Senate Resolution 7—Designating January 15, 2020, as Tourism Day at the Legislature.

Whereas, West Virginia's scenic beauty, four seasons, and unmatched outdoor recreation set the stage for a first-class tourism product that is well-positioned for long-term growth and development; and

Whereas, The tourism industry in West Virginia has celebrated tremendous gains over the past two years with the launch of the new Almost Heaven campaign, including 9.9 percent growth in traveler spending; and

Whereas, Growth in West Virginia's tourism industry is outpacing the national growth rate by 58 percent; and

Whereas, Tourism represents a significant economic impact for both state and local economies, including \$4.6 billion in traveler spending and \$534.5 million in state and local tax revenue; and

Whereas, The tourism industry supports more than 45,000 jobs annually in West Virginia; and

Whereas, Tourism's overall impact is supported by thousands of tourism-related businesses that host visitors each year, creating first-class experiences for travelers and helping local economies flourish; and

Whereas, The West Virginia Tourism Office has significantly increased its marketing efforts both in state and out of state, resulting in over 1.6 billion campaign impressions; and

Whereas, These collective efforts of the West Virginia Tourism Office and tourism industry partners across the state help to showcase the Mountain State as a world-class travel and tourism destination; therefore, be it

Resolved by the Senate:

That the Senate hereby designates January 15, 2020, as Tourism Day at the Legislature; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Tourism Commission.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 1, Designating dogs adopted from animal shelters and rescues as WV official state dog.

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

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

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

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

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Weld regarding the adoption of Senate Concurrent Resolution 1 were ordered printed in the Appendix to the Journal.

Senate Concurrent Resolution 4, Urging Congress call convention to propose amendment on congressional term limits.

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

Senate Resolution 6, Recognizing OMEGA for support of Children's Home Society of WV.

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

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

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Clements regarding the adoption of Senate Resolution 6 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 11:23 a.m., the Senate recessed to present Senate Resolution 6.

The Senate reconvened at 11:30 a.m. and proceeded to the ninth order of business.

Com. Sub. for Senate Bill 94, Providing persons with physical disabilities ability to vote by electronic absentee ballot.

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

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

On pages seven through eleven, by striking out all of section four and inserting in lieu thereof a new section, designated section four, to read as follows:

§3-3-4. Assistance to voter in voting an ~~absent voter's~~ absentee ballot by personal appearance; penalties.

(a) Any registered voter who requires assistance to vote by reason of blindness, physical disability, advanced age, or inability to read and write may be given assistance by a person of the voter's choice: *Provided*, That the assistance may not be given by the voter's present or former employer or agent of that employer, by the officer or agent of a labor union of which the voter is a past or present member, or by a candidate on the ballot.

(b) Any voter who requests assistance in voting an ~~absent voter's~~ absentee ballot but who is determined by the official designated to supervise and conduct absentee voting not to be qualified for assistance under the provisions of this section and §3-1-34 of this code may vote a ~~challenged absent voter's~~ provisional absentee ballot with the assistance of any person authorized to render assistance pursuant to this section. The official designated to supervise and conduct absentee voting shall, in this case, challenge the ~~absent voter's~~ absentee ballot on the basis of his or her determination that the voter is not qualified for assistance.

(c) Any one or more of the election commissioners or poll clerks in the precinct to which an ~~absent voter's~~ absentee ballot has been sent may challenge the ballot on the ~~ground~~ grounds that the voter received assistance in voting ~~it~~ the ballot when in his or their opinion: (1) The person who received the assistance in voting the ~~absent voter's~~ absentee ballot did not require assistance; or (2) the person who provided the assistance in voting did not make an affidavit as required by this section. The election commissioner or poll clerk or commissioners or poll clerks making a challenge shall enter the challenge and reason for the challenge on the form and in the manner prescribed or authorized by this article.

(d) Before entering the voting booth or compartment, the person who intends to provide a voter assistance in voting by personal appearance shall make an affidavit, the form of which is to be prescribed by the Secretary of State, that he or she will not in any manner request, ~~or~~ seek to persuade, or induce the voter to vote any particular ticket or for any particular candidate or for or against any public question; ~~and~~ that he or she will not keep or make any memorandum or entry of anything occurring within the voting booth or compartment; and that he or she will not, directly or indirectly, reveal to any person the name of any candidate voted for by the voter, ~~or~~ which ticket ~~he or she had~~ the voter voted, ~~or~~ how ~~he or she had~~ the voter voted on any public question, or anything occurring within the voting booth, ~~or~~ compartment, or voting machine booth, except when required, pursuant to law, ~~to give testimony as to the matter~~ in a judicial proceeding.

(e) In accordance with instructions issued by the Secretary of State, the official designated to supervise and conduct absentee voting shall ~~provide~~ complete a form entitled "List of Assisted Voters", ~~prescribed by the Secretary of State~~ which list is to be divided into two parts, as follows:

(1) Part A is to be entitled "Unchallenged Assisted Voters"; and Part B is to be entitled "Challenged Assisted Voters".

(2) Under Part A, the official designated to supervise and conduct absentee voting shall enter the name of each voter receiving unchallenged assistance in voting an ~~absent voter's~~ absentee ballot, the address of the voter assisted, the nature of the disability which qualified the voter for assistance in voting an ~~absent voter's~~ absentee ballot, the name of the person providing the voter with assistance in voting an ~~absent voter's~~ absentee ballot, the fact that the person rendering the assistance in voting made and subscribed the ~~oath~~ affidavit required by this section, and the signature of the official designated to supervise and conduct absentee voting, certifying to the fact that he or she had determined that the voter who received assistance in voting an ~~absent voter's~~ absentee ballot was qualified to receive the assistance under the provisions of this section.

(3) Under Part B, the official designated to supervise and conduct absentee voting shall enter the name of each voter receiving challenged assistance in voting, the address of the voter receiving challenged assistance, the reason for the challenge, and the name of the person providing the challenged voter with assistance in voting. At the close of the period provided for voting an ~~absent voter's~~ absentee ballot by personal appearance, the official designated to supervise and conduct absentee voting shall make and subscribe to an oath on the list that the list is correct in all particulars.

(4) If no voter has been assisted in voting an ~~absent voter's~~ absentee ballot as provided in this section, the official designated to supervise and conduct absentee voting shall make and subscribe to an oath of that fact on the list.

(5) The "List of Assisted Voters" is to be available for public inspection in the office of the official designated to supervise and conduct absentee voting during regular business hours throughout the period provided for voting an ~~absent voter's~~ absentee ballot by personal appearance and, unless otherwise directed by the Secretary of State, the official shall transmit the list, together with the affidavits, applications, and ~~absent voters'~~ absentee ballots, to the precincts on election day.

(f) Following the election, the affidavits required by this section from persons providing assistance in voting, together with the "List of Assisted Voters", are to be returned by the election commissioners to the clerk of the county commission, along with the election supplies, records, and returns. ~~who~~ The clerk shall make the oaths and the "List of Assisted Voters" available for public inspection and ~~who~~ shall preserve the oaths and list for 22 months or, if under order of the court, until their destruction or other disposition is authorized or directed by the court.

(g) Any person making an affidavit required under the provisions of this section who knowingly swears falsely in the affidavit or any person who counsels or advises, aids, or abets another in the commission of false swearing under this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or confined in jail for a period of not more than one year, or both fined and confined.

(h) Any person who provides a voter assistance in voting an ~~absent voter's~~ absentee ballot in the office of the official designated to supervise and conduct absentee voting who is not qualified or permitted by this section to provide assistance is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or confined in jail for a period of not more than one year, or both fined and confined.

(i) Any official designated to supervise and conduct absentee voting, election commissioner, or poll clerk who authorizes or allows a voter to receive or to have received unchallenged assistance in voting an ~~absent voter's~~ absentee ballot when the voter is known to the official

designated to supervise and conduct absentee voting or election commissioner or poll clerk not to be or have been authorized by the provisions of this section to receive or to have received assistance in voting is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or confined in jail for a period of not more than one year, or both fined and confined.

~~(j) The term "physical disability" as used in this section means blindness or a degree of blindness as will prevent the voter from seeing the names on the ballot or amputation of both hands or a disability of both hands that neither can be used to make cross marks on the absent voter's ballot.;~~

On page thirteen, section five, line seventy-two, after the words "et seq.," by inserting the words "the Uniformed and Overseas Citizens Absentee Voting Act of 1986.";

And,

On pages sixteen and seventeen, by striking out all of section six, and inserting in lieu thereof a new section, designated section six, to read as follows:

§3-3-6. Assistance to voter in voting an ~~absent voter's~~ absentee ballot by mail.

(a) No voter shall receive any assistance in voting an ~~absent voter's~~ absentee ballot by mail unless he or she shall make a declaration at the time he or she makes application for an ~~absent voter's~~ absentee ballot that because of blindness, physical disability, advanced age, or inability to read or write he or she requires assistance in voting an ~~absent voter's~~ absentee ballot.

(b) Upon receipt of an ~~absent voter's~~ absentee ballot by mail, the voter who requires assistance in voting such ballot and who has indicated he or she requires such assistance and the reasons therefor on the application may select any eligible person to assist him or her in voting.

(c) The person providing assistance in voting an ~~absent voter's~~ absentee ballot by mail shall make an affidavit on a form as may be prescribed by the Secretary of State, that he or she will not in any manner request, ~~or~~ seek to persuade, or induce the voter to vote any particular ticket or for any particular candidate or for or against any public question; ~~and~~ that he or she will not keep or make any memorandum or entry of anything occurring within the voting booth or compartment; and that he or she will not, directly or indirectly, reveal to any person the name of any candidate voted for by the voter, ~~or~~ which ticket ~~he~~ the voter ~~had~~ voted, or how ~~he~~ the voter ~~had~~ voted on any public question, or anything occurring within the voting booth, ~~or~~ compartment, or voting machine booth, except when required, pursuant to law, ~~to give testimony as to such matter~~ in a judicial proceeding.

(d) The term "assistance in voting", as used in this section, ~~shall mean~~ means assistance in physically marking the official ~~absent voter's~~ absentee ballot for a voter or reading or directing the voter's attention to any part of the official ~~absent voter's~~ absentee ballot.

The bill (Com. Sub. for S. B. 94), as amended, was then ordered to engrossment and third reading.

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senator Rucker.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Rucker were ordered printed in the Appendix to the Journal.

The Senate next proceeded to the thirteenth order of business.

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

Senate Bill 40 (*Permitting civil actions by social media user for suppression or censorship of user's speech*): Senator Maynard;

Senate Bill 79 (*Relating generally to proceeds from certain oil and gas wells*): Senator Baldwin;

Senate Bill 218 (*Creating Occupational Licensing Consumer Choice Act*): Senator Maynard;

Senate Bill 221 (*Relating to disposition of vacated school buildings or other state-owned buildings*): Senator Maynard;

Senate Bill 222 (*Prohibiting renaming or removal of certain monuments*): Senator Cline;

And,

Senate Bill 228 (*Eliminating liability of owners of active or abandoned mine lands and active or inactive railway lines to persons who may enter upon premises*): Senator Cline.

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

Senate Bill 16 (*Creating Protect Our Right to Unite Act*): Senator Rucker;

Senate Bill 96 (*Prohibiting municipalities from limiting persons' rights to possess certain weapons*): Senators Azinger, Maynard, and Roberts;

Senate Bill 106 (*Making daylight saving time official time year round in WV*): Senator Rucker;

Senate Bill 180 (*Relating to Second Chance Driver's License Program*): Senator Rucker;

Senate Bill 209 (*Repealing annexation by minor boundary adjustment*): Senator Maynard;

Senate Bill 265 (*Authorizing DEP to develop Reclamation of Abandoned and Dilapidated Properties Program*): Senator Roberts;

Senate Bill 311 (*Relating to court-ordered community service*): Senators Cline, Hamilton, and Woelfel;

Senate Bill 312 (*Relating to child protective caseworkers*): Senators Cline, Hamilton, Jeffries, and Woelfel;

Senate Bill 315 (*Creating Special Road Repair Program*): Senators Roberts, Sypolt, and Trump;

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

Senate Bill 319 (*Exempting moneys in WV EMS Retirement Fund from state or municipal tax*): Senators Baldwin, Jeffries, and Woelfel;

And,

Senate Bill 320 (*Creating WV Farm Fresh Dairy Act*): Senators Cline and Hamilton.

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

Senate Resolution 6 (*Recognizing OMEGA for support of Children's Home Society of WV*): Senators Baldwin, Cline, Hamilton, Jeffries, Palumbo, Rucker, and Stollings.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:40 a.m., the Senate adjourned until tomorrow, Wednesday, January 15, 2020, at 11 a.m.

SENATE CALENDAR

**Wednesday, January 15, 2020
11:00 AM**

UNFINISHED BUSINESS

S. R. 7 - Designating January 15, 2020, as Tourism Day at Legislature **[ADOPT]**

THIRD READING

Eng. Com. Sub. for S. B. 94 - Providing persons with physical disabilities ability to vote by electronic absentee ballot

FIRST READING

Com. Sub. for S. B. 35 - Limiting civil penalty for littering conviction to \$2,000

Com. Sub. for S. B. 46 - Defining "pepper spray" and exempting from definition of "deadly weapons"

S. B. 140 - Changing rate at which certain judges are paid for mileage when traveling within state

S. B. 170 - Alleviating double taxation on foreign income at state level

Com. Sub. for S. B. 207 - Creating Prosecuting Attorney's Detectives Act

S. B. 310 - Updating certain terms used in WV Personal Income Tax Act

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2020

Wednesday, January 15, 2020

10 a.m.	Workforce	(Room 208W)
10 a.m.	Interstate Cooperation	(Room 451M)
1 p.m.	Economic Development	(Room 208W)