

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE  
REGULAR SESSION, 2019  
FORTY-SIXTH DAY

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Charleston, West Virginia, Saturday, February 23, 2019

The Senate met at 2:46 p.m.

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

Prayer was offered by the Honorable Gregory L. Boso, a senator from the eleventh district.

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 Friday, February 22, 2019,

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 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, and requested the concurrence of the Senate in the House of Delegates amendments, as to

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

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:

On page one, by striking out the section caption and inserting in lieu thereof a new section caption, to read as follows:

**§29-22-18a. State Excess Lottery Revenue Fund.:**

On page nine, section eighteen-a, line two hundred eighteen, by striking out the words “and (i)” and inserting in lieu thereof the words “(i), and (m)”;

On page ten, section eighteen-a, line two hundred forty, by striking out the words “*et seq.*”;

And,

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

**Eng. Com. Sub. for Senate Bill 13**—A Bill to amend and reenact §29-22-18a of the Code of West Virginia, 1931, as amended, relating to distributions from the State Excess Lottery Revenue Fund to racetrack purse funds.

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

Engrossed Committee Substitute for Senate Bill 13, 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, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, 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: None.

Absent: Boley and Mann—2.

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. 13) passed with its House of Delegates amended title.

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

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

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

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

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

The following House of Delegates amendment to the bill was reported by the Clerk:

On page two, line twenty-six, by striking out “885,554” and inserting in lieu thereof “1,138,304”.

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

Engrossed Senate Bill 444, 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, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, 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: None.

Absent: Boley and Mann—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 444) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, 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: None.

Absent: Boley and Mann—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 444) 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 passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 2532**—A Bill to amend and reenact §17A-2-12a of the Code of West Virginia, 1931, as amended, relating to allowing persons to donate to the West Virginia Farm Bureau, the West Virginia 4 H Program, or the West Virginia Future Farmers of America Education Foundation when renewing a driver’s license or vehicle registration.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

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

**Eng. Com. Sub. for House Bill 2540**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5i, relating to prohibiting the waste

of any edible portion of big game or game fish; making it unlawful to take any big game and detach or remove the head, hide, antlers, tusks, paws, claws, gallbladder, teeth, beards, or spurs only and leave the carcass to waste; setting forth exceptions; and establishing criminal penalties for violations.

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

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

**Eng. Com. Sub. for House Bill 2541**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-9F-10, relating to requiring certain safety measures be taken at public schools.

Referred to the Committee on Education.

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. House Bill 2730**—A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-2 and §18A-4-8a of said code, all relating to increasing salaries of members of the West Virginia State Police, public school teachers and school service personnel.

Referred to the Committee on Education; and then to the Committee on Finance.

Following a point of inquiry to the President, with resultant response thereto,

Senator Plymale requested unanimous consent that Engrossed House Bill 2730 be taken up for immediate consideration.

Which consent was not granted, Senator Blair objecting.

Senator Plymale then moved that Engrossed House Bill 2730 be taken up for immediate consideration.

The question being on the adoption of Senator Plymale's aforestated motion, and on this question, Senator Unger demanded the yeas and nays.

The roll being taken, the yeas were: Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—14.

The nays were: Azinger, Blair, Boso, Clements, Cline, Hamilton, Maroney, Maynard, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, and Carmichael (Mr. President)—18.

Absent: Boley and Mann—2.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Plymale's aforestated motion had not prevailed.

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 2807**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j; and to amend and reenact §11-21-17a of said code, all relating to creating an additional modification to the West Virginia adjusted gross income of shareholders of S corporations or members of a limited liability company engaged in business as a financial organization in this state, similar to the modification that presently exists in the code for financial organizations organized as C corporations.

Referred to the Committee on Banking and Insurance; and then to the Committee on Finance.

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

**Eng. House Bill 2829**—A Bill to amend and reenact §11-13A-3 of the Code of West Virginia, 1931, as amended, relating to termination and expiration of the taxes imposed upon persons exercising the privilege of engaging or continuing within this state in the business of severing, extracting, reducing to possession and producing for sale, profit or commercial use limestone or sandstone on and after July 1, 2019.

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. House Bill 2872**—A Bill to amend and reenact §29-3-12 of the Code of West Virginia, 1931, as amended, relating to authorizing any West Virginia State Police Officer, Natural Resources Police Officer, or any county or municipal law-enforcement officer to assist the State Fire Marshal or any of his or her employees in any duties for which the State Fire Marshal has jurisdiction; and to authorizing the State Fire Marshal, any full-time deputy fire marshal, or any full-time assistant fire marshal employed by the State Fire Marshal to carry a firearm in the course of official duties.

Referred to the Committee on the Judiciary.

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

**Eng. Com. Sub. for House Bill 2901**—A Bill to amend and reenact §19-23-12a of the Code of West Virginia, 1931, as amended; to amend and reenact §29-22A-12 of said code and to amend and reenact §29-22C-3 and §29-22C-8 of said code, all relating to allowing for the establishment of a secondary location for pari-mutual wagering on simulcast races, racetrack video lottery terminals, and racetrack table games of licensed racetracks at an alternative location within the current county of the licensed racetrack.

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. House Bill 2934**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-22E-1, §29-22E-2, §29-22E-3, §29-22E-4, §29-22E-5, §29-22E-6, §29-22E-7, §29-22E-8, §29-22E-9, §29-22E-10, §29-22E-11, §29-22E-12, §29-

22E-13, §29-22E-14, §29-22E-15, §29-22E-16, §29-22E-17, §29-22E-18, §29-22E-19, §29-22E-20, §29-22E-21, §29-22E-22, §29-22E-23, and §29-22E-24, all relating to permitting interactive wagering authorized as West Virginia Lottery interactive wagering activities; providing legislative findings; defining terms; detailing duties and powers of the West Virginia Lottery Commission; providing rule-making authority and emergency rule-making authority; requiring commission to levy and collect all fees, surcharges, civil penalties, and weekly tax on adjusted gross interactive wagering receipts and deposit them into the West Virginia Lottery Interactive Wagering Fund; limiting interactive wagering to existing racetrack casinos and the casino in a historic resort hotel; providing for four types of licenses to be issued related to sports betting; establishing license requirements and prohibitions; authorizing licensing fees; requiring adoption and posting of house rules; defining duties of an operator conducting interactive wagering; requiring the posting of betting limits; authorizing interactive wagering agreements with other governments; providing powers and duties of commission and operators; limiting certain activities of employees; authorizing the West Virginia Lottery to levy and collect a privilege tax in the amount of 10 percent of adjusted gross interactive wagering receipts; requiring reports and submission of taxes; providing for certain carry over and carry back allowances; clarifying that tax is in lieu of certain other taxes; providing that certain expenditures related to interactive wagering are facility modernization improvements eligible for recoupment; providing that credits are not allowed against the privilege tax; creating the West Virginia Lottery Interactive Wagering Fund; authorizing the West Virginia Lottery to collect an administrative allowance from gross interactive wagering receipts; providing for distribution of moneys deposited in the West Virginia Lottery Interactive Wagering Fund; authorizing certain agreements between the West Virginia Lottery and law enforcement; imposing civil penalties for certain violations, and exception; prohibiting unauthorized interactive wagering in this state; establishing crimes related to unauthorized interactive wagering and imposing criminal penalties; establishing crimes related to authorized interactive wagering and imposing criminal penalties; preempting provisions from state and local law; and establishing certain exemptions from federal law.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

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

**Eng. House Bill 2968**—A Bill to amend and reenact §31A-8-12b of the Code of West Virginia, 1931, as amended, relating to adding remote service units to the definition of customer bank communications terminal; defining remote service unit; and requiring that operators of remote service units maintain a physical location in this state.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

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

**House Concurrent Resolution 13**—Requesting the Division of Highways name West Virginia State Route 46 in Keyser, Mineral County, West Virginia, from the intersection of WV 46 (Piedmont Street) and US 220 (Mineral Street) west to the Keyser city limit where Route 46 leaves the city as part of Carroll Avenue, the “Chief Robert Edward Dorsey Memorial Highway”

Referred to the Committee on Transportation and Infrastructure.

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

**Com. Sub. for House Concurrent Resolution 32**—Requesting the Commissioner of Highways to authorize raising highway speed limits, where appropriate, to 75 miles per hour on Interstate highways in West Virginia and to 70 miles per hour on West Virginia's Appalachian Corridor highways.

Referred to the Committee on Transportation and Infrastructure.

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

**House Concurrent Resolution 48**—Urging the Commissioner of the Bureau for Public Health to designate Alzheimer's disease and other dementias as a public health issue

Referred to the Committee on Health and Human Resources.

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 105**, Creating enhanced penalty for certain aggravated traffic offenses.

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

**Com. Sub. for Senate Bill 105** (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-5-2c, relating to creating the new criminal offense of impaired operation of a motor vehicle placing non-passengers at risk of physical injury; clarifying that offense is separate and distinct from operating a motor vehicle under the influence; establishing penalties.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 318**, Transferring Medicaid Fraud Control Unit to Attorney General's office.

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

**Com. Sub. for Senate Bill 318** (originating in the Committee on the Judiciary)—A Bill to

amend and reenact §9-7-1, §9-7-3, §9-7-6, and §9-7-6a of the Code of West Virginia, 1931, as amended, all relating to transferring the Medicaid Fraud Control Unit to the Office of the Attorney General; establishing an effective date the Medicaid Fraud Control Unit will transfer to the Office of the Attorney General; establishing the Legislative Auditor to deliver a report on the performance of the Medicaid Fraud Control Unit; establishing investigation powers with the Attorney General; establishing the Secretary of the Department of Health and Human Resources may share documents with the Attorney General; establishing persons able to maintain a civil action; and establishing liability limits for employees acting in good faith.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

Your Committee on Education has had under consideration

**Senate Bill 329**, Relating to agricultural education in high schools.

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

**Com. Sub. for Senate Bill 329** (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2E-8g, relating to agricultural education in high schools; setting forth findings; encouraging agricultural programs be made available to high school students; requiring state department of education to assist in establishing agricultural programs in certain instance; and requiring report to legislative oversight commission on education accountability when funding is the primary reason that an agricultural program is not established.

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,

Patricia Puertas Rucker,  
*Chair.*

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

At the request of Senator Takubo, and by unanimous consent, the bill (Com. Sub. for S. B. 329) was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Weld, 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 348** (originating in the Committee on Health and Human Resources), Relating to tobacco usage restrictions.

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

**Com. Sub. for Com. Sub. for Senate Bill 348** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §16-9A-1, §16-9A-2, §16-9A-3, §16-9A-4, §16-9A-7, and §16-9A-8 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto four new sections, designated §16-9A-11, §16-9A-12, §16-9A-13, and §16-9A-14, all relating to tobacco; providing legislative intent; defining terms; raising the legal age from 18 years of age to 21 years for the selling, furnishing, or distribution of tobacco products and increasing penalties for violations; making it illegal for a person under the age of 21 to purchase tobacco products or tobacco derived products and providing for suspension of driving privileges or a fine; increasing the penalty for certain tobacco-related offenses on public school property; exempting any active duty military personnel over the age of 18; exempting veteran's organizations from rules regulating smoking in indoor spaces adopted by local boards of health; prohibiting political subdivisions from legislating regarding the sale or marketing of tobacco products or tobacco related products if contrary to state law; requiring certain facilities to provide for smoking and nonsmoking sections; and providing for a secondary offense of driving and using a tobacco product or a tobacco derived product with a passenger under the age of 17 and providing for a fine.

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

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

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

Your Committee on Education has had under consideration

**Senate Bill 379**, Permitting county board of education to include faith-based electives in drug prevention programs.

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

**Com. Sub. for Senate Bill 379** (originating in the Committee on Education)—A Bill to amend and reenact §18-2-7b of the Code of West Virginia, 1931, as amended, relating to permitting the county boards of education to include faith-based electives in classroom drug prevention programs.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 412**, Establishing Katherine Johnson Fair Pay Act of 2019.

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

**Com. Sub. for Senate Bill 412** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §5-11-3 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto a new section, designated §5-11-9b, relating to the Katherine Johnson Fair Pay Act of 2019; honoring Katherine Coleman Johnson; amending definition of unlawful discriminatory practices; making it unlawful for an employer to require, as a condition of employment, that an employee refrain from disclosing information about their wages, benefits, or other compensation; making it unlawful for an employer to require a waiver of employee's rights to disclose information about their wages, benefits, or other compensation.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

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

Your Committee on Government Organization has had under consideration

**Senate Bill 464**, Modifying licensing requirements for telemedicine and surgery or podiatry.

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

**Com. Sub. for Senate Bill 464** (originating in the Committee on Government Organization)—A Bill to amend and reenact §30-3-13, §30-3-13a, and §30-14-12d of the Code of West Virginia, 1931, as amended, all relating to practice of telemedicine; modifying licensing requirements for physicians, surgeons, podiatrists, and osteopathic physicians and surgeons relating to telemedicine; defining terms; modifying basis for establishing initial relationship with patient; and providing notice requirements, criminal penalties, and rule-making.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Gregory L. Boso,  
*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 487**, Relating to admissibility of health care staffing requirements in litigation.

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

**Com. Sub. for Senate Bill 487** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §55-7B-7a of the Code of West Virginia, 1931, as amended, relating to the admissibility of health care staffing requirements in litigation; providing that compliance with minimum staffing requirements creates a conclusive presumption that appropriate staffing was provided and a rebuttable presumption that adequate supervision of patients to prevent accidents was provided; and requiring that if staffing is less than requirements dictated by applicable regulations then there is a presumption that there was inadequate supervision of patients and that inadequate staffing or inadequate supervision was a contributing cause of the patient's fall and resulting injuries or death.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 530**, Relating to state employee merit system.

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

**Com. Sub. for Senate Bill 530** (originating in the Committee on the Judiciary)—A Bill to repeal §29-6-7a, §29-6-9, §29-6-10a, §29-6-14, and §29-6-25 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-6-1, §29-6-2, §29-6-3, §29-6-4, §29-6-6, §29-6-7, §29-6-8, §29-6-10, §29-6-12, §29-6-16, §29-6-17, §29-6-19, §29-6-20, §29-6-21, §29-6-22, §29-6-23, §29-6-24, and §29-6-27 of said code, all relating to the state employee merit system; defining terms; allowing Governor to make additions to classified service; providing exemptions to classified service; providing makeup and duties of the State Personnel Board; defining a quorum; providing for bi-monthly meetings and emergency meetings of the board; revising the Director of Personnel's duties; providing the director may develop programs that include monetary incentives; allowing director to establish pilot projects that may delegate functions to appointing authorities; establishing board will review and approve all classified exempt positions and all

classification and pay plans; providing rulemaking for the Division of Personnel; removing classification and compensation determinations from grievance procedure; establishing that no private cause of action exists for violations of the section; authorizing the division prepare, maintain, and revise pay plans; establishing the rates in pay plan be automatically adjusted upon across the board raises; providing authority of Governor to restrict the pay plan upon fiscal constraints; establishing that record of performance be considered whether to extend or withhold a benefit from an employee; revising the process for postings of positions by the agency and DOP; providing appointing authority may reject candidate for criminal background or having been convicted of corruption; providing that an appointing authority may select from top 20 percent of applicants on register and above 80 percent score on examination; modifying term “discharge” to “dismissal”; providing for leave of absence for state employees not working due to work-related injury; clarifying that state employees not eligible for certain offices even if declining to receive compensation; establishing the confidentiality of employee records; allowing local political subdivisions to participate in the classified service system; amending penalties section; and providing that leave donation program be established through rule-making.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

Your Committee on Finance has had under consideration

**Com. Sub. for Senate Bill 543** (originating in the Committee on Transportation and Infrastructure), Relating generally to automobile warranties and inspections.

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

**Com. Sub. for Com. Sub. for Senate Bill 543** (originating in the Committee on Finance)—A Bill to amend and reenact §17A-10-3a of the Code of West Virginia, 1931, as amended; to amend and reenact §17C-16-4, §17C-16-5, and §17C-16-6 of said code; and to amend said code by adding thereto a new section, designated §46A-6-107a, all relating generally to automobile warranties and inspections; changing annual mandatory state inspections of motor vehicles to inspections every two years; adjusting inspection sticker fee and charge for vehicle inspections; providing that a used motor vehicle may be sold “as is” under certain circumstances; providing certain disclosure requirements for “as is” sales of used motor vehicles; allowing cancellation of an “as is” sale within a 48 hour period if the vehicle has mechanical issues; providing that a consumer shall sign and date the disclosure for an “as is” sale in order for the disclosure to be effective; providing that a merchant disclose in writing certain defects or malfunctions when selling a used motor vehicle “as is”; providing that the merchant provide the consumer a copy of a nationally recognized vehicle history report for the used motor vehicle; and providing that an “as is” sale of a used motor vehicle waives implied warranties but does not waive any express warranties.

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

Respectfully submitted,

Craig Blair,  
*Chair.*

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

Your Committee on Government Organization has had under consideration

**Senate Bill 555**, Relating to authority of Higher Education Policy Commission.

**Senate Bill 625**, Clarifying and defining authority of State Athletic Commission.

**Senate Bill 633**, Authorizing Board of Physical Therapy conduct criminal background checks on applicants for licenses.

And,

**Senate Bill 658**, Relating to motor vehicle salesperson licenses.

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

Respectfully submitted,

Gregory L. Boso,  
*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 561**, Permitting Alcohol Beverage Control Administration request assistance of local law enforcement.

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

**Com. Sub. for Senate Bill 561** (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 §60-2-17a; to amend said code by adding thereto a new section, designated §60-2-17b; to amend and reenact §60-6-7, §60-6-8, and §60-6-9 of said code; to amend and reenact §60-7-2, §60-7-3, §60-7-4, §60-7-5, §60-7-6, and §60-7-12 of said code; to amend said code by adding thereto two new sections, designated §60-7-6a and §60-7-8a; and to amend and reenact §61-8-27 of said code, all relating to permitting the Alcohol Beverage Control Administration to request the assistance of law enforcement; implementing a \$100 operations fee and establishing special revenue account and fund; clarifying that consumption of alcoholic liquors in public is unlawful; clarifying that West Virginia licensees can only sell liquor by the drink; clarifying certain licensing requirements for licensure; clarifying prohibition on liquor bottle sales in Class A licenses; providing guidance on certain lawful conduct such as wine bottle sales and frozen drink machines; creating a private fair and festival license; definitions; license requirements; license fee; creating the private hotel license and license fee; creating a private nine-hole golf course

license and fee; definitions; license requirements; license fee; permitting a private resort hotel to have inner-connection with a resident brewer who has a brewpub; providing a 30-day requirement to issue or deny a completed license application; creating a reactivation fee for licensees who fail to timely file their renewal application and pay their annual license fees; permitting a license privilege for certain licensees to operate a connected but separately operated Class A on-premises license and a Class B off-premises license; clarifying that certain state licensed gaming is permissible in a private club; and permitting minors to attend a private hotel, private nine-hole golf course and a private fair or festival under certain conditions.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 561) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

**Com. Sub. for Senate Bill 564**, Expanding comprehensive coverage for pregnant women through Medicaid.

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

Respectfully submitted,

Craig Blair,  
*Chair.*

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 600**, Relating to preservation and disposal of biological evidence.

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

**Com. Sub. for Senate Bill 600** (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-1-8, relating generally to preservation of biological evidence obtained through criminal investigations and criminal trials; directing the Secretary of Military Affairs and Public Safety to investigate methods of preservation of biological evidence and developing a proposal for the centralized storage and preservation of biological materials obtained in criminal matters statewide; requiring the Secretary of Military Affairs and Public Safety to supply the Senate

President and Speaker of the House of Delegates with proposals for such a plan along with proposed legislation; and defining terms.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 600) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Education has had under consideration

**Senate Bill 605**, Permitting Secondary Schools Athletic Commission discipline schools for not following protocol for concussions and head injuries.

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

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*

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

Your Committee on Finance has had under consideration

**Com. Sub. for Senate Bill 632** (originating in the Committee on Education), Requiring video cameras in certain public education classrooms.

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

**Com. Sub. for Com. Sub. for Senate Bill 632** (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-48; to amend said code by adding thereto a new section, designated §18-20-11; to amend and reenact §18A-2-8 of said code; and to amend and reenact §18A-3-6 of said code, all relating to improving student safety; requiring safety and security measures of each school facility be upgraded when necessary to ensure, to the best of the county board's ability, the safety of students; creating a Safe Schools Fund; requiring video cameras in certain public special education classrooms; setting forth time requirements for retaining the video; setting forth requirements for video access; adding to justifications for which a school employee can be suspended or dismissed; requiring the State Superintendent to maintain a database of all individuals suspended or dismissed for certain reasons; and adding to justifications for which a teacher's certificate can be revoked and for which a certificate can be automatically revoked.

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

Respectfully submitted,

Craig Blair,  
*Chair.*

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 637**, Relating to revocation, cancellation, or suspension of business registration certificates.

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

**Com. Sub. for Senate Bill 637** (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 §11-12-5b, relating to revocation, cancellation, or suspension of business registration certificates; providing procedures therefor; and specifying effective date.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 642**, Providing options in living wills and combined medical powers of attorney and living wills.

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

**Com. Sub. for Senate Bill 642** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §16-30-3 and §16-30-4 of the Code of West Virginia, 1931, as amended, all relating to providing options in living wills, and combined medical powers of attorney and living wills, that permit the principal to either be provided with medically- assisted food and fluids or not to be provided with medically-assisted food and fluids if the principal is unable to communicate his or her desires; redefining a term; and clarifying what constitutes a “terminal condition” and a “persistent vegetative state”.

With the recommendation that the committee substitute do pass.



Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 642) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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 650**, Protecting consumers from price gouging after state of emergency.

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

**Com. Sub. for Senate Bill 650** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §46A-6J-2 of the Code of West Virginia, 1931, as amended, relating to the protection of consumers from price gouging and unfair pricing practices during and shortly after a state of emergency; and amending definition of “state of emergency”.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Maynard, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

**Senate Bill 651**, Relating to DNR ability to enter into certain contracts.

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

**Com. Sub. for Senate Bill 651** (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-1-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-5-4 of said code, all relating to the ability of the Director of the Division of Natural Resources to enter into authorize repair, renovation, and rehabilitation, and related contracts for existing facilities, buildings, amenities, and infrastructure; and adding state forests to the definition of “recreational facilities”.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 651) contained in the preceding report from the Committee on Natural Resources was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 657**, Providing consumer protection regarding self-propelled farm equipment.

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

**Com. Sub. for Senate Bill 657** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §46A-6A-2 of the Code of West Virginia, 1931, as amended, relating to including certain new self-propelled agricultural vehicles in the definition of motor vehicle, for the purpose of consumer protections related to express warranties by manufacturers of agricultural vehicles.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,  
*Vice Chair.*

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

Your Committee on Government Organization has had under consideration

**Senate Bill 671** (originating in the Committee on Government Organization)—A Bill to amend and reenact §29-3-8 of the Code of West Virginia, 1931, as amended, relating to eliminating the State Fire Marshall's comprehensive report regarding the transfer of authority and responsibility of providing fire services to the counties.

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

Respectfully submitted,

Gregory L. Boso,  
*Chair.*

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

Your Committee on Education has had under consideration

**Senate Bill 672** (originating in the Committee on Education)—A Bill to amend and reenact §18-9d-21 of the Code of West Virginia, 1931, as amended, relating to authorizing the School Building Authority to promulgate legislative rules; authorizing school building authority rules relating to requirements governing the Comprehensive Educational Facility Plan, funding of School Building Authority projects, School Building Authority school planning and design criteria, School Building Authority project administration and review, School Building Authority contract and agreements, School Building Authority reporting procedures, and the School Access Safety Act, by deleting certain provisions in series two through five and series seven that are procedural in nature, and deleting series six in its entirety due to its content being solely procedural.

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

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*

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

Your Committee on Education has had under consideration

**Senate Bill 673** (originating in the Committee on Education)—A Bill to repeal §18B-1D-2, §18B-1D-3, §18B-1D-4 and §18B-1D-5 of the Code of West Virginia, 1931, as amended; to repeal §18B-7-8 of said code; to amend and reenact §18B-1D-1 and §18B-1D-8 of said code; and to amend and reenact §18C-1-1 of said code, all relating to public higher education accountability and planning; ensuring efficiency in planning and accountability; modifying the data collection and reporting processes; eliminating the requirement for a state-wide master plan for public higher education; eliminating the requirement for state and institutional compacts for public higher education; eliminating the requirement for a human resources report card for public higher education; modifying the reporting methods for certain institutional and statewide reports; modifying the reporting method for the student financial aid report card for public higher education; and continuing the accountability system for public higher education.

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

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*

The Senate proceeded to the sixth order of business.

Senators Cline, Lindsay, Hamilton, Beach, Jeffries, and Facemire offered the following resolution:

**Senate Concurrent Resolution 43**—Requesting the Division of Highways name bridge number 55-1-11.62, (55A003), locally known as the Glen Rogers Bridge, carrying County Route 1 over Trough Fork in Wyoming County, the “Governor William Casey Marland Memorial Bridge”.

Whereas, William Casey Marland was born in Johnston City, Illinois, on March 26, 1918, the

son of Joseph Wesley and Maude Casey Marland. His father was a mining boss who moved the family to the coal town of Glen Rogers in Wyoming County, West Virginia, when William Marland was seven years old; and

Whereas, During World War II, U. S. Navy Lt. William Casey Marland served in the Pacific theater, completing four tours; and

Whereas, William Casey Marland attended the University of Alabama, where he was a star football player. He received a law degree from West Virginia University in 1947. He married Valerie Allen Marland in 1942, and they had four children: William Allen, Susan Lynn, John Wesley, and Casey Dixon; and

Whereas, William Casey Marland was appointed law clerk to federal Judge Ben Moore, and in August 1948, he was appointed Assistant Attorney General. Upon resignation of former Attorney General, Ira J. Partlow, on December 1, 1949, he was appointed Attorney General. In November 1950, he was elected to the office. He announced his resignation on January 30, 1952, to run for election as Governor later that year, his resignation taking effect the next day; and

Whereas, Governor William Casey Marland was elected the 24th Governor of the state in 1952, beating former Senator Rush Holt by a small margin; and

Whereas, Governor William Casey Marland advocated the desegregation of schools, expansion of the state parks and other recreational facilities, improved unemployment and workers' compensation laws, and an industrial development program; and

Whereas, Governor William Casey Marland ran for the 1956 special election for Senator. He lost the election to former Senator William Chapman Revercomb. In 1958, he ran for the Democratic primary to another special Senate election, losing to Representative Jennings Randolph. After his second Senate loss, Governor William Casey Marland worked as an attorney, eventually relocating to the Chicago area; and

Whereas, Governor William Casey Marland died November 26, 1965, in Barrington, Illinois; and

Whereas, It is fitting that an enduring memorial be established to commemorate Governor William Casey Marland and his contributions to our state; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 55-1-11.62, (55A003), locally known as the Glen Rogers Bridge, carrying County Route 1 over Trough Fork in Wyoming County, the "Governor William Casey Marland Memorial Bridge"; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Governor William Casey Marland Memorial Bridge"; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senators Cline, Beach, Jeffries, Facemire, and Lindsay offered the following resolution:

**Senate Concurrent Resolution 44**—Requesting the Division of Highways name bridge number 55-5-504.04, (55A010), locally known as Milam Arch, carrying Route 5 over Laurel Fork in Wyoming County, the “Elizabeth Williams, Teacher and Community Advocate Memorial Bridge”.

Whereas, Elizabeth Williams was born January 25, 1911, in Williams, Illinois, to Reuben and Anna Williams; and

Whereas, Reuben Williams was a mining engineer and relocated the family to Glen Rodgers, West Virginia in 1927; and

Whereas, Reuben Williams focused on his children’s ability to continue their education through high school and inspired Elizabeth to advocate for education to all persons; and

Whereas, Elizabeth Williams was one of the first students to graduate from Glen Rodgers High School in 1929; and

Whereas, Elizabeth pursued higher education, enrolling at Concord College, to become a teacher;

Whereas, Elizabeth Williams became a teacher at Glen Rodgers High School in 1932 after graduating from Concord College to teach chemistry, physics, biology, and other general science classes, in addition to teaching two additional classes in public speaking; and

Whereas, Elizabeth Williams was active in her community and in politics, she volunteered during the summers in Senator Robert C. Byrd’s Beckley field office as an unpaid staff member; and

Whereas, Elizabeth Williams was President of the Ravencliff-McGraws-Saulsville Public Service District and donated endless hours to help bring suitable water to those towns and areas near Twin Falls State Park; and

Whereas, In 1970, Elizabeth Williams became the secretary to the board of the House of Wonder workshop at Maben, West Virginia, assisting handicapped people learn skills and make furniture, picture frames, and other wood-working products; and

Whereas, Elizabeth Williams was instrumental in establishing the Upper Laurel Volunteer Fire Department; and

Whereas, Elizabeth Williams was an active member of the Eastern Star with years of service including a stint as a state officer; and

Whereas, Elizabeth Williams retired from teaching in 1976 after teaching for 44 years and continued to be a substitute teacher until Glen Rodgers High School closed in 1992; and

Whereas, Elizabeth Williams presented the diplomas to the final graduating class in 1992 prior to the school closing; and

Whereas, It is fitting that an enduring memorial be established to commemorate Elizabeth

Williams and her contributions to our state; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways name bridge number 55-5-504.04, (55A010), locally known as Milam Arch, carrying Route 5 over Laurel Fork in Wyoming County, the “Elizabeth Williams, Teacher and Community Advocate Memorial Bridge”; and, be it

*Further Resolved,* That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “Elizabeth Williams, Teacher and Community Advocate Memorial Bridge”; and, be it

*Further Resolved,* That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

The Senate proceeded to the eighth order of business.

**Eng. Senate Bill 11**, Relating to retirement and pension benefits of certain PERS and Teachers Retirement System members who serve in Legislature.

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, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Boley, Mann, and Weld—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 11) 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 Com. Sub. for Senate Bill 86**, Requiring county boards provide free feminine hygiene products in grades five to 12.

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: Baldwin, Beach, Blair, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Woelfel, and Carmichael (Mr. President)—30.

The nays were: Azinger—1.

Absent: Boley, Mann, and Weld—3.

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. 86) passed.

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

**Eng. Com. Sub. for Com. Sub. for Senate Bill 86**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-22e, relating to county boards of education; requiring boards to provide free feminine hygiene products in grades five through 12 to female students not otherwise having access to the products; and defining terms.

*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 330**, Requiring contact information be listed on agency's online directory and website.

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, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Woelfel, and Carmichael (Mr. President)—30.

The nays were: Lindsay—1.

Absent: Boley, Mann, and Weld—3.

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. 330) 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 Com. Sub. for Senate Bill 383**, Creating WV Healthy Food Crop Block 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, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, 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: None.

Absent: Boley and Mann—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 383) 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 404**, Relating generally to sediment control during commercial timber harvesting operations.

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 404 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, 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: None.

Absent: Boley and Mann—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 404) 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 415**, Creating Timber Cotenancy Modernization and Majority Protection Act and Unknown and Unlocatable Timber Interest Owners Act.

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

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 415 pass?”

On the passage of the bill, the yeas were: Azinger, Beach, Blair, Boso, Clements, Cline, Maroney, Maynard, Roberts, Rucker, Smith, Swope, Takubo, Tarr, Trump, Weld, and Carmichael (Mr. President)—17.

The nays were: Baldwin, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Palumbo, Plymale, Prezioso, Romano, Stollings, Sypolt, Unger, and Woelfel—15.

Absent: Boley and Mann—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 415) passed with its title.

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

On this question, the yeas were: Azinger, Blair, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Maroney, Maynard, Palumbo, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr,



Trump, Weld, and Carmichael (Mr. President)—21.

The nays were: Baldwin, Beach, Ihlenfeld, Jeffries, Lindsay, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—11.

Absent: Boley and Mann—2.

So, less than two thirds of all the members elected to the Senate having voted in the affirmative, the President declared Senator Takubo's aforestated motion had not prevailed.

Senator Beach moved that the Senate reconsider its action by which in earlier proceedings today it passed

**Eng. Com. Sub. for Senate Bill 415**, Creating Timber Cotenancy Modernization and Majority Protection Act and Unknown and Unlocatable Timber Interest Owners Act.

The question being on the adoption of Senator Beach's aforestated motion, and on this question, Senator Beach demanded the yeas and nays.

Following a point of inquiry to the President, with resultant response thereto,

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

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

Absent: Boley and Mann—2.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Beach's aforestated motion had not prevailed.

*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 485**, Clarifying notification requirements for property insurance 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, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, 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: None.

Absent: Boley and Mann—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 485) passed with its title.

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

**Eng. Senate Bill 493**, Correcting terminology referring to racing vehicles illegally on street.

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

Pending discussion,

The question being “Shall Engrossed Senate Bill 493 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boso, Clements, Cline, Hamilton, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, and Carmichael (Mr. President)—28.

The nays were: Facemire, Hardesty, Romano, and Woelfel—4.

Absent: Boley and Mann—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 493) 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 529**, Clarifying provisions of Nonintoxicating Beer Act.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, 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: None.

Absent: Boley and Mann—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 529) passed with its title.

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

**Eng. Senate Bill 531**, Relating generally to workers' compensation claims.

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, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, 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: None.

Absent: Boley and Mann—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 531) 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 546**, Relating to health care provider taxes.

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, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, 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: None.

Absent: Boley and Mann—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 546) 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, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, 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: None.

Absent: Boley and Mann—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 546) 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. Com. Sub. for Senate Bill 585**, Relating to criminal offenses of stalking and harassment generally.

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, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, 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: None.

Absent: Boley and Mann—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 585) passed with its title.

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

**Eng. Senate Bill 593**, Permitting critical access hospital become community outpatient medical center.

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, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, 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: None.

Absent: Boley and Mann—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 593) passed with its title.

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

**Eng. Senate Bill 596**, Adjusting voluntary contribution amounts on certain DMV forms.

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

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

**Eng. Com. Sub. for Senate Bill 624**, Allowing county boards of education use alternative assessment provided in Every Student Succeeds Act.

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

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

The nays were: Trump—1.

Absent: Boley and Mann—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 624) 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, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: Trump—1.

Absent: Boley and Mann—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 624) 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. Com. Sub. for Senate Bill 641**, Relating to Primary Care Support 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, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, 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: None.

Absent: Boley and Mann—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 641) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, 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: None.

Absent: Boley and Mann—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 641) 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 664**, Authorizing certain members of federal judiciary perform marriages.

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, Boso, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Boley, Facemire, and Mann—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 664) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boso, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Boley, Facemire, and Mann—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 664) takes effect from passage.

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

**Eng. House Bill 2036**, Permitting vehicles displaying disabled veterans' special registration plates to park in places where persons with mobility impairments may park.

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

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

**Eng. Com. Sub. for House Bill 2612**, Proposing rules related to the completion or updating of source water protection plans.

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, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, 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: None.

Absent: Boley and Mann—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2612) passed with its title.

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

**Eng. Com. Sub. for House Bill 2740**, Barring a parent from inheriting from a child in certain instances.

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

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

**Eng. House Bill 2746**, Relating to administration of estates.

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

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

**Eng. House Bill 2759**, Providing for the ancillary administration of West Virginia real estate owned by nonresidents by affidavit and without administration.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, 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: None.

Absent: Boley and Mann—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2759) 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 House Bill 2821**, Updating provisions for command, clerical and other pay.

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

At the request of Senator Weld, unanimous consent being granted, the bill was laid over one

day, retaining its place on the calendar.

The Senate proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 238**, Increasing certain penalties for passing stopped school bus.

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 316**, Preserving previously approved state Municipal Policemen's or Firemen's pensions.

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 400**, Allowing Board of Dentistry create specialty licenses.

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

**Senate Bill 421**, Relating to annual legislative review of economic development tax credit.

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

**Senate Bill 432**, Enacting Recognition of Emergency Medical Services Personnel Licensure Interstate Compact.

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 441**, Relating to higher education campus police officers .

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 511**, Creating alternating wine proprietorships.

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

**Senate Bill 535**, Allowing City of Buckhannon begin collecting sales and service and use tax on July 1, 2019.

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 538**, Relating to WV Highway Design-Build Pilot 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 539**, Relating to accrued benefit of retirees in WV State Police Retirement System Plan B.

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

**Senate Bill 544**, Increasing salaries for members of WV State Police over three-year period.

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 547**, Limiting landowner liability for recreational use of lands .

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

**Senate Bill 554**, Removing salary caps for director of State Rail Authority.

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

**Senate Bill 592**, Providing for collection of hotel occupancy tax by marketplace facilitators.

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 597**, Conforming state law to federal law for registration of appraisal management companies.

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 603**, Exempting certain activities from licensing requirements for engaging in business of currency exchange.

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

At the request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

**Senate Bill 627**, Relating generally to Rural Rehabilitation Loan 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 654**, Amending definition of "mortgage loan originator".

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

**Senate Bill 656**, Relating to electronic filing of tax returns.

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

**Senate Bill 665**, Allowing for expedited oil and gas well permitting.

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

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

On pages five and six, section seven, lines one hundred three through one hundred thirty-three, by striking out all of subsection (h) and inserting in lieu thereof the following:

(h) An applicant may enter into an expedited permit application process with the secretary for a well permit by paying an additional permit fee of \$10,000 for the initial horizontal well drilled at a location, and for an additional permit fee of \$5,000 for each additional horizontal well drilled on a single well pad at the same location: *Provided*, That deep well permitting is excluded from this expedited permit processing due to the independent board review and approval required the time frame for which is outside the authority of the secretary to dictate. Upon entering into an expedited permit timeline, and meeting all the criteria set forth in this article, the secretary shall issue a permit within 45 days of the submission of a permit application under this article, unless the secretary denies the permit or seeks additional information or modification from the applicant, which would toll the 45 days until the secretary received the required responsive information from the applicant. The revenue generated from permits issued pursuant to this subsection shall be administrated in the following manner:

(1) One half of the revenue from permits issued pursuant to this subsection shall be deposited into the Oil and Gas Operating Permit and Processing Fund and earmarked specifically for agency permit review staffing costs of the secretary which staffing shall be dedicated to the permit review, processing, and approval of the applicable horizontal wells pending before the agency, not to exceed \$1,000,000 annually in combination with proceeds received through §22-6A-7(i)(1) of this code, any residuary fee proceeds to be distributed as set forth in §22-6A-7(h)(2) of this code;

(2) One half of the revenue from permits issued pursuant to this subsection, plus any residuary as set forth in §22-6A-7(h)(1) of this code, shall be deposited into to the Oil and Gas Reclamation Fund earmarked specifically for the reclamation and plugging of orphaned oil or gas wells;

(3) For each day the agency exceeds the 45-day deadline for approval of an expedited initial horizontal well drilled, the secretary shall refund \$666.66 per day up to and including day 60 after the submission of a permit application, up to the \$10,000 additional fee amount until reduced to the normal permit fee amount; and

(4) For each day the agency exceeds the 45-day deadline for approval of an expedited permit for any additional horizontal well drilled on a single well pad at the same location, the secretary shall be required to refund \$333.33 per day up to and including day 60 after the submission of a permit application, up to the \$5,000 additional fee amount until reduced to the normal permit fee amount.

Following discussion,

The question being on the adoption of Senator Weld's amendment to the bill, the same was put and did not prevail.

The bill (S. B. 665) was then ordered to engrossment and third reading.

**Senate Bill 666**, Creating WV Motorsports Entertainment Complex Investment Act.

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

**Senate Bill 667**, Creating WV Motorsport Committee.

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

**Senate Bill 668**, Relating to physician assistants collaborating with physicians in hospitals.

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

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

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 248**, Creating Prosecuting Attorney's Detectives Act.

**Com. Sub. for Senate Bill 249**, Relating to administration of estates and trusts.

**Com. Sub. for Senate Bill 273**, Relating to Commission on Special Investigations and State Auditor duties.

**Senate Bill 472**, Exempting retirement income of certain uniformed services members from state income tax.

**Com. Sub. for Senate Bill 520**, Requiring entities report drug overdoses.

**Com. Sub. for Com. Sub. for Senate Bill 522**, Creating Special Road Repair Fund .

**Com. Sub. for Senate Bill 537**, Creating workgroup to review hospice need standards.

**Senate Bill 565**, Relating to residency requirements for deputy assessors.

**Senate Bill 566**, Relating to compensation for State Athletic Commission members.

**Com. Sub. for Senate Bill 615**, Providing ongoing mechanism for county commissioners to allow compensation increases for elected officials every two years.

**Com. Sub. for Senate Bill 622**, Relating generally to regulation and control of financing elections.

**Com. Sub. for Senate Bill 640**, Regulating sudden cardiac arrest prevention.

**Com. Sub. for Senate Bill 653**, Relating generally to practice of medical corporations.

**Senate Bill 655**, Relating to conservation districts generally.

**Senate Bill 669**, Allowing appointment of commissioners to acknowledge signatures.

And,

**Senate Bill 670**, Relating to WV College Prepaid Tuition and Savings Program.

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 Maroney and Romano.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 4:26 p.m., the Senate adjourned until Monday, February 25, 2019, at 11 a.m.

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## **SENATE CALENDAR**

**Monday, February 25, 2019  
11:00 AM**

### **UNFINISHED BUSINESS**

S. C. R. 43 - Governor William Casey Marland Memorial Bridge

S. C. R. 44 - Elizabeth Williams, Teacher and Community Advocate Memorial Bridge

### **THIRD READING**

Eng. Com. Sub. for S. B. 238 - Increasing certain penalties for passing stopped school bus

Eng. Com. Sub. for S. B. 316 - Preserving previously approved state Municipal Policemen's or Firemen's pensions

Eng. Com. Sub. for S. B. 400 - Allowing Board of Dentistry create specialty licenses

Eng. S. B. 421 - Relating to annual legislative review of economic development tax credit

Eng. S. B. 432 - Enacting Recognition of Emergency Medical Services Personnel Licensure Interstate Compact (original similar to HB2729)

Eng. Com. Sub. for S. B. 441 - Relating to higher education campus police officers

Eng. Com. Sub. for S. B. 511 - Creating alternating wine proprietorships

Eng. S. B. 535 - Allowing City of Buckhannon begin collecting sales and service and use tax on July 1, 2019

Eng. Com. Sub. for S. B. 538 - Relating to WV Highway Design-Build Pilot Program (original similar to HB3027)

Eng. Com. Sub. for S. B. 539 - Relating to accrued benefit of retirees in WV State Police Retirement System Plan B (original similar to HB3070)

Eng. S. B. 544 - Increasing salaries for members of WV State Police over three-year period

Eng. Com. Sub. for S. B. 547 - Limiting landowner liability for recreational use of lands

Eng. S. B. 554 - Removing salary caps for director of State Rail Authority (original similar to HB3014)

Eng. S. B. 592 - Providing for collection of hotel occupancy tax by marketplace facilitators

Eng. S. B. 596 - Adjusting voluntary contribution amounts on certain DMV forms

Eng. Com. Sub. for S. B. 597 - Conforming state law to federal law for registration of appraisal management companies

Com. Sub. for S. B. 603 - Exempting certain activities from licensing requirements for engaging in business of currency exchange - (With right to amend)

Eng. S. B. 627 - Relating generally to Rural Rehabilitation Loan Program

Eng. Com. Sub. for S. B. 654 - Amending definition of "mortgage loan originator"

Eng. S. B. 656 - Relating to electronic filing of tax returns

Eng. S. B. 665 - Allowing for expedited oil and gas well permitting

Eng. S. B. 666 - Creating WV Motorsports Entertainment Complex Investment Act

Eng. S. B. 667 - Creating WV Motorsport Committee

Eng. H. B. 2036 - Permitting vehicles displaying disabled veterans' special registration plates to park in places where persons with mobility impairments may park

Eng. Com. Sub. for H. B. 2740 - Barring a parent from inheriting from a child in certain instances (original similar to SB482)

Eng. H. B. 2746 - Relating to administration of estates (original similar to SB480)

Eng. Com. Sub. for H. B. 2821 - Updating provisions for command, clerical and other pay

## **SECOND READING**

Com. Sub. for S. B. 248 - Creating Prosecuting Attorney's Detectives Act (original similar to HB2444)

Com. Sub. for S. B. 249 - Relating to administration of estates and trusts

Com. Sub. for S. B. 273 - Relating to Commission on Special Investigations and State Auditor duties

Com. Sub. for S. B. 329 - Relating to agricultural education in high schools

S. B. 472 - Exempting retirement income of certain uniformed services members from state income tax

Com. Sub. for S. B. 520 - Requiring entities report drug overdoses

Com. Sub. for Com. Sub. for S. B. 522 - Creating Special Road Repair Fund

Com. Sub. for S. B. 537 - Creating workgroup to review hospice need standards

Com. Sub. for S. B. 561 - Permitting Alcohol Beverage Control Administration request assistance of local law enforcement (original similar to HB3031)

S. B. 565 - Relating to residency requirements for deputy assessors

S. B. 566 - Relating to compensation for State Athletic Commission members

Com. Sub. for S. B. 600 - Relating to preservation of biological evidence obtained through criminal investigations and trials

Com. Sub. for S. B. 615 - Providing ongoing mechanism for county commissioners to allow compensation increases for elected officials every two years

Com. Sub. for S. B. 622 - Relating generally to regulation and control of financing elections

Com. Sub. for S. B. 640 - Regulating sudden cardiac arrest prevention

- Com. Sub. for S. B. 642 - Providing options in living wills and combined medical powers of attorney and living wills
- Com. Sub. for S. B. 651 - Relating to DNR ability to enter into certain contracts
- Com. Sub. for S. B. 653 - Relating generally to practice of medical corporations
- S. B. 655 - Relating to conservation districts generally
- S. B. 668 - Relating to physician assistants collaborating with physicians in hospitals
- S. B. 669 - Allowing appointment of commissioners to acknowledge signatures
- S. B. 670 - Relating to WV College Prepaid Tuition and Savings Program

### **FIRST READING**

- Com. Sub. for S. B. 105 - Creating offense of impaired operation of motor vehicle placing nonpassengers at risk of physical injury (original similar to HB2822)
- Com. Sub. for S. B. 318 - Transferring Medicaid Fraud Control Unit to Attorney General's office (original similar to HB2867)
- Com. Sub. for Com. Sub. for S. B. 348 - Relating to tobacco usage restrictions
- Com. Sub. for S. B. 379 - Permitting county board of education to include faith-based electives in drug prevention programs
- Com. Sub. for S. B. 412 - Establishing Katherine Johnson Fair Pay Act of 2019
- Com. Sub. for S. B. 464 - Modifying licensing requirements for telemedicine and surgery or podiatry (original similar to HB3089)
- Com. Sub. for S. B. 487 - Relating to admissibility of health care staffing requirements in litigation
- Com. Sub. for S. B. 530 - Relating to state employee merit system
- Com. Sub. for Com. Sub. for S. B. 543 - Relating generally to automobile warranties and inspections
- S. B. 555 - Relating to authority of Higher Education Policy Commission
- Com. Sub. for S. B. 564 - Expanding comprehensive coverage for pregnant women through Medicaid
- S. B. 605 - Permitting Secondary Schools Athletic Commission discipline schools for not following protocol for concussions and head injuries
- S. B. 625 - Clarifying and defining authority of State Athletic Commission (original similar to SB644)
- Com. Sub. for Com. Sub. for S. B. 632 - Improving student safety
- S. B. 633 - Authorizing Board of Physical Therapy conduct criminal background checks on applicants for licenses
- Com. Sub. for S. B. 637 - Relating to revocation, cancellation, or suspension of business registration certificates

Com. Sub. for S. B. 650 - Protecting consumers from price gouging after state of emergency

Com. Sub. for S. B. 657 - Providing consumer protection regarding self-propelled farm equipment

S. B. 658 - Relating to motor vehicle salesperson licenses

S. B. 671 - Eliminating State Fire Marshal report on transfer of authority and responsibility of providing fire service to counties

S. B. 672 - Authorizing School Building Authority to promulgate legislative rules

S. B. 673 - Relating to public higher education accountability and planning



**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2019**

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**Monday, February 25, 2019**

8:30 a.m.	Government Organization	(Room 208W)
9:30 a.m.	Finance	(Room 451M)
10:45 a.m.	Natural Resources	(Room 208W)