

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE  
REGULAR SESSION, 2019  
THIRTY-FOURTH DAY

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Charleston, West Virginia, Monday, February 11, 2019

The Senate met at 11:10 a.m.

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

Prayer was offered by the Reverend Frank Miller, Director of Operations for the Parchment Valley Conference Center in Ripley, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Richard D. Lindsay II, a senator from the eighth district.

Pending the reading of the Journal of Friday, February 8, 2019,

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

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

The Clerk presented the following communication from a state agency as required by the provisions of law:

Tourism, Division of (§5B-2I-4)

The Senate then proceeded to the third order of business.

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

**Eng. Com. Sub. for Senate Bill 240**, Repealing certain legislative rules no longer authorized or are obsolete.

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

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

**ARTICLE 12. REPEAL OF UNAUTHORIZED AND OBSOLETE RULES.**

**§64-12-1. Department of Administration.**

The legislative rule effective March 18, 2002, authorized under the authority of §12-3-10a of this code, relating to the Department of Administration (state Purchasing Card Program, 148 CSR 7), is repealed.

**§64-12-2. Department of Environmental Protection.**

(a) The legislative rule effective June 1, 1995, authorized under the authority of §22-1-3 of this code, relating to the Department of Environmental Protection (abandoned mine lands reclamation rule, 59 CSR 1), is repealed.

(b) The legislative rule effective May 10, 2001, authorized under the authority of §22-1-3 of this code, relating to the Department of Environmental Protection (certification of gas wells, 35 CSR 7), is repealed.

**§64-12-3. Department of Military Affairs and Public Safety.**

(a) The legislative rule effective October 8, 1994, authorized under the authority of §31-20-5(v) of this code, relating to the Regional Jail and Correctional Facility Authority (handbook of inmate rules and procedures, 94 CSR 5), is repealed.

(b) The legislative rule effective March 21, 2008, authorized under the authority of §31-20-29 of this code, relating to the Regional Jail and Correctional Facility Authority (furlough program for regional jails, 94 CSR 6), is repealed.

(c) The legislative rule effective April 28, 2014, authorized under the authority of §31-20-10(h) of this code, relating to the Regional Jail and Correctional Facility Authority (criteria and procedures for determination of projected cost per day for inmates incarcerated in regional jails operated by the authority, 94 CSR 7), is repealed.

(d) The legislative rule effective March 21, 2008, authorized under the authority of §31-20-31 of this code, relating to the Regional Jail and Correctional Facility Authority (work program for regional jail inmates, 94 CSR 8), is repealed.

(e) The legislative rule effective June 3, 1996, authorized under the authority of §31-20-9 of this code, relating to the Regional Jail and Correctional Facility Authority (West Virginia minimum standards for construction, operation, and maintenance of jails, 95 CSR 1), is repealed.

**§64-12-4. Department of Tax and Revenue.**

(a) The legislative rule effective May 31, 1991, authorized under the authority of §33-2-10 of this code, relating to the Insurance Commissioner (health insurance benefits for temporomandibular and craniomandibular disorders, 114 CSR 29), is repealed.

(b) The legislative rule effective April 29, 2008, authorized under the authority of §33-2-10 of this code, relating to the Insurance Commissioner (guaranteed loss ratios as applied to individual sickness and accident insurance policies, 114 CSR 31), is repealed.

(c) The legislative rule effective July 1, 2002, authorized under the authority of §33-2-10 of this code, relating to the Insurance Commissioner (external review of coverage denials, 114 CSR 58), is repealed.

(d) The legislative rule effective May 6, 2005, authorized under the authority of §33-2-10 of this code, relating to the Insurance Commissioner (small employer eligibility requirements, 114 CSR 73), is repealed.

#### **§64-12-5. Department of Transportation.**

The legislative rule effective April 2, 1986, authorized under the authority of §17A-2-9 of this code, relating to the Division of Motor Vehicles (eligibility for reinstatement following suspension or revocation of driving privileges, 91 CSR 16), is repealed.

#### **§64-12-6. Miscellaneous agencies, boards, and commissions.**

The legislative rule effective July 1, 2013, authorized under the authority of §30-30-6 of this code, relating to the Board of Social Work Examiners (applications, 25 CSR 4), is repealed.

#### **§64-12-7. Bureau of Commerce.**

The legislative rule effective August 6, 1971, authorized under the authority of §47-5-1 of this code, relating to the Division of Labor (Safety Glazing Act, 42 CSR 13), is repealed.;

And,

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

**Eng. Com. Sub. for Senate Bill 240**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §64-12-1, §64-12-2, §64-12-3, §64-12-4, §64-12-5, §64-12-6, and §64-12-7, all relating generally to repealing certain legislative rules promulgated by certain agencies, boards, and commissions which are no longer authorized or are obsolete; authorizing certain agencies and commissions under the Department of Administration, Department of Environmental Protection, Department of Military Affairs and Public Safety, Department of Tax and Revenue, Department of Transportation, miscellaneous agencies, boards, and commissions, and the Bureau of Commerce to repeal certain legislative rules; repealing the Department of Administration legislative rule relating to the state Purchasing Card Program; repealing the Department of Environmental Protection legislative rule relating to abandoned mine lands reclamation; repealing the Department of Environmental Protection legislative rule relating to certification of gas wells; repealing the Regional Jail and Correctional Facility Authority legislative rule relating to handbook of inmate rules and procedures; repealing the Regional Jail and Correctional Facility Authority legislative rule relating to furlough program for regional jails; repealing the Regional Jail and Correctional Facility Authority legislative rule relating to criteria and procedures for determination of projected cost per day for inmates incarcerated in regional jails operated by the authority; repealing the Regional Jail and Correctional Facility Authority legislative rule relating to work program for regional jail inmates; repealing the Regional Jail and Correctional Facility Authority legislative rule relating to West

Virginia minimum standards for construction, operation, and maintenance of jails; repealing the Insurance Commission legislative rule relating to health insurance benefits for temporomandibular and craniomandibular disorders; repealing the Insurance Commission legislative rule relating to guaranteed loss ratios as applied to individual sickness and accident insurance policies; repealing the Insurance Commission legislative rule relating to external review of coverage denials; repealing the Insurance Commission legislative rule relating to small employer eligibility requirements; repealing the Division of Motor Vehicles legislative rule relating to eligibility for reinstatement following suspension or revocation of driving privileges; repealing the Board of Social Work Examiners legislative rule relating to applications; and repealing the Division of Labor legislative rule relating to the Safety Glazing Act

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 240, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, 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: Facemire—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 240) passed with its House of Delegates amended title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, 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: Facemire—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 240) takes effect from passage.

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

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

**Eng. Senate Bill 354**, Expiring funds to balance of Auditor's Office - Chief Inspector's Fund.

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 2392**—A Bill to amend and reenact §11-16-6b of the Code of West Virginia, 1931, as amended; to amend and reenact §11-16-11a of said code, to amend said code by adding thereto a new section, designated §11-16-11b; and to amend said code by adding thereto a new section, designated §60-6-27, all relating to the Alcohol Beverage Control Commissioner; permitting licensed brewpubs, Class A retail dealers, Class B retail dealers, private clubs, Class A retail licensees and Class B retail licensees to serve complimentary samples of nonintoxicating beer or nonintoxicating craft beer manufactured in the State of West Virginia; removing restrictions on Class A retail licensees' ability to serve complimentary nonintoxicating beer samples to customers; permitting the commissioner to issue special one-day licenses for the retail sale of nonintoxicating beer and alcoholic liquors to a duly organized nonprofit corporation, limited liability entity or an association having received federal tax-exempt status, when raising money for artistic, athletic, charitable, educational or religious purposes.

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 2545**—A Bill to amend and reenact §17A-10-8 of the Code of West Virginia, 1931, as amended, relating to exempting recipients of the Purple Heart, Navy Cross, Distinguished Service Cross, Distinguished Flying Cross, Air Force Cross, Bronze Star, Silver Star, or Air Medal medals from payment of the vehicle registration fee for West Virginia residents under defined circumstances.

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. House Bill 2546**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §17A-3-4a, relating to excluding the value of durable medical equipment or mobility enhancing equipment when determining the value of the vehicle for imposition of the tax on the privilege of effecting the certification of title of the vehicle.

Referred to the Committee on Finance.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2019, and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 2554**—A Bill to repeal §18-5-16a of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-5-16 of said code, relating to transfers and enrollment policies for students in public schools.

Referred to the Committee on Education.

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

**Eng. Com. Sub. for House Bill 2601**—A Bill to amend and reenact §5A-10-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5A-10-12, all relating to the real estate division; requiring the review and approval of grounds, buildings, office and other space leases; and providing for review and approval of leasing grounds, buildings, office and other space to nongovernmental entities.

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 2696**—A Bill to amend and reenact §14-1-20 and §14-1-21 of the Code of West Virginia, 1931, as amended, all relating to creating an additional index system for state-owned lands; providing that the county courts submit a list of lands the state obtained to the Auditor; providing that the Auditor create an index system; providing that the Auditor create a standard naming system; and providing for rule-making authority relating to the index system.

Referred to the Committee on Government Organization.

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

**Eng. Com. Sub. for House Bill 2737**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-1-1b, relating to providing training for State Tax Division employees.

Referred to the Committee on Finance.

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

**Eng. Com. Sub. for House Bill 2740**—A Bill to amend and reenact §42-1-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §42-1-11 and §42-1-12, all relating to inheritance; barring a parent from inheriting from or through a child of the parent in certain instances; and permitting a child to inherit from a parent in certain instances.

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 2746**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §44-2-19a; and to amend and reenact section §44-3A-24 of said code, all relating to administration of estates; requiring reports by fiduciary commissioners of unprogressed estates; allowing the county commission to close an estate administratively; providing an appeal procedure; and providing that personal representatives are liable for failure to all persons with an interest in the assets of such an estate.

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 2759**—A Bill to amend and reenact §41-5-13 of the Code of West Virginia, 1931, as amended; to amend and reenact §44-1-4 of said code; and to amend said code by adding thereto a new section, designated §44-1-14b, all relating to the administration of estates and providing for the ancillary administration of West Virginia real estate owned by nonresidents by affidavit and without administration.

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 2815**—A Bill to amend and reenact §61-3-13 of the Code of West Virginia, 1931, as amended, relating to raising the value of goods or chattels that are taken in a larceny to constitute grand larceny.

Referred to the Committee on the Judiciary.

### **Executive Communications**

The Clerk then presented a communication from His Excellency, the Governor, advising that on February 8, 2019, he had approved **Enr. Senate Bill 119**.

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 8th day of February, 2019, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

**(S. B. 177)**, Fire Commission rule relating to State Building Code.

And,

**(Com. Sub. for S. B. 255)**, Relating to Emergency Medical Services Advisory Committee.

Respectfully submitted,

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

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

Your Committee on Health and Human Resources has had under consideration

**Senate Bill 60**, Licensing practice of athletic training.

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

**Com. Sub. for Senate Bill 60** (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §30-20A-1, §30-20A-2, §30-20A-3, §30-20A-4, §30-20A-5, §30-20A-6, and §30-20A-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto nine new sections, designated §30-20A-8, §30-20A-9, §30-20A-10, §30-20A-11, §30-20A-12, §30-20A-13, §30-20A-14, §30-20A-15, and §30-20A-16, all relating to licensing the practice of athletic training; making the practice of athletic training unlawful without license or permit; establishing applicable law; defining terms; establishing eligibility for license; defining the scope of practice; establishing requirements for reciprocal agreements; establishing requirements for temporary permits; establishing renewal requirements; establishing requirements for delinquent or expedited licenses; establishing requirements for an active license; creating exemptions; requiring display of license; establishing complaint process and investigation procedures; establishing grounds for disciplinary action; establishing hearing procedures and right to appeal; providing for judicial review of decision; and providing criminal penalties.

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

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

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

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 66**, Prohibiting certain misleading lawsuit advertising practices.

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

**Com. Sub. for Senate Bill 66** (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-6N-1, §46A-6N-2, §46A-6N-3, and §46A-6N-4, all relating to prohibiting certain misleading lawsuit advertising practices; providing for certain disclosures and warnings in lawsuit advertising for the protection of patients; defining terms; prohibiting the disclosure of protected health information for legal solicitation; imposing criminal penalties; and recognizing the authority of the judiciary, the State Bar, or the Lawyer Disciplinary Board to regulate the practice of law.

And,

**Senate Bill 339**, Allowing certain persons carry pepper spray in State Capitol Complex.



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

**Com. Sub. for Senate Bill 339** (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §61-6-19a, relating to clarifying that persons 16 years of age and older may possess pepper spray on the State Capitol Complex and in the buildings thereon solely for self-defense purposes; defining terms; and authorizing the Director of the Division of Protective Services to temporarily prohibit the possession of pepper spray on the State Capitol Complex and in the building thereon during designated special events.

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

**Com. Sub. for Senate Bill 74**, Exempting nonpaid volunteers at ski areas from workers' compensation benefits.

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 261**, Relating to number of magistrates serving each county.

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

**Com. Sub. for Senate Bill 261** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §50-1-2, §50-1-6, and §50-1-9a of the Code of West Virginia, 1931, as amended, relating generally to magistrate courts; establishing the number of magistrates to serve in each county of the state; immediately providing for one additional magistrate than is currently serving to serve in Berkeley County; immediately providing for one additional magistrate than is currently serving to serve in Jefferson County; providing for one additional magistrate in than is currently serving to serve Logan County beginning on July 1, 2019; providing for one additional magistrate than is currently serving to serve in Monongalia County beginning on July 1, 2019; immediately providing for one additional magistrate than is currently serving to serve in Putnam County; providing for election of one fewer magistrate than is currently serving by eliminating one

magisterial office in McDowell County beginning on January 1, 2021; providing for the initial filling of vacancies in newly created magisterial offices; and increasing the total number of magistrate court deputy clerks that may be appointed in the state.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

The bill (Com. Sub. for S. B. 261), under the original double committee reference, was then referred to the Committee on Finance.

The Senate proceeded to the sixth order of business.

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

**By Senators Takubo, Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Prezioso, Romano, Stollings, Unger, and Hamilton:**

**Senate Bill 564**—A Bill to amend and reenact §5-16B-6d of the Code of West Virginia, 1931, as amended; and to amend and reenact §9-5-12 of said code, all relating to expanding comprehensive coverage for pregnant women through Medicaid to 185 percent of the federal poverty level; providing coverage for 60 days postpartum; and expanding comprehensive coverage for pregnant women between 185 percent and 300 percent of the federal poverty level including prenatal care, delivery, and 60 days postpartum through the Children's Health Insurance Program.

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

**By Senator Boso:**

**Senate Bill 565**—A Bill to amend and reenact §11-2-3 of the Code of West Virginia, 1931, as amended, relating to removing the residency requirements for hiring deputy assessors.

Referred to the Committee on Government Organization.

**By Senator Boso:**

**Senate Bill 566**—A Bill to amend and reenact §29-5A-1 of the Code of West Virginia, 1931, as amended, relating to compensation for members of the State Athletic Commission for attendance and participation at public meetings.

Referred to the Committee on Government Organization.

**By Senators Maroney, Tarr, and Cline:**

**Senate Bill 567**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-19, relating to permitting West Virginia Board of Medicine investigators to carry a concealed weapon.

Referred to the Committee on the Judiciary.

**By Senators Weld, Maroney, Cline, and Hamilton:**

**Senate Bill 568**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-3b, relating to authorizing the Commissioner of Agriculture to require background checks as a condition of employment.

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

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

**Senate Bill 569**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-3-10f, relating to interagency procurement of commodities and services; and authorizing state spending units to enter into contracts for commodities and services with other state spending units.

Referred to the Committee on Government Organization.

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

**Senate Bill 570**—A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5A-3-3c of said code, all relating to allowing state spending units to enter into certain contracts, without bids, resulting from the response, recovery, and relief for a declared state of emergency.

Referred to the Committee on Government Organization.

**By Senators Woelfel, Ihlenfeld, Beach, and Baldwin:**

**Senate Bill 571**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §53-9-1, §53-9-2, §53-9-3, §53-9-4, §53-9-5, §53-9-6, §53-9-7, §53-9-8, §53-9-9, §53-9-10, §53-9-11, §53-9-12, §53-9-13, §53-9-14, §53-9-15, §53-9-16, §53-9-17, §53-9-18, and §53-9-19, all relating to establishing a method for courts to order financial exploitation protection orders; providing for definitions; requiring confidentiality of the proceedings; establishing certain conditions to review or copy proceeding files; providing for persons to file a petition; providing for applicability; establishing the information that must be contained within the petition for relief; creating temporary financial exploitation orders issued by a magistrate; providing for the transfer of a temporary financial exploitation order to circuit court; granting jurisdiction to circuit courts for a transfer; providing for respondent's right to be heard; requiring notice to be served on the respondent; establishing procedures for victims with diminished capacity; establishing the circuit court to issue the final financial exploitation protection order; specifying the forms of relief; requiring the final order be served on the respondent; establishing procedures for modification and rescission of temporary or final financial exploitation orders; establishing rights and procedures for appeal; requiring a statement concerning violations of the temporary or final financial exploitation order; establishing penalties; establishing the priority of petitions in the circuit court; providing for fees and costs; providing for exemptions to fees and costs under certain conditions; requiring service by law enforcement; establishing rule-making authority with the Supreme Court of Appeals; providing limitations on the use of information from proceedings; and providing for procedures to seal records of proceedings.

Referred to the Committee on the Judiciary.

**By Senators Rucker, Azinger, Maynard, Smith, Sypolt, Roberts, and Cline:**

**Senate Bill 572**—A Bill to amend and reenact §11-1C-11a of the Code of West Virginia, 1931, as amended, relating to prohibiting a county assessor from reclassifying managed timberland property without first providing the property owner the opportunity to submit the appropriate information; and establishing a fine.

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

**By Senators Jeffries, Lindsay, Stollings, Beach, and Baldwin:**

**Senate Bill 573**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §16-1-16 and §16-1-16a, all relating to social determinants of health; establishing the Minority Health Advisory Team, including its composition and duties; authorizing a Community Health Equity Initiative Demonstration Project; authorizing the Commissioner of the Bureau for Public Health to establish a Community Health Equity Initiative Demonstration Project; establishing eligibility requirements; providing for the administration of the demonstration project; establishing requirements for a demonstration project plan and the selection of communities for participation; establishing reporting requirements; and establishing the date on which the demonstration project terminates.

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

Senators Tarr, Boley, Clements, Cline, Hamilton, Maynard, Roberts, Rucker, Smith, Sypolt, Takubo, Stollings, Jeffries, Maroney, and Baldwin offered the following resolution:

**Senate Concurrent Resolution 27**—Requesting the Joint Committee on Government and Finance to complete a study to determine the supply/shortage of drivers with commercial driver's licenses (CDL's), to determine whether there are drivers of age 18 to 21 with CDL's sufficient for meeting any shortage and if they are able to be insured, and to explore establishing an insurance pool specifically for CDL drivers age 18-21 for the solid waste industry.

Whereas, It is important that a supply of skilled and safe drivers be available for employment by the solid waste industry; and

Whereas, Many companies report difficulty in obtaining and retaining commercial drivers; and

Whereas, It is recognized that it may be difficult to obtain insurance at a reasonable cost for young and inexperienced drivers; and

Whereas, It is in the best interests of the state to assist in ensuring that solid waste companies are able to provide their services to the public; and

Whereas, Public sector insurance pools may be an acceptable way to reduce the cost of insuring younger commercial drivers; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is requested to complete a study to determine the supply/shortage of drivers with commercial driver's licenses (CDL's), to determine whether there are drivers of age 18 to 21 with CDL's sufficient for meeting any shortage and if

they are able to be insured, and to explore establishing an insurance pool specifically for CDL drivers age 18-21 for the solid waste industry; and, be it

*Further Resolved*, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2020, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and be it

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

Which, under the rules, lies over one day.

Senators Weld, Ihlenfeld, Rucker, Stollings, Hamilton, Lindsay, Swope, Jeffries, Beach, Maroney, and Baldwin offered the following resolution:

**Senate Resolution 36**—Recognizing Bethany College on the 179th anniversary of its charter.

Whereas, Bethany College, located at Bethany in Brooke County, was chartered by the Commonwealth of Virginia as a college on March 2, 1840, and was recognized as a college by the new State of West Virginia in 1863, and, is therefore, the oldest baccalaureate institution in continuous operation in the State of West Virginia; and

Whereas, Alexander Campbell, one of the principal founders of the Christian Church (Disciples of Christ) in the United States, established Bethany College for the “Instruction of youth in the various branches of science and literature; the useful arts and foreign languages” and while Bethany College is affiliated with the Christian Church, the church exercises no sectarian control on the college; and

Whereas, Bethany College has provided its students with an excellent liberal education to prepare them for service in a myriad of careers in all areas of society, including medicine, the law, the economy, education, and service, as well as generations of young men and women as ministers of the gospel and missionaries of the faith to all parts of the world; and

Whereas, Bethany College has also produced numerous political leaders both for the United States, including a Speaker of the United States House of Representatives, and governments abroad, including a member of the Mother of Parliaments in Westminster, England; and

Whereas, Bethany College has a long connection with chief executives of the government of the United States, including Board of Trustees member, James A. Garfield, and other U. S. presidents who have visited the Bethany College campus, including John F. Kennedy, Lyndon B. Johnson, Richard M. Nixon, and Gerald Ford; and

Whereas, Bethany College became an early proponent of the admission of female students in 1878 and has continued its commitment to provide an education to a diverse population in all areas, and is currently recognized as featuring the most diverse student population of any baccalaureate institution in West Virginia; and

Whereas, Bethany College sustains some of the most enduring academic traditions with all students required to pass comprehensive exams and submit senior projects in their majors, while continuing to be a leader in innovative curricula with new majors in cybersecurity and

interdisciplinary sports medicine, as well as aspirational initiatives to expand its international education and impact on the public health issues facing our state; and

Whereas, Bethany College has repeatedly answered the call to service to the nation in times of peril, such as helping to establish the V-12 Program for the United States Navy during World War II, when nearly 1,000 naval personnel participated in an accelerated degree program to become engineering officers in the great struggle against fascism and Japanese militarism; and

Whereas, Bethany College is one of the largest employers in Brooke County and occupies a campus of several hundred developed acres within the village of Bethany, including two buildings designated National Historic Landmarks, Old Main and the Campbell Mansion, as well as other structures listed on the National Register of Historic Places; and

Whereas, From 1840, when Alexander Campbell served as the first president of the college, only 20 individuals have served as president, with Dr. Tamara Rodenberg now serving as the second woman in that position. Among those 20 presidents was former West Virginia Governor, Cecil Underwood, who served as Bethany College's 13th president from 1972-1975; therefore, be it

*Resolved by the Senate:*

That the Senate hereby recognizes Bethany College on the 179th anniversary of its charter; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate officials of Bethany College.

At the request of Senator Weld, 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 Weld and Ihlenfeld regarding the adoption of Senate Resolution 36 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 11:27 a.m., the Senate recessed to present Senate Resolution 36.

The Senate reconvened at 11:31 a.m. and resumed business under the sixth order.

Senators Romano, Facemire, Stollings, Hamilton, Lindsay, Swope, Jeffries, Beach, and Baldwin offered the following resolution:

**Senate Resolution 37**—Congratulating John Cobb, Jr., for being named West Virginia's Outstanding Tree Farmer for 2019.

Whereas, John Cobb, Jr., owns and manages a 327-acre tree farm in Lewis County, West Virginia; and

Whereas, John Cobb, Jr., was selected as West Virginia's Outstanding Tree Farmer for 2019 by the West Virginia Tree Farm Committee and its state sponsor, the West Virginia Forestry Association; and

Whereas, John Cobb, Jr., made a formal commitment to sound forest management practices by enrolling in the West Virginia Tree Farm Program; and

Whereas, John Cobb, Jr., is committed to the long-term productivity of his property by implementing a forest management program that promotes good growth, improves the overall quality of the property, and generates income from the possible sale of forest products; and

Whereas, A primary objective of the West Virginia Tree Farm Program is to successfully enhance wildlife and recreation, which John Cobb, Jr., fulfills by managing stands for wildlife habitat, including the cerulean warbler, in a 10-acre project; and

Whereas, John Cobb, Jr., has become a leader in his community since locating in Lewis County and an advocate to improve the land and the lives of his fellow citizens; therefore, be it

*Resolved by the Senate:*

That the Senate hereby congratulates John Cobb, Jr., for being named West Virginia's Outstanding Tree Farmer for 2019; and, be it

*Further Resolved,* The Senate commends John Cobb, Jr., for his dedication and commitment to sound forest management practices; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to John Cobb, Jr.

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

On motion of Senator Takubo, at 11:34 a.m., the Senate recessed to present Senate Resolution 37.

The Senate reconvened at 11:37 a.m. and resumed business under the sixth order.

### **Petitions**

Senator Sybolt presented a petition from Kelli Whytsell and 41 Calhoun County school employees, supporting Senate Bill 125 (*Providing counties with less than 1,400 net enrollment be considered to have 1,400 in determining basic foundation program only*).

Referred to the Committee on Education.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 26**, Thompson-Lambert Memorial Bridge.

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

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Com. Sub. for Senate Bill 14**, Creating WV Farm-to-School Grant Program.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, 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: Facemire—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 Com. Sub. for S. B. 14) 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 19**, Relating to Senior Farmers Market Nutrition Program.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, 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: Facemire—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. 19) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, 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: Facemire—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 19) takes effect from passage.

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

**Eng. Com. Sub. for Com. Sub. for Senate Bill 317**, Authorizing three or more adjacent counties form multicounty trail network authority.



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

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Committee Substitute for Senate Bill 317 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, 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: Facemire—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 Com. Sub. for S. B. 317) 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 352**, Relating to Division of Corrections and Rehabilitation acquiring and disposing of services, goods, and commodities.

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, Boso, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, 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: Facemire—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. 352) 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 408**, Determining indigency for public defender services.

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, Boso, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, 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: Facemire—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. 408) 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 496**, Transferring authority to regulate milk from DHHR to Department of Agriculture.

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

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 496 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Mann, Maroney, Maynard, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—30.

The nays were: Beach, Lindsay, and Palumbo—3.

Absent: Facemire—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. 496) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Blair, Boley, Boso, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Mann, Maroney, Maynard, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—30.

The nays were: Beach, Lindsay, and Palumbo—3.

Absent: Facemire—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 496) takes effect from passage.

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

**Eng. Senate Bill 499**, Amending WV tax laws to conform to changes in partnerships for federal income tax purposes.

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, Boso, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, 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: Facemire—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 499) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2019.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, 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: Facemire—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 499) takes effect July 1, 2019.

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

**Eng. Senate Bill 542**, Relating to registration fees for military-related special registration plates.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, 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: Facemire—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 542) passed with its title.

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

**Eng. Com. Sub. for Senate Joint Resolution 5**, Clarification of the Judiciary's Role in Impeachment Proceedings Amendment.

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

On the adoption of the resolution, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Hamilton, Hardesty, Mann, Maroney, Maynard, Palumbo, Prezioso, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—27.

The nays were: Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, and Stollings—6.

Absent: Facemire—1.

So, two thirds of all the members elected to the Senate voting having voted in the affirmative, the President declared the resolution (Eng. Com. Sub. for S. J. R. 5) adopted, as follows:

**Eng. Com. Sub. for Senate Joint Resolution 5**—Proposing an amendment to the Constitution of the State of West Virginia, amending section nine, article IV thereof, relating to the impeachment of officials generally; clarifying that a separate vote in an impeachment trial is necessary to preclude a person convicted from holding a position of honor, trust, or profit under the state; clarifying that a separate vote of two thirds of the members of the Senate is necessary to disqualify a person having been impeached and convicted from an office of honor, trust, or profit under the state; providing that rules of practice and procedure for impeachment proceedings and impeachment trials are not subject to judicial review; specifying that state courts are without authority to stay or enjoin impeachment proceedings; designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

*Resolved by the Legislature of West Virginia, two thirds of the members elected to each house agreeing thereto:*

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia be submitted to the voters of the state at the next general election to be held in the year 2020, which proposed amendment is that section nine, article IV thereof, be amended to read as follows:

#### **ARTICLE IV.**

##### **§9. Impeachment of officials.**

Any officer of the state may be impeached for maladministration, corruption, incompetency, gross immorality, neglect of duty, or any high crime or misdemeanor. The House of Delegates shall have the sole power of impeachment. The Senate shall have the sole power to try impeachments and no person shall be convicted without the concurrence of two thirds of the members elected thereto. When sitting as a court of impeachment, the ~~president~~ Chief Justice of the Supreme Court of Appeals, or, if from any cause it be improper for him or her to act, then any other ~~judge~~ justice of that court, to be designated by it, shall preside; and the senators shall be on oath or affirmation, to do justice according to law and evidence. Judgment in cases of impeachment shall not extend further than removal from office and, if a conviction is had, and disqualification of the person convicted to hold any office of honor, trust, or profit, under the state by a concurrence of two thirds of the members elected to the Senate; but the party convicted shall be liable to indictment, trial, judgment, and punishment according to law. The Senate may sit during the recess of the Legislature for the trial of impeachments.

Rules of practice or procedure adopted by the House of Delegates or the Senate for impeachment proceedings or by the Senate for a trial on articles of impeachment shall not be subject to judicial review or judicial interpretation.

No court of this state shall have the authority to stay or enjoin an impeachment proceeding or a trial of impeachment.

*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 designated as the “Clarification of the Judiciary’s Role in Impeachment Proceedings Amendment”, and the purpose of the proposed amendment is summarized as follows: “Declaring that rules of practice or procedure of the House of Delegates and Senate relating to impeachment and trials of impeachment are not subject to judicial review or interpretation and that courts of this state have no authority to stay or enjoin impeachment proceedings of the House of Delegates or impeachment trials in the Senate; clarifying that a separate vote of two thirds of the members of the Senate is required to disqualify a person from any office of honor, trust, or profit; and removing maladministration as a basis for removal from office.”

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

**Eng. Com. Sub. for House Bill 2191**, Relating generally to limited video lottery.

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

On motion of Senator Takubo, the bill was laid over one day, retaining its place on the calendar.

**Eng. Com. Sub. for House Bill 2307**, Relating to creating a provisional license for practicing barbering and cosmetology.

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, Boso, Clements, Cline, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: Hamilton—1.

Absent: Facemire—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2307) passed with its title.

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

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 13**, Relating to distributions from State Excess Lottery Fund.

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

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

On page twelve, section eighteen-a, lines two hundred eighty-two and two hundred eighty-three, by striking out “§29-22A-10(a)(2)” and inserting in lieu thereof “§29-22A10b(a)(2)”.

The bill (Com. Sub. for S. B. 13), as amended, was then ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 26**, Permitting certain employees of educational service cooperatives participate in state’s teacher retirement systems.

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

**Senate Bill 153**, Providing greater flexibility for making infrastructure project grants.

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

**Senate Bill 440**, Relating to Antihazing Law.

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

**Senate Bill 442**, Supplementing, amending, and decreasing appropriation to Insurance Commission.

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

**Senate Bill 443**, Supplemental appropriation of federal moneys to DHHR divisions.

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

**Senate Bill 444**, Supplemental appropriation to DHHR divisions.

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

**Senate Bill 452**, Supplemental appropriation to Second Chance Driver’s License Program.

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

**Com. Sub. for Senate Bill 491**, Extending effective date for voter registration in conjunction with driver licensing.

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

**Eng. House Bill 2459**, Exercising authority to exempt individuals domiciled within the state from certain restrictions contained in federal law.

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

On motion of Senator Tarr, the following amendment to the bill was reported by the Clerk:

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

**ARTICLE 2. COMMISSIONER OF HUMAN SERVICES; POWERS; DUTIES AND RESPONSIBILITIES GENERALLY**

**§9-2-3a. Authorized exemption from federal law; exceptions.**

Pursuant to the authority and option granted by 21 U.S.C. §862a(d)(1)(A) to the states, West Virginia exempts all individuals domiciled within the state from the application of 21 U.S.C. §862a(a)(2) unless the offense of conviction has as an element thereof misuse of supplemental nutrition assistance program benefits, loss of life, or the causing of physical injury.

Following discussion,

The question being on the adoption of Senator Tarr's amendment to the bill, the same was put and prevailed.

The bill (Eng. H. B. 2459), as amended, was then ordered to third reading.

**Eng. House Bill 2492**, Relating to mandatory reporting procedures of abuse and neglect of adults and children.

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

The following amendment to the bill, from the Committee on Health and Human Resources, was reported by the Clerk and adopted:

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

**CHAPTER 9. HUMAN SERVICES.**

**ARTICLE 6. SOCIAL SERVICES FOR ADULTS.**

**§9-6-11. Reporting procedures.**

(a) A report of neglect or abuse of an incapacitated adult or facility resident or of an emergency situation involving such an adult shall be made immediately ~~by telephone~~ to the department's local adult protective services agency by a method established by the department, *Provided, That if the method for reporting is web-based, the Department of Health and Human Resources shall maintain a system for addressing emergency situations that require immediate attention* and shall be followed by a written report by the complainant or the receiving agency within 48 hours. The department shall, upon receiving any such report, take such action as may be appropriate and shall maintain a record thereof. The department shall receive ~~such~~ telephonic reports on its 24-hour, seven-day-a-week, toll-free number established to receive calls reporting cases of suspected or known adult abuse or neglect.

(b) A copy of any report of abuse, neglect, or emergency situation shall be immediately filed with the following agencies:

- (1) The Department of Health and Human Resources;
- (2) The appropriate law-enforcement agency and the prosecuting attorney, if necessary; or
- (3) In case of a death, to the appropriate medical examiner or coroner's office.

(c) If the person who is alleged to be abused or neglected is a resident of a nursing home or other residential facility, a copy of the report shall also be filed with the state or regional ombudsman and the administrator of the nursing home or facility.

(d) The department shall omit from such report in the first instance, the name of the person making a report, when requested by such person.

(e) Reports of known or suspected institutional abuse or neglect of an incapacitated adult or facility resident or the existence of an emergency situation in an institution, nursing home, or other residential facility shall be made, received, and investigated in the same manner as other reports provided for in this article. In the case of a report regarding an institution, nursing home, or residential facility, the department shall immediately cause an investigation to be conducted.

(f) Upon receipt of a written complaint, the department shall coordinate an investigation pursuant to §9-6-3 of this code and applicable state or federal laws, rules, or regulations.

## CHAPTER 49. CHILD WELFARE.

### ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

#### §49-2-809. Reporting procedures.

(a) Reports of child abuse and neglect pursuant to this article shall be made immediately ~~by telephone~~ to the ~~local~~ department of child protective services by a method established by the department. *Provided,* That if the method for reporting is web-based, the Department of Health and Human Resources shall maintain a system for addressing emergency situations that require immediate attention and shall be followed by a written report within 48 hours if so requested by the receiving agency. The state department shall establish and maintain a 24-hour, seven-day-a-week telephone number to receive ~~these~~ calls reporting suspected or known child abuse or neglect.

(b) A copy of any report of serious physical abuse, sexual abuse, or assault shall be forwarded by the department to the appropriate law-enforcement agency, the prosecuting attorney, or the coroner or medical examiner's office. All reports under this article are confidential. Reports of known or suspected institutional child abuse or neglect shall be made and received as all other reports made pursuant to this article.

The bill (Eng. H. B. 2492), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.



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

**Com. Sub. for Senate Bill 40**, Establishing Military Service Members Court program .

**Senate Bill 47**, Providing wind power projects be taxed at real property rate.

**Com. Sub. for Com. Sub. for Senate Bill 285**, Relating to sale of homemade food items.

**Com. Sub. for Senate Bill 291**, Relating generally to survivor benefits for emergency response providers.

**Senate Bill 296**, Providing 11-month window to permit members of PERS to purchase credited service.

**Com. Sub. for Senate Bill 345**, Relating to fire service equipment and training funds for VFDs.

**Com. Sub. for Senate Bill 405**, Increasing limit on additional expenses incurred in preparing notice list for redemption.

**Senate Bill 461**, Providing for personal income tax withholding on certain lottery winnings.

**Com. Sub. for Senate Bill 481**, Relating to Judicial Vacancy Advisory Commission.

And,

**Eng. Com. Sub. for House Bill 2446**, Blue Alert Plan.

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senators Blair, Smith, Woelfel, Sypolt, Maroney, and Weld.

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

At the request of Senator Sypolt, unanimous consent being granted, the remarks by Senator Smith were ordered printed in the Appendix to the Journal.

At the request of Senator Swope, and by unanimous consent, the Senate returned to the eleventh order of business and the introduction of guests.

The Senate again proceeded to the twelfth order of business.

Remarks were made by Senators Smith and Sypolt and prayer was offered by Senator Roberts.

At the request of Senator Takubo, unanimous consent being granted, a leave of absence for the day was granted Senator Facemire.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:39 p.m., the Senate adjourned until tomorrow, Tuesday, February 12, 2019, at 11 a.m.

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## **SENATE CALENDAR**

**Tuesday, February 12, 2019  
11:00 AM**

### **UNFINISHED BUSINESS**

S. C. R. 27 - Requesting study determining shortage of drivers with CDLs

### **THIRD READING**

Eng. Com. Sub. for S. B. 13 - Relating to distributions from State Excess Lottery Fund

Eng. Com. Sub. for S. B. 26 - Permitting certain employees of educational service cooperatives participate in state's teacher retirement systems (original similar to HB2780)

Eng. S. B. 153 - Providing greater flexibility for making infrastructure project grants

Eng. S. B. 440 - Relating to Antihazing Law

Eng. S. B. 442 - Supplementing, amending, and decreasing appropriation to Insurance Commission (original similar to HB2795)

Eng. S. B. 443 - Supplemental appropriation of federal moneys to DHHR divisions (original similar to HB2782)

Eng. S. B. 444 - Supplemental appropriation to DHHR divisions

Eng. S. B. 452 - Supplemental appropriation to Second Chance Driver's License Program (original similar to HB2783)

Eng. Com. Sub. for S. B. 491 - Extending effective date for voter registration in conjunction with driver licensing

Eng. Com. Sub. for H. B. 2191 - Relating generally to limited video lottery

Eng. H. B. 2459 - Exercising authority to exempt individuals domiciled within the state from certain restrictions contained in federal law - (Com. title amend. pending)

Eng. H. B. 2492 - Relating to mandatory reporting procedures of abuse and neglect of adults and children

### **SECOND READING**

Com. Sub. for S. B. 40 - Establishing Military Service Members Court program

S. B. 47 - Providing wind power projects be taxed at real property rate

Com. Sub. for Com. Sub. for S. B. 285 - Relating to sale of homemade food items (original similar to HB2564)

Com. Sub. for S. B. 291 - Relating generally to survivor benefits for emergency response providers (original similar to HB2438)

S. B. 296 - Providing 11-month window to permit members of PERS to purchase credited service

Com. Sub. for S. B. 345 - Relating to fire service equipment and training funds for VFDs (original similar to HB2558)

Com. Sub. for S. B. 405 - Increasing limit on additional expenses incurred in preparing notice list for redemption

S. B. 461 - Providing for personal income tax withholding on certain lottery winnings

Com. Sub. for S. B. 481 - Relating to Judicial Vacancy Advisory Commission

Eng. Com. Sub. for H. B. 2446 - Blue Alert Plan

### **FIRST READING**

Com. Sub. for S. B. 60 - Licensing practice of athletic training (original similar to HB2401)

Com. Sub. for S. B. 66 - Prohibiting certain misleading lawsuit advertising practices (original similar to HB2671)

Com. Sub. for S. B. 74 - Exempting nonpaid volunteers at ski areas from workers' compensation benefits

Com. Sub. for S. B. 339 - Allowing certain persons carry pepper spray in State Capitol Complex

**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2019**

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**Tuesday, February 12, 2019**

10 a.m.	Transportation & Infrastructure	(Room 451M)
1 p.m.	Health & Human Resources	(Room 451M)
2 p.m.	Education	(Room 451M)

**Thursday, February 14, 2019**

9:30 a.m.	Transportation & Infrastructure	(Room 451M)
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