

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE
REGULAR SESSION, 2020
FIFTEENTH DAY

Charleston, West Virginia, Wednesday, January 22, 2020

The Senate met at 11:14 a.m.

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

Prayer was offered by Pastor Don Biram, Emmanuel Baptist Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Ron Stollings, a senator from the seventh district.

Pending the reading of the Journal of Tuesday, January 21, 2020,

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

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 4017—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-2A-6b, relating to establishing country roads accountability and transparency; directing the State Auditor to develop and maintain a searchable website of funding actions and expenditures relating state and public roads; setting forth the minimum content to be contained in the website; directing the Commissioner of Highways to provide information and data to the State Auditor; and requiring an annual update to the Joint Committee on Government and Finance.

Referred to the Committee on Transportation and Infrastructure.

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

Eng. Com. Sub. for House Bill 4020—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3tt; to amend said code by adding thereto a new section, designated §8-12-20; and to amend said code by adding thereto a new section, designated §30-1-25, all relating to prohibiting the regulation and licensing of occupations by local governments; declaring state authority to regulate trades, occupations, and professions; prohibiting regulation of occupations by county commissions; prohibiting municipalities from enacting or enforcing laws regulating trades, occupations, and professions; and preserving the authority of local governments to regulate certain projects, construction, and modifications.

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

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

Eng. House Bill 4062—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated, §33-51-11, relating to reducing the cost of prescription drugs; and requiring certain compensation received from a pharmaceutical manufacturer, developer or labeler to be used for benefit of covered persons.

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

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

Eng. Com. Sub. for House Bill 4108—A Bill to amend and reenact §16-2D-11 of the Code of West Virginia, 1931, as amended; relating to the process for certificate of need exemptions.

Referred to the Committee on Health and Human Resources.

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

Eng. House Bill 4130—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §5-22-1a, relating to competitive bidding for government construction contracts arising out of declared states of emergency; allowing contacts for construction projects to be procured through competitive bidding on an open-ended basis as to quantity or by unit pricing on estimated quantities; allowing the establishment of multiple award construction contracts; eliminating need for emergency construction contract to specify the exact location of construction involved in the solicitation for bids; making the requirement that the entity to whom the contract is awarded furnish payment or performance bonds discretionary; and making the award of such contracts subject to other competitive bidding requirements of said code.

Referred to the Committee on Government Organization.

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

Eng. House Bill 4141—A Bill to amend and reenact §5A-2-33 of the Code of West Virginia, 1931, as amended, relating to requiring the Department of Administration to publish its comprehensive annual financial report by the end of December of the calendar year in which the fiscal year reported upon ended.

Referred to the Committee on Government Organization.

The Senate proceeded to the fourth order of business.

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

Your Committee on Military has had under consideration

Senate Bill 8, Exempting certain armed forces veterans from payment of fees for license to carry deadly weapon.

Senate Bill 114, Providing continued eligibility for developmental disability services to dependents of military members.

Senate Bill 203, Allowing certain deductions from personal income tax refunds.

And,

Senate Bill 289, Creating Green Alert Plan.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on Finance.

Respectfully submitted,

Ryan W. Weld,
Chair.

At the request of Senator Tarr, as vice chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee references of Senate Bills 8, 114, and 289 contained in the foregoing report from the Committee on Military.

Senate Bill 203, under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Military has had under consideration

Senate Bill 30, Extending expiration of driver's licenses for active military members' spouses.

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

Respectfully submitted,

Ryan W. Weld,
Chair.

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

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 77, Establishing tax credit for certain physicians who locate to practice in WV.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

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

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

Your Committee on Natural Resources has had under consideration

Senate Bill 160, Creating Voluntary WVU Rifle Team Check-Off Program on hunting and fishing licenses.

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

Com. Sub. for Senate Bill 160 (originating in the Committee on Natural Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-33c, relating to West Virginia University Rifle Team electronic application donation program; including solicitation for voluntary donation to West Virginia University Rifle Team on application for hunting or fishing electronic license; providing opportunity to designate donation in any amount; creating special account; establishing funding sources; specifying terms for expenditures; authorizing disbursements and administrative fee; and requiring annual reports

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,

Bill Hamilton,
Chair.

The bill (Com. Sub. for S. B. 160), under the original double committee reference, was then referred to the Committee on Finance.

Senator Swope, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 171, Exempting certain automobiles 25 years or older from personal property taxation.

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

Respectfully submitted,

Chandler Swope,
Vice Chair.

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

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

Your Committee on Education has had under consideration

Senate Bill 303, Enacting Students' Right to Know Act.

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

Com. Sub. for Senate Bill 303 (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-10P-1, §18-10P-2, §18-10P-3, §18-10P-4, §18-10P-5, and §18-10P-6, all relating to enacting the Students' Right-to-Know Act; declaring purpose of helping high school students make more informed decisions about their futures and ensuring they are adequately aware of the cost and benefits of certificate programs, vocational programs, two-year college, four-year college, and other alternative career paths; requiring the State Board of Education to collect and disseminate certain career landscape information; allowing the State Board of Education to execute a memorandum of understanding with any department, agency, or division for information required to be collected; requiring any department, agency, or division that possesses certain required information to provide that information to the State Board of Education annually; and establishing an effective date.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Patricia Puertas Rucker,
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 357, 358, 359, 360, 361, 362, and 363, Insurance Commission rule relating to Medicare supplement insurance.

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

Com. Sub. for Senate Bill 357 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-7-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating generally to authorizing certain agencies of the Department of Revenue to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee; authorizing the Insurance Commissioner to promulgate a legislative rule relating to Medicare supplement insurance; authorizing the Insurance Commissioner to promulgate a legislative rule relating to credit for reinsurance; authorizing the Insurance Commissioner to promulgate a legislative rule relating to pharmacy auditing entities and pharmacy benefit managers; authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing; authorizing the State Tax Department to promulgate a legislative rule relating to payment of taxes by electronic funds transfer; authorizing the State Tax Department to promulgate a legislative rule relating to consumers sales and service tax and use tax—drugs, durable medical goods, mobility-enhancing equipment, and prosthetic devices *per se* exemption, motor vehicles *per se* exemption; and authorizing the State Tax Department to promulgate a legislative rule relating to exchange of information pursuant to written agreement.

And,

Senate Bill 364, 365, 366, 367, and 368, DOH rule relating to use of state road rights-of-way.

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

Com. Sub. for Senate Bill 364 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-8-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating generally to authorizing certain agencies of the Department of Transportation to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Division of Highways to promulgate a legislative rule relating to use of state road rights-of-way and adjacent areas; authorizing the Division of Highways to promulgate a legislative rule relating to transportation of hazardous wastes upon the roads and highways; authorizing the Division of Highways to promulgate a legislative rule relating to small wireless facilities on Division of Highways rights-of-way; authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to a safety and treatment program; and authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to State Vehicle Title, Registration and Relicensing Project of 2018.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump, IV,
Chair.

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

Your Committee on Natural Resources has had under consideration

Senate Bill 468, Relating to eligibility for license or permit application.

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

Respectfully submitted,

Bill Hamilton,
Chair.

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

Your Committee on Natural Resources has had under consideration

Senate Bill 469, Increasing replacement costs for game and protected species.

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

Com. Sub. for Senate Bill 469 (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-2-5a of the Code of West Virginia, 1931, as amended, relating to replacement costs required of person causing injury or death of game or protected species; increasing replacement costs; and requiring revocation of hunting and fishing licenses for persons convicted of described offenses.

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

Respectfully submitted,

Bill Hamilton,
Chair.

The bill (Com. Sub. for S. B. 469), under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on Natural Resources has had under consideration

Senate Bill 470, Relating to use of crossbow to hunt.

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

Com. Sub. for Senate Bill 470 (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-2-5g of the Code of West Virginia, 1931, as amended, relating to use of a crossbow to hunt; decreasing length of crossbow; and specifying measurement method.

Senate Bill 487, Providing exception that all DNR payments be deposited within 24 hours.

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

Com. Sub. for Senate Bill 487 (originating in the Committee on Natural Resources)—A Bill amend and reenact §20-1-7 of the Code of West Virginia, 1931, as amended, relating to additional powers, duties, and services of Director of Division of Natural Resources; and creating exception to requirement that Division of Natural Resources payments be deposited in bank within 24 hours.

Senate Bill 500, Relating to Class Y special crossbow hunting permit.

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

Com. Sub. for Senate Bill 500 (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-2-42w of the Code of West Virginia, 1931, as amended, relating to Class Y special crossbow hunting permit application requirements; removing requirement for applicant to provide written release authorizing examination of all medical records regarding qualifying disability; and removing language that completed permit form constitutes Class Y permit.

And,

Senate Bill 501, Relating to North Bend Rail Trail, Greenbrier River Trail, and Elk River Trail.

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

Com. Sub. for Senate Bill 501 (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-5-3 of the Code of West Virginia, 1931, as amended, relating to purposes and duties of Section of Parks and Recreation of Division of Natural Resources; clarifying location of Greenbrier River Trail; clarifying location of North Bend Rail Trail; and adding protection, operation, and maintenance of Elk River Trail as duty of Section of Parks and Recreation.

With the recommendation that the four committee substitutes do pass.

Respectfully submitted,

Bill Hamilton,
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 509, Relating to custodial allocation actions independent of divorce.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Swope, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution 3, US Army MSG Richard A. "Dick" Smoot Memorial Bridge.

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

Respectfully submitted,

Chandler Swope,
Vice Chair.

The Senate proceeded to the sixth order of business.

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

By Senator Maynard:

Senate Bill 575—A Bill to amend and reenact §49-4-201 and §49-4-202 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §49-4-206, all relating to allowing the governing entity of a local fire department to designate the premises of its fire department as a safe-surrender site to accept physical custody of a child who is 30 days old or younger from a parent or individual who has lawful custody of the child.

Referred to the Committee on Health and Human Resources.

By Senator Maynard:

Senate Bill 576—A Bill to repeal §5A-8-6 and §5A-8-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5A-8-3, §5A-8-4, §5A-8-5, §5A-8-7, §5A-8-9, §5A-8-10, §5A-8-11, §5A-8-13, §5A-8-14, and §5A-8-17 of said code, all relating to records management of public records; defining terms; dissolving the formal advisory committee; updating the authority of the administrator; allowing for records of historical value; updating the authority of agency heads related to records management; providing for electronic storage and electronic formats for records; repealing the requirement that administrator must store agencies' essential records; removing the requirement that administrator notify agencies of essential records destruction; providing that administrator may approve request by agencies to destroy their essential records; and making technical changes.

Referred to the Committee on Government Organization.

By Senators Prezioso, Baldwin, Beach, Hardesty, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, and Stollings:

Senate Bill 577—A Bill to amend and reenact §5-16-7 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §33-16-3ff; and to amend said code by adding thereto a new section, designated §33-24-7u, all relating to insurance coverage for insulin.

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

By Senators Roberts and Cline:

Senate Bill 578—A Bill to amend and reenact §11-13-2o of the Code of West Virginia, 1931, as amended, relating to adjusting the calculation of business and occupation tax on the business of generating or producing or selling electricity from solar energy facilities; and clarifying that rate of tax for generating units utilizing solar photovoltaic methods shall equal eight percent of official capacity of the unit for the taxable period beginning January 1, 2020.

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

By Senator Sybolt:

Senate Bill 579—A Bill to amend and reenact §7-1-3cc of the Code of West Virginia, 1931, as amended; and to amend and reenact §24-6-6b of said code, all relating to the authority of county commissions to establish enhanced emergency telephone systems and change the fee charged to consumers from the telephone service to the electric service, and to the wireless enhanced 911 fee; eliminating portions of the wireless enhanced 911 fee that are disbursed to state agencies; establishing the public safety wireless fee; and providing for the collection and disbursement of the public safety wireless fee.

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

By Senator Rucker:

Senate Bill 580—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-9-101, §49-9-102, §49-9-103, §49-9-104, §49-9-105, §49-9-106, §49-9-107, §49-9-108, §49-9-109, and §49-9-110, all relating to the Foster Care Ombudsman Program; continuing the foster care ombudsman; providing authority to the ombudsman; permitting access to foster care children; providing access to certain records; providing the ombudsman with subpoena authority; requiring government entities to cooperate with the ombudsman; requiring investigations to remain confidential; providing the ombudsman with a limitation of liability; setting forth criminal penalties; and providing funding for the ombudsman.

Referred to the Select Committee on Children and Families; and then to the Committee on Finance.

By Senators Prezioso, Baldwin, Beach, Ihlenfeld, Jeffries, Lindsay, Palumbo, Plymale, Romano, Stollings, and Woelfel:

Senate Bill 581—A Bill to amend and reenact §3-8-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §3-8-8a, all relating to requiring certain disclosures of election expenditures; clarifying when contributions are required to be disclosed; creating exceptions; clarifying that certain federal entities must make

certain state disclosures; requiring disclosure of covered transfers; stating legislative findings; defining terms; providing requirements for disclosure of donations related to the transfer of certain sums of money related to campaign-related disbursements; requiring certain disclosures be made within 48 hours; specifying information required in the disclosures; clarifying the relationship between covered transfers and other regulated areas of election expenditures; creating a misdemeanor offense; and authorizing rulemaking.

Referred to the Committee on the Judiciary.

By Senators Prezioso, Baldwin, Beach, Hardesty, Ihlenfeld, Jeffries, Palumbo, Plymale, Romano, and Stollings:

Senate Bill 582—A Bill to amend and reenact §33-51-3 and §33-51-9 of the Code of West Virginia, 1931, as amended, all relating to pharmacy benefit managers; prohibiting certain conduct; requiring the reporting of certain information to the Insurance Commissioner; and requiring pharmacy benefit managers contracting with Medicaid managed care organizations to comply with §33-51-9 of said code.

Referred to the Committee on Health and Human Resources.

By Senator Rucker:

Senate Bill 583—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-1o, relating to creating a program to further the development of renewable energy resources and renewable energy facilities for solar energy by modifying the powers and duties of the Public Service Commission; providing for legislative findings and declarations; providing for definitions; providing for an application process and program for multiyear comprehensive renewable energy facilities for electric utilities, as defined, to plan, design, construct, purchase, own, and operate renewable energy-generating facilities, energy-storage resources, or both; providing for commission review and approval of said programs; allowing cost recovery for said programs; providing for requirements for said programs; providing for application requirements and contents in lieu of applications for certificates of public convenience and necessity; providing for public notice at the direction of the commission for anticipated rates and rate increases in interested counties; providing for a hearing on applications within 90 days of notice; defining circumstances when a hearing can be waived for lack of opposition; defining a time period of 150 days within which the commission shall issue a final order after the application date; requiring the commission to find the programs as in the public interest; requiring the commission, after notice and hearing, to approve applications and allow cost recovery for just and reasonable expenditures; establishing accounting methods, practices, rates of return, calculations, dates, and procedures relevant for cost recovery; requiring a utility to place in effect commission-approved rates that include cost recovery with certain defined items; defining “concurrent cost recovery”; requiring yearly application filings by the utility with the commission regarding cost recovery; providing for an effective date on passage; and providing for a sunset date.

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

By Senator Rucker:

Senate Bill 584—A Bill amend and reenact §3-7-6 and §3-7-7 of the Code of West Virginia, 1931, as amended, all relating to the contests of county, district, and municipal elections; establishing jurisdiction for said election contests with the circuit courts; setting forth procedures for election contests; establishing three-judge circuit courts as initial tribunals for hearing election

contest proceedings; providing for appeals of such proceedings to the Supreme Court of Appeals; and establishing the authority of the Supreme Court of Appeals to establish rules and procedures for the conduct of county, district, and municipal election contest proceedings before the courts of the state.

Referred to the Committee on the Judiciary.

By Senator Rucker:

Senate Bill 585—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2P-1, §16-2P-2, §16-2P-3, §16-2P-4, §16-2P-5, §16-2P-6, §16-2P-7, §16-2P-8, §16-2P-9, §16-2P-10, §16-2P-11, and §16-2P-12, all relating to the Human Life Non-Discrimination Act; providing for a short title; providing for legislative findings and purpose; providing for definitions; providing for criteria under which an abortion may not be performed; providing for certain exceptions under which an abortion may be performed with the prohibited circumstances; providing for forms the Commissioner of the Bureau for Public Health must create; providing for 15 days for a physician to file a report with the Commissioner of the Bureau for Public Health; providing the required content of the forms the physician must file; providing for 30 days from the effective date for the Commissioner of the Bureau for Public Health to create the forms necessary for physicians to file reports; providing for privacy of the maternal patient by redacting name or other identifying information on the required reporting forms to the commissioner; providing for criminal penalties against physicians; providing for a ban on criminal penalties extending to the maternal patient; providing for professional sanctions against physicians; providing for civil penalties against physicians; providing for the Attorney General to file legal action to enforce this article; providing for the West Virginia Board of Medicine to file legal action on own enforcement of provisions of this article; providing for construction; providing for severability; providing for a right of intervention by action of the Legislature for a member to intervene in any legal action where the constitutionality of this article is challenged; and providing for an effective date.

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

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

Senate Bill 586—A Bill to amend and reenact §5F-1-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §5F-2-1 of said code; to amend and reenact §15-5-3 of said code; to amend and reenact §15A-1-2 and §15A-1-3 of said code; and to amend said code by adding thereto a new section, designated §15A-1-9, all relating to reorganizing and redesignating the Department of Military Affairs and Public Safety as the Department of Homeland Security; clarifying the divisions that report to the cabinet secretary; designating the Department of Homeland Security as the State Administrative Agency for homeland security and emergency management grants; establishing the powers and duties of the Secretary of Homeland Security; removing the Adjutant General's Office, State Armory Board, and Military Awards Board from the Department of Military Affairs and Public Safety; clarifying the agencies established within the Department of Military Affairs and Public Safety; redesignating the Division of Homeland Security and Emergency Management as the Division of Emergency Management; and making the employees of the Division of Emergency Management classified-exempt employees.

Referred to the Committee on Government Organization.

By Senator Beach:

Senate Bill 587—A Bill to amend and reenact §17C-17-11 of the Code of West Virginia, 1931, as amended, relating to mandating escorts for vehicles operating on the highways of the state that exceed maximum width requirements.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Government Organization.

By Senators Prezioso, Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Palumbo, Plymale, Romano, Stollings, Unger, and Woelfel:

Senate Bill 588—A Bill to amend and reenact §18-5-44 of the Code of West Virginia, 1931, as amended, relating to expanding permissive early childhood education programs to children who are three years old beginning in the 2020-2021 school year; providing counties with the authority to implement three-year old early childhood education programs; and clarifying that state board rules should take into consideration curriculum appropriate for three-year old children in such programs.

Referred to the Committee on Education.

By Senators Prezioso, Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Palumbo, Plymale, Romano, Stollings, Unger, and Woelfel:

Senate Bill 589—A Bill to amend and reenact §29-22-18d of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §31-15A-17c, all relating to critical needs in state water and sewer systems; creating a Critical Needs/Failing Systems Sub Account; funding the sub account with state excess lottery funds; authorizing loans or grants to address a critical immediate need of water or sewer services; and exempting the sub account from grant limitations contained in §31-15A-10 of said code.

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

By Senators Prezioso, Baldwin, Beach, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, and Stollings:

Senate Bill 590—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-43, relating to implementation of trauma-informed practices in schools; providing for an effective date; providing for training; providing definition of “trauma-informed practices”; providing for disciplinary considerations in light of trauma-informed practices; providing for a culture of acceptance among educational professionals relating to trauma-informed practices within the school; and providing for rulemaking.

Referred to the Committee on Education.

By Senators Prezioso, Baldwin, Beach, Ihlenfeld, Jeffries, Lindsay, Romano, and Woelfel:

Senate Bill 591—A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §6B-4-1, §6B-4-2, §6B-4-3, §6B-4-4, §6B-4-5, §6B-4-6, §6B-4-7, and §6B-4-8, all relating to the Office of the State Inspector General; establishing an annual salary; establishing the Office of the State Inspector General; powers and duties of office; appointment and removal; reappointment; authority to engage in a criminal investigation; duty to investigate report; submission of annual report to Legislature; authority to investigate complaints, including authority to issue subpoenas; authority

to apply to courts for orders of contempt; mandate to establish a code of ethics for the conduct of state business; authority upon evidence of a violation of the code of ethics; authority upon a finding of malfeasance, nonfeasance, misappropriation, fraud, or other misconduct in the conduct of state business; authority upon evidence of criminal activity; procedure for appointment of inspector as a special prosecutor; confidentiality of disclosed information to Inspector General; confidentiality of investigative records; and criminal penalty for knowingly and intentionally disclosing confidential information or records.

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

By Senator Beach:

Senate Bill 592—A Bill to amend and reenact §19-12E-3 and §19-12E-11 of the Code of West Virginia, 1931, as amended, all relating to disposition of industrial hemp containing more than 0.3 percent of tetrahydrocannabinol.

Referred to the Committee on Agriculture and Rural Development.

By Senators Hamilton, Baldwin, Beach, Boley, Clements, Cline, Facemire, Hardesty, Ihlenfeld, Jeffries, Mann, Palumbo, Pitsenbarger, Prezioso, Roberts, Romano, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Unger, Weld, and Woelfel:

Senate Bill 593—A Bill to amend and reenact §15-2-10 of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-7-4 of said code, all relating to required equipment for State Police and Natural Resources police officers; and providing for specific vests for more through protection of the State Police and Natural Resources police officers.

Referred to the Committee on Government Organization.

By Senator Beach:

Senate Bill 594—A Bill to amend and reenact §18C-9-4 of the Code of West Virginia, 1931, as amended, relating to a moratorium on the termination, cancellation, or suspension of courses by institutions receiving WV Invests Grants.

Referred to the Committee on Education.

By Senator Maynard:

Senate Bill 595—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-1-8c, relating to the West Virginia Monument and Memorial Protection Act of 2020; prohibiting the removal, renaming, alteration, or relocation of any statue, monument, memorial, nameplate, plaque, school, street, bridge, building, park, preserve, or reserve recognized by the West Virginia State Historic Preservation Office and which is located on public property and has been erected for, or named or dedicated in honor of, certain historical, military, labor, civil rights, and Native-American events, figures, and organizations; prohibiting any person from preventing the governmental entity having responsibility for maintaining the items, structures, or areas from taking proper measures to protect, preserve, care for, repair, or restore the items, structures, or areas recognized by the West Virginia State Historic Preservation Office; and authorizing the West Virginia State Historic Preservation Office to grant waivers under certain circumstances.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 596—A Bill to amend and reenact §5A-10-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5A-11-3 of said code, all relating to requiring the Public Land Corporation and the Real Estate Division to jointly review all vacated publicly-owned property to determine a proper reuse of those properties, determine the appraised value of those properties, or to provide assistance with the listing of those properties for sale or lease.

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

By Senator Trump:

Senate Bill 597—A Bill to amend and reenact §50-1-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §51-1-10a of said code; to amend and reenact §51-2-13 of said code; to amend and reenact §51-2A-6 of said code; and to amend and reenact §51-9-1a and 51-9-5 of said code, all relating generally to salaries and pensions of magistrate, justices of the Supreme Court of Appeals, circuit judges, and family court judges; adopting and codifying the 2019 recommendations of the Judicial Compensation Commission as to salary increases for magistrates, justices of the Supreme Court of Appeals, circuit judges, and family court judges; and allowing family court judges to participate in the Judge's Retirement System as it applies to judges first taking office after July 1, 2005.

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

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

Senate Concurrent Resolution 8—Requesting the Division of Highways name bridge number 40-35-8.07, NB and SB (40A155, 40A156), locally known as US 35 Hurricane Creek bridges, carrying US 35 over Hurricane Creek in Putnam County, the "U.S. Army First Lieutenant Harold H. Frazier Memorial Bridge".

Whereas, Harold H. Frazier was born in Fraziers Bottom, Putnam County, West Virginia, on April 19, 1923, the son of Argyll Elwood Frazier and Pearl C. Livesey. He attended Winfield High School, where he was the first student to achieve the honor of All-State Future Farmer of America. He graduated as class salutatorian in 1941. He immediately enlisted in the U.S. Army, citing growing tension around the world and out of his own sense of duty and patriotism. His first duty station was in Hawaii, and was stationed there when the Japanese attacked on December 6, making him a Pearl Harbor survivor; and

Whereas, After Pearl Harbor, Harold was promoted to lieutenant, and attended Bombardier Training School. After graduating Bombardier Training School, he was sent to Europe and flew many combat missions in Europe as a bombardier in a B-25 Mitchell Bomber. During his time in Europe, he was awarded the Silver Star, Distinguished Flying Cross, Purple Heart, and the Air Medal with 7 Oak Leaf Clusters; and

Whereas, First Lieutenant Harold H. Frazier died on April 9, 1996, in Cornelius, North Carolina, survived by his sister, Helen Ilene Frazier Sorsaia; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army First Lieutenant Harold H. Frazier and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 40-35-8.07, NB and SB (40A155, 40A156), locally known as US 35 Hurricane Creek bridges, carrying US 35 over Hurricane Creek in Putnam County, the “U.S. Army First Lieutenant Harold H. Frazier Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U.S. Army First Lieutenant Harold H. Frazier 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.

Senator Beach offered the following resolution:

Senate Resolution 12—Designating January 23, 2020, as Human Resources Day at the Capitol.

Whereas, Human resources, also known as the people managers, refers to how employees are managed from small businesses and municipalities to large corporations and national governments; and

Whereas, Traditionally, human resources dealt with the part of an organization or company that was responsible for hiring, firing, training, and other personnel issues; and

Whereas, Today, human resources encompasses a vast area of diverse and dynamic issues that affect the everyday lives of our workforce; and

Whereas, In an effort to enhance morale and productivity, limit job turnover, and help organizations increase performance and improve results, human resources workers also help their companies or organizations effectively use employee skills by providing training and development opportunities to improve those skills and increasing employees’ satisfaction with their job and working conditions; and

Whereas, In today’s economy, human resources has become increasingly difficult as companies and organizations have instituted cost-cutting measures requiring human resources workers to play a vital role in tackling these issues sensibly and responsibly for their company and its employees; therefore, be it

Resolved by the Senate:

That the Senate hereby designates January 23, 2020, as Human Resources Day at the Capitol; and, be it

Further Resolved, That the Senate extends its sincere appreciation and gratitude to the professionals working in the field of human resources; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Human Resources Day at the Capitol.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

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

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

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

The roll being taken, the yeas were: Azinger, Baldwin, Boley, Clements, Cline, Hardesty, Jeffries, Maynard, Pitsenbarger, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, and Carmichael (Mr. President)—20.

The nays were: Beach, Facemire, Hamilton, Ihlenfeld, Lindsay, Palumbo, Prezioso, Romano, Stollings, and Unger—10.

Absent: Blair, Mann, Maroney, and Plymale—4.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. C. R. 4) adopted.

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

Senate Resolution 11, Designating January 22, 2020, as Disability Advocacy Day.

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

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

On motion of Senator Takubo, at 12:39 p.m., the Senate recessed to present Senate Resolution 11.

The Senate reconvened at 12:44 p.m. and proceeded to the eighth order of business.

Eng. Senate Bill 307, Correcting code citation relating to certain tax liens.

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, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maynard, Pitsenbarger, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—29.

The nays were: None.

Absent: Blair, Mann, Maroney, Palumbo, and Plymale—5.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 307) 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 322, Relating to prequalifications for state contract vendors.

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, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maynard, Pitsenbarger, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—29.

The nays were: None.

Absent: Blair, Mann, Maroney, Palumbo, and Plymale—5.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 322) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 192, Relating to WV Secondary School Activities Commission audits.

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

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

On page two, section twenty-five, line twenty-six, by striking out the words “are public funds”.

The bill (Com. Sub. for S. B. 192), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 297, Requiring Board of Education create home economics course.

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

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

On page one, section seven-e, line two, by striking out the words “home economics” and inserting in lieu thereof the words “family and consumer sciences”;

On page one, section seven-e, line seven, by striking out the words “home economics” and inserting in lieu thereof the words “family and consumer sciences”;

On page one, section seven-e, line ten, after the word “in” by striking out the words “home economics” and inserting in lieu thereof the words “family and consumer sciences”;

And,

On page one, section seven-e, line ten, after the word “within” by striking out the words “home economics” and inserting in lieu thereof the words “family and consumer sciences”.

Following discussion,

The question being on the adoption of Senator Beach’s amendments to the bill, the same was put and prevailed.

The bill (Com. Sub. for S. B. 297), as amended, was then ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Senate Bill 144, Creating misdemeanor penalty for making materially false statement in course of misdemeanor investigation.

Com. Sub. for Senate Bill 311, Relating to court-ordered community service.

And,

Senate Bill 321, Relating to collection of tax and priority of distribution of estate or property in receivership.

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senator Weld.

The Senate next proceeded to the thirteenth order of business.

At the request of Senator Unger, unanimous consent being granted, it was ordered that the Journal show had Senator Unger been present in the chamber on Friday, January 17, 2020, he would have voted “yea” on the passage of Engrossed Committee Substitute for Senate Bill 35, Engrossed Committee Substitute for Senate Bill 46, Engrossed Senate Bill 140, Engrossed Senate Bill 170, Engrossed Committee Substitute for Senate Bill 207, and Engrossed Senate Bill 310.

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

Senate Bill 2 (*Providing for automated license plate reader systems*): Senator Maroney;

Senate Bill 3 (*Relating to registration fees for certain military-related license plates*): Senator Maroney;

Senate Bill 4 (*Providing that persons 16 years or older may carry pepper spray for self-defense*): Senator Maroney;

Senate Bill 8 (*Exempting certain armed forces veterans from payment of fees for license to carry deadly weapon*): Senators Maroney and Maynard;

Senate Bill 10 (*Allowing use or nonuse of safety belt as admissible evidence in civil actions*): Senator Maroney;

Senate Bill 11 (*Relating to certification requirements of crane operators*): Senator Maynard;

Senate Bill 18 (*Creating WV Healthy Food Crop Block Grant Program*): Senator Maroney;

Senate Bill 19 (*Prohibiting State Board of Education from accepting federal education plans without legislative approval*): Senator Maynard;

Senate Bill 23 (*Creating "Choose Life" special registration plate supporting adoption*): Senator Maynard;

Senate Bill 38 (*Requiring schools provide elective course on Hebrew Scriptures or Bible*): Senator Maynard;

Senate Bill 83 (*Creating Fetal Heartbeat Act*): Senator Maynard;

Senate Bill 114 (*Providing continued eligibility for developmental disability services to dependents of military members*): Senator Hamilton;

Senate Bill 156 (*Rights of domestic violence victims to know employment and residence location of assailant*): Senator Romano;

Com. Sub. for Senate Bill 160 (*Creating Voluntary WVU Rifle Team Check-Off Program on hunting and fishing licenses*): Senator Romano;

Senate Bill 171 (*Exempting certain automobiles 25 years or older from personal property taxation*): Senator Sypolt;

Senate Bill 176 (*Limiting number of days legislators may receive compensation under certain circumstances*): Senator Romano;

Senate Bill 177 (*Extending driver's license expiration for active military members' spouses*): Senator Romano;

Senate Bill 178 (*Providing 11-month window to allow PERS members to purchase credited service*): Senator Romano;

Senate Bill 179 (*Relating to retirement and pension benefits of certain PERS and Teachers Retirement System members*): Senator Romano;

Senate Bill 184 (*Providing protection from civil liability for certain individuals rescuing animals locked in unattended vehicles*): Senator Romano;

Senate Bill 191 (*Creating felony offense of aggravated cruelty to animals*): Senator Romano;

Senate Bill 201 (*Relating generally to stalking and harassment*): Senators Baldwin and Romano;

Senate Bill 203 (*Allowing certain deductions from personal income tax refunds*): Senator Hamilton;

Senate Bill 279 (*Requiring dental insurance plans honor assignment made in writing by person covered*): Senator Maroney;

Senate Bill 289 (*Creating Green Alert Plan*): Senator Hamilton;

Senate Bill 512 (*Increasing misdemeanor penalty for impersonation of law-enforcement officer*): Senator Ihlenfeld;

Senate Bill 513 (*Protecting consumers against businesses using automatic renewals without consent*): Senator Ihlenfeld;

Senate Bill 534 (*Removing workers' compensation exclusion for temporary legislative employees*): Senator Ihlenfeld;

Senate Bill 550 (*Permitting leashed dogs track mortally wounded deer or bear*): Senator Jeffries;

Senate Bill 551 (*Relating to Water and Wastewater Investment and Infrastructure Improvement Act*): Senators Baldwin, Hamilton, and Romano;

Senate Bill 554 (*Relating to termination, expiration, or cancellation of oil or natural gas leases*): Senator Romano;

Senate Bill 555 (*Enacting the Solemn Covenant of the States to Award Prizes for Curing Diseases*): Senator Baldwin;

Senate Bill 556 (*Prohibiting members of Legislature and part-time public officials from having interest in public contracts*): Senator Woelfel;

Senate Bill 557 (*Establishing vocational-technical programs in middle schools*): Senator Cline;

Senate Bill 558 (*Relating to study of health care workforce*): Senators Baldwin and Roberts;

Senate Bill 560 (*Permitting nursing home use trained individuals administer medication*): Senators Cline and Rucker;

Senate Bill 562 (*Expunging certain criminal convictions*): Senators Stollings and Woelfel;

Senate Bill 563 (*Eliminating suspension of driver's license for failure to pay court fines and costs*): Senators Lindsay and Stollings;

Senate Bill 565 (*Allowing private schools option of requiring vaccinations*): Senator Roberts;

Senate Bill 566 (*Relating to limits on political contributions*): Senator Woelfel;

Senate Bill 567 (*Relating to wholesale importation of prescription drugs*): Senator Hardesty;

And,

Senate Bill 568 (*Increasing time period elected official may not appear before government entity they serve*): Senators Stollings and Woelfel.

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

Senate Joint Resolution 5 (*Homestead Exemption Increase Amendment*): Senator Pitsenbarger;

Senate Joint Resolution 8 (*Manufacturing Growth Amendment*): Senator Cline;

Senate Joint Resolution 9 (*Amendment Authorizing Legislature to Eliminate or Lower Ad Valorem Tax on Motor Vehicles and Any Other Tangible Personal Property*): Senator Cline;

And,

Senate Resolution 11 (*Designating January 22, 2020, as Disability Advocacy Day*): Senators Cline, Hamilton, Prezioso, Rucker, and Stollings.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:56 p.m., the Senate adjourned until tomorrow, Thursday, January 23, 2020, at 11 a.m.

SENATE CALENDAR

**Thursday, January 23, 2020
11:00 AM**

UNFINISHED BUSINESS

- S. C. R. 3 - US Army MSG Richard A. "Dick" Smoot Memorial Bridge **[ADOPT]**
- S. C. R. 8 - US Army 1st Lieutenant Harold H. Frazier Memorial Bridge
- S. R. 12 - Designating January 23, 2020, as Human Resources Day **[ADOPT]**

THIRD READING

- Eng. Com. Sub. for S. B. 192 - Relating to WV Secondary School Activities Commission audits
- Eng. Com. Sub. for S. B. 297 - Requiring Board of Education create home economics course

SECOND READING

- Com. Sub. for S. B. 144 - Creating misdemeanor penalty for making materially false statement in course of misdemeanor investigation
- Com. Sub. for S. B. 311 - Relating to court-ordered community service
- S. B. 321 - Relating to collection of tax and priority of distribution of estate or property in receivership

FIRST READING

- S. B. 8 - Exempting certain armed forces veterans from payment of fees for license to carry deadly weapon
- S. B. 114 - Providing continued eligibility for developmental disability services to dependents of military members
- S. B. 289 - Creating Green Alert Plan
- Com. Sub. for S. B. 303 - Enacting Students' Right to Know Act
- Com. Sub. for S. B. 357 - Authorizing Department of Revenue promulgate legislative rules
- Com. Sub. for S. B. 364 - Authorizing Department of Transportation promulgate legislative rules
- S. B. 468 - Relating to eligibility for license or permit application
- Com. Sub. for S. B. 470 - Relating to use of crossbow to hunt
- Com. Sub. for S. B. 487 - Providing exception that all DNR payments be deposited within 24 hours
- Com. Sub. for S. B. 500 - Relating to Class Y special crossbow hunting permit
- Com. Sub. for S. B. 501 - Adding protection, operation of North Bend Rail Trail, Greenbrier River Trail, and Elk River Trail to Parks and Recreation Section of DNR
- S. B. 509 - Relating to custodial allocation actions independent of divorce

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2020

Thursday, January 23, 2020

10 a.m.

Children & Families

(Room 208W)