

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE
REGULAR SESSION, 2020
TWENTY-SEVENTH DAY

Charleston, West Virginia, Monday, February 3, 2020

The Senate met at 11:05 a.m.

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

Prayer was offered by the Reverend Brian O'Donnell, S. J., Executive Secretary, Catholic Conference of West Virginia, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Donna J. Boley, a senator from the third district.

Pending the reading of the Journal of Friday, January 31, 2020,

At the request of Senator Ihlenfeld, 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 2338—A Bill to amend and reenact §17A-10-3a of the Code of West Virginia, 1931, as amended, relating to allowing the owner of an antique military vehicle to display alternate registration insignia that is compatible with the vehicle's original markings in lieu of a registration plate; and defining terms.

Referred to the Committee on Military; and then 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. House Bill 4179—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-59-1, §16-59-2, §16-59-3, §16-59-4, §16-59-5, §16-

59-6, §16-59-7, §16-59-8, §16-59-9, §16-59-10, §16-59-11, §16-59-12, §16-59-13, §16-59-14, and §16-59-15, all relating to enacting the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact; entering into the Compact with all jurisdictions also enacting the Compact; stating purpose of Compact; defining terms; identifying member states as home states; retaining authority of member state to require license under circumstances not covered by Compact; setting conditions for home state's license to authorize practice in a remote state under the Compact; requiring member states to recognize licenses issued by another member state under certain conditions; setting requirements for individuals to exercise privilege to practice; setting scope of practice; making individuals practicing in remote states subject to that state's laws; authorizing remote states to take action against individual's privilege to practice within that state under certain circumstances; providing effect of restrictions on license on Compact privileges; setting conditions of practicing in remote state under Compact terms; defining relationship of Compact with Emergency Management Assistance Compact; setting terms and requirements for certification of veterans, certain service members, and their spouses; recognizing exclusive power of home states to impose adverse action against license issued by home state; providing consequences for Compact participation if individual's license is subject to adverse action by home state; requiring member states to report adverse actions against licenses; authorizing states to take action against individual's privilege to practice within that state; requiring home state EMS authority investigate and take appropriate action based on reported conduct in remote state; authorizing alternative programs in lieu of adverse action; authorizing member state's EMS authority to issue subpoenas; authorizing member state's EMS authority to issue certain cease and desist orders; establishing Interstate Commission for EMS Personnel Practice; providing venue; maintaining state sovereign immunity; providing for membership; providing for voting; requiring annual meetings; requiring meetings to be public; providing exceptions; authorizing Commission prescribe bylaws and/or rules to govern conduct; granting certain powers to Commission; providing for financing for the Commission; making validity of annual assessment against state contingent upon funds being appropriated by the Legislature or otherwise being made available; providing for qualified immunity of certain persons; requiring Commission defend certain persons for actions arising out of actions occurring within the scope of duties related to the Commission; requiring Commission indemnify and hold harmless certain persons under certain circumstances; providing for development and maintenance of coordinated database and reporting system; requiring member states provide certain information to coordinated database; requiring notification by coordinated database administrator of adverse action taken against individual in member state; authorizing member state to designate information not to be shared with the public without express permission of contributing state; providing for removal of information from database when required to be expunged; authorizing rulemaking Commission; providing scope of rulemaking; providing procedures for rulemaking; authorizing emergency rulemaking by the Commission; providing that Commission rules are not binding on the State of West Virginia until they have been authorized as legislative rules; providing timeline and procedure for proposing legislative rules; authorizing emergency rulemaking; directing state government to enforce Compact and take necessary actions to effectuate its purposes and intent; directing courts take judicial notice of Compact and rules promulgated pursuant to Compact; providing procedures for the Commission to follow if member state has defaulted; authorizing member state be terminated from the Compact under certain conditions; setting terms of termination; authorizing appeal; authorizing mediation and binding dispute resolution between Commission and member state; authorizing enforcement of the Compact by the Commission; authorizing legal action; establishing venue; providing for venue in West Virginia; providing implementation date for the Compact; making any state joining after implementation subject to rules as they exist when the Compact is adopted; authorizing member state withdraw from the Compact; maintaining member state authority to enter into licensure or cooperative agreements with nonmember state; authorizing amendment of the Compact; providing for liberal construction;

providing for severability of the Compact if it is found to violate constitution of member state; directing Emergency Medical Services Advisory Council review decisions of the Commission; and authorizing Emergency Medical Services Advisory Council make recommendation to Legislature for withdrawal from the Compact.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 4359—A Bill to amend and reenact §33-6-34 of the Code of West Virginia, 1931, as amended, relating to increasing the filing fees for insurers; permitting multiple insurers to make a single filing with a fee collected from each one; defining a term; and deleting an effective date.

Referred to the Committee on Banking and Insurance.

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 4381—A Bill to amend and reenact §20-2B-7 of the Code of West Virginia, 1931, as amended, relating to lifetime hunting, fishing, and trapping licenses for adopted children; and providing for resident children who have been legally adopted and have not yet reached their 12th birthday to obtain their lifetime hunting, fishing, and trapping license for one half of the adult fee for a period of two years from the date of entry of the order or decree of adoption.

Referred to the Committee on Natural Resources.

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

Eng. Com. Sub. for House Bill 4470—A Bill to amend and reenact §49-4-722 of the Code of West Virginia, 1931, as amended, relating to persons 18 years of age or older in the custody of the Bureau of Juvenile Services; and authorizing the Commissioner of the Division of Corrections and Rehabilitation to designate a unit in one or more institutions to house adults remaining under the juvenile jurisdiction of the circuit court to ensure that such persons are not within sight or sound of adult inmates.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 4476—A Bill to amend and reenact §15-9B-1, §15-9B-2, and §15-9B-4 of the Code of West Virginia, 1931, as amended, all relating to providing for the collection, submission, testing, retention, and disposition of forensic evidence in sexual assault cases; transferring some duties of the Division of Justice and Community to the Division of Administrative Services; requiring sexual assault forensic examination kits collected by health care providers to be directly submitted to the West Virginia State Police Forensic Laboratory; providing for the development of a strategic plan on certain protocols; authorizing the Sexual Assault Forensic Examination Commission to recommend rules and report to the Legislature; establishing

procedures; defining terms; establishing misdemeanor penalties; and granting rule-making authority.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 3rd day of February, 2020, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for H. B. 2696), Creating an additional index system for state-owned lands.

And,

(H. B. 4130), Relating to competitive bidding for government construction contracts arising out of declared states of emergency.

Respectfully submitted,

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

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 291, Requiring PEIA and health insurance providers provide mental health parity.

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

Com. Sub. for Senate Bill 291 (originating in the Committee on Health and Human Resources)—A Bill to repeal §33-15-4a of the Code of West Virginia, 1931. as amended; to repeal §33-16-3a of said code; to amend and reenact §5-16-7 of said code; to amend said code by adding thereto a new section, designated §33-15-4u; to amend said code by adding thereto a new section, designated §33-16-3ff; to amend and reenact §33-24-4 of said code; to amend said code by adding thereto a new section, designated §33-24-7u; to amend and reenact §33-25-6 of said code; to amend said code by adding thereto a new section, designated §33-25-8r; and to amend said code by adding thereto a new section, designated §33-25A-8u, all relating to requiring the Public Employees Insurance Agency and other health insurance providers to provide mental health parity between behavioral health, mental health, substance use disorders, and medical and surgical procedures; providing definitions; providing for mandatory annual reporting; providing for rulemaking; and setting forth an effective date.

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,

Michael J. Maroney,
Chair.

The bill (Com. Sub. for S. B. 291), under the original double committee reference, was then referred to the Committee on Finance.

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 482, Eliminating permit requirement for storing concealed handgun in vehicle on school property for persons over 21.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 620, Authorizing Division of Corrections and Rehabilitation approve home plans for inmates.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 625, Creating one-day annual license to permit charitable auction of sealed rare, antique, or vintage liquor bottles.

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

Com. Sub. for Senate Bill 625 (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 §60-7-8b, relating to creating one-day annual license for a licensed private club in partnership with a nonprofit permitting the charitable auction of sealed rare, antique, or vintage liquor bottles; setting license fee; establishing license requirements; and providing certain limited exceptions.

And,

Senate Bill 629, Clarifying alcohol by volume percentage for certain wines.

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

Com. Sub. for Senate Bill 629 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §60-8-2, §60-8-18, and §60-8-29 of the Code of West Virginia, 1931, as amended, all relating to clarifying various aspects of wine, specifically the alcohol by volume percentage for table wine, wine, and fortified wine; adding the definition of “nonfortified dessert wine”; clarifying penalties for failures to meet requirements; renumbering sections; replacing bond requirements that secure the payment of taxes by distributors, suppliers, certain wineries, and certain farm wineries who are acting as either suppliers or distributors in a limited capacity with an affidavit; and providing penalties for failure to pay taxes and maintain good standing with the state.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Joint Resolution 9, Amendment Authorizing Legislature to Eliminate or Lower Ad Valorem Tax on Motor Vehicles and Any Other Tangible Personal Property.

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

Com. Sub. for Senate Joint Resolution 9 (originating in the Committee on the Judiciary)—Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof by adding thereto a new section, designated section one-d, relating generally to ad valorem taxation and assessment of tangible personal property; authorizing the Legislature to exempt one or more species of tangible personal property from taxation; authorizing the Legislature to reduce the rate of taxation or assessment for one or more species of tangible personal property; authorizing different rates of taxation, assessment, or methods of valuation for different species of tangible personal property; clarifying that the Legislature and levying bodies remain subject to constitutional limit on rate of taxation and assessment; authorizing the Legislature to classify property as real or personal for taxation purposes; numbering and

designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

The resolution (Com. Sub. for S. J. R. 9), under the original double committee reference, was then referred to the Committee on Finance.

The Senate proceeded to the sixth order of business.

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

By Senator Tarr:

Senate Bill 684—A Bill to amend and reenact §24-2-1 of the Code of West Virginia, 1931, as amended, relating to excluding electric-generating facilities designated as an exempt wholesale generator from being regulated by the commission; requiring electric-generating facilities owners or operators not designated an exempt wholesale generator to obtain a siting certificate from the commissioner prior to construction; requiring persons, entities, or corporations constructing or constructing and operating an electric-generating facility not designated an exempt wholesale generator to obtain a siting certificate from the commissioner prior to construction; and excluding electric-generating facilities from siting requirements to make material modifications to facilities.

Referred to the Committee on Government Organization.

By Senators Cline, Boley, Clements, and Roberts:

Senate Bill 685—A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to required courses of instruction; and requiring that cursive be taught in West Virginia schools from the second grade through eighth grade.

Referred to the Committee on Education.

By Senators Blair and Jeffries:

Senate Bill 686—A Bill to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating to creating exemptions from contract and common carrier laws for certain motor vehicles.

Referred to the Committee on Government Organization.

By Senators Trump, Hamilton, Palumbo, Hardesty, and Cline:

Senate Bill 687—A Bill to amend and reenact §7-7-4 of the Code of West Virginia, 1931, as amended, relating to increasing the compensation of elected county officials.

Referred to the Committee on Government Organization.

By Senator Takubo:

Senate Bill 688—A Bill to amend and reenact §30-3-13a of the Code of West Virginia, 1931, as amended; to amend and reenact §30-14-12d of said code; to amend said code by adding thereto a new section, designated §33-15-4u; to amend said code by adding thereto a new section, designated §33-16-3ff; to amend said code by adding thereto a new section, designated §33-24-7u; and to amend said code by adding thereto a new section, designated §33-25-8r, all relating to telemedicine practice; addressing originating site of a telemedicine encounter and permissible telemedicine technologies; and requiring insurance coverage for telemedicine services in the same manner as any other covered services.

Referred to the Committee on Health and Human Resources.

Senators Smith and Sypolt offered the following resolution:

Senate Concurrent Resolution 18—Requesting the Division of Highways name bridge number 39-68/8-000.01 (39A234), locally known as King’s Trees Bridge, carrying CR 68/8 over Interstate 68 in Preston County, the “William ‘Bill’ Thurman King Memorial Bridge”.

Whereas, Mr. King was born on June 24, 1925, in Bruceton Mills, Preston County, West Virginia; and

Whereas, Mr. King was a Technician Fifth Grade, Battery A of the 364th Field Artillery in the United States Army, in the 1940s, honorably discharged in 1946; and

Whereas, Mr. King was honored in his military service with the European-African-Middle Eastern Theater Ribbon; the Good Conduct Medal; the World War II Victory Ribbon; and the Army Occupation Medal (Germany); and

Whereas, From the late 1940s until the 1980s, Mr. King was a bus operator for the Board of Education; and

Whereas, Naming this bridge is an appropriate recognition of Mr. King’s contributions to his country and to the State of West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 39-68/8-000.01 (39A234), locally known as King’s Trees Bridge, carrying County Route 68/8 over Interstate 68 in Preston County, the “William ‘Bill’ Thurman King 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 “William ‘Bill’ Thurman King Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the Senate is 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 Tarr offered the following resolution:

Senate Resolution 28—Designating February 4, 2020, as West Virginia Homeschool Day at the Legislature.

Whereas, The State of West Virginia is committed to excellence in education; and

Whereas, The State of West Virginia recognizes that parental involvement and individualized attention to educational success are the unique and basic ingredients of homeschooling; and

Whereas, Homeschooled students exhibit self-confidence and good citizenship, and are prepared academically to meet the challenges of today's society; and

Whereas, Contemporary studies continue to confirm that children who are educated at home score exceptionally well on nationally normed achievement tests; and

Whereas, Homeschooled students have scored above the national average on the SAT and on the ACT tests; and

Whereas, Homeschooled students have been shown to be competitive with publicly and privately schooled students at the college level; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 4, 2020, as West Virginia Homeschool Day at the Legislature; and, be it

Further Resolved, That the Senate hereby recognizes all West Virginia homeschool families for their dedication to excellence and their success in the education of West Virginia's children; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Home Educators Association and the Christian Home Educators of West Virginia.

Which, under the rules, lies over one day.

Senators Takubo, Stollings, and Prezioso offered the following resolution:

Senate Resolution 29—Designating February 4, 2020, as West Virginia Alzheimer's Association Day at the Capitol.

Whereas, Nearly one in three senior citizens who dies each year has Alzheimer's or another dementia; and

Whereas, Over five million Americans are living with Alzheimer's and as many as 16 million Americans will have the disease by 2050; and

Whereas, In 2017, 40,000 West Virginians ages 65 and older had an Alzheimer's or dementia-related diagnosis. That number is expected to increase and will continue to rise to 44,000 by 2025; and

Whereas, The cost of caring for those with Alzheimer's and other dementias was estimated to total \$259 billion in 2017 in the United States, increasing to \$1.1 trillion by midcentury; and

Whereas, Every 67 seconds someone develops Alzheimer's in the United States, where it is the sixth-leading cause of death; and

Whereas, There are more than 300,000 caregivers in West Virginia and 108,000 of those are caring for someone with Alzheimer's or another dementia. These caregivers provide almost \$2 billion in unpaid care each year; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 4, 2020, as West Virginia Alzheimer's Association Day at the Capitol; and, be it

Further Resolved, That the Senate extends its sincere gratitude and appreciation to the West Virginia Alzheimer's Association for its dedication and commitment to helping those affected by Alzheimer's in West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Alzheimer's Association.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 16, Firefighter Marvin Layton Hughes Memorial Bridge.

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

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

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

The Senate proceeded to the eighth order of business.

Eng. Senate Bill 281, Removing residency requirement for persons applying for reappointment to municipal police dept.

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

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

The nays were: None.

Absent: Mann and Sypolt—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 281) 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 534, Removing workers' compensation exclusion for temporary legislative employees.

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

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

The nays were: None.

Absent: Mann and Sypolt—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. 534) 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 547, Relating to employer testing, notice, termination, and forfeiture of unemployment compensation.

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 547 pass?"

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

The nays were: None.

Absent: Mann and Sypolt—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. 547) 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 552, Requiring contracts of \$25,000 or more be competitively bid.

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

Senator Prezioso requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate.

The Chair replied that any impact on Senator Prezioso would be as a member of a class of persons and that he would be required to vote.

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

The nays were: None.

Absent: Mann and Sypolt—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 552) passed with its title.

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

Eng. House Bill 4103, Relating to office of drug control policy.

Having been read a third time on Friday, January 31, 2020, and now coming up in regular order, was reported by the Clerk.

The question being “Shall Engrossed House Bill 4103 pass?”

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

The nays were: None.

Absent: Mann and Sypolt—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4103) 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 240, Requiring hotels and restaurants secure manhole covers of certain grease traps.

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 267, Creating offenses of conversion of leased or rented personal property.

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

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

On page one, section sixteen-a, line three, after the word “willfully” by inserting the words “and knowingly”;

And,

On page one, section sixteen-a, line eight, after the word “willfully” by inserting the words “and knowingly”.

Following discussion,

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

The bill (Com. Sub. for S. B. 267), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 308, Creating criminal penalties for violation of orders issued for protection of victims of financial exploitation.

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

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

Senate Bill 510, Making permanent land reuse agency or municipal land bank’s right of first refusal on certain tax sale properties.

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, Regulating pawnbrokers.

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

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

On page five, after section three, by adding a new section, designated section four, to read as follows:

§47-26-4. Providing information to law-enforcement agencies; providing information through third-party database.

(a) The pawnbroker shall satisfy the requirements of §47-26-2 of this code by transmitting the pawn and purchase transaction information electronically to a database in accordance with this

section: *Provided*, That paper copies shall be made available for an on-site inspection upon request of any appropriate law-enforcement authority.

(b) As used in this section:

“Database” means a computer database established and maintained by a third party engaged in the business of establishing and maintaining one or more databases;

“Permitted user” means a person authorized by law-enforcement personnel to access the database;

“Reportable data” means the information required to be recorded by pawnbrokers for pawn and purchase transactions pursuant to §47-26-2 of this code;

“Reporting pawnbroker” means a pawnbroker who transmits reportable data electronically to the database; and

“Search” means the accessing of a single database record.

(c) The database shall provide appropriate law-enforcement officials with the information contained in §47-26-2 of this code of this article to facilitate the investigation of alleged property crimes while protecting the privacy rights of pawnbrokers and pawnshop customers with regard to their transactions.

(d) The database shall enable reporting pawnbrokers to transmit to the database through the Internet reportable data for each pawn and purchase transaction. The database shall contain the pawn and purchase transaction information recorded by reporting pawnbrokers pursuant to this section. The database shall also contain security features and protections necessary to ensure that the reportable data maintained in the database can only be accessed by permitted users in accordance with the provisions of this section. Pawn and purchase transaction information shall maintain its confidential status and shall only be used for law-enforcement purposes consistent with the provisions of this article.

(e) A pawnbroker shall be responsible for establishing and maintaining the database. A pawnbroker may charge law-enforcement agencies for access to the database. Law-enforcement agencies may be charged directly by the third party or by the pawnbroker for access to the database, and the charge shall be reasonable in relation to the costs of the pawnbroker in establishing and maintaining the database.

(f) The information in the database may only be accessible through the Internet to permitted users who have provided a secure identification or access code to the database. A permitted user may access database information from any jurisdiction within this state. The database shall record, for each search, the identity of the permitted user, the pawn or purchase transaction involved in the search, and the identity of any customer accessed through the search. Each search record shall be made available to other permitted users within this state regardless of their jurisdiction.

(g) A pawnbroker shall meet the following requirements:

(1) Provide all reportable data to permitted users by transmitting it through the internet to the database;

(2) Transmit all reportable data for one business day to the database prior to the end of the following business day; and

(3) Make available for on-site inspection to any appropriate law-enforcement official, upon request, paper copies of any pawn or purchase transaction documents.

(h) If a reporting pawnbroker or permitted user discovers any error in the reportable data, notice of the error shall be given to the database, which has 30 days in which to correct the error. Any reporting pawnbroker experiencing a computer malfunction preventing the transmission of reportable data or receipt of search requests is allowed no more than 60 days to repair the malfunction, and during that period the pawnbroker is not in violation of this section if good faith efforts are made to correct the malfunction.

(i) A reporting pawnbroker is not obligated to incur any cost, other than Internet service costs, in preparing, converting, or delivering its reportable data to the database.

Following discussion,

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

The bill (Com. Sub. for S. B. 511), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Joint Resolution 7, Preserving the Separation of Powers Amendment.

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

Eng. House Bill 4496, Removing the specific mandate of the Board of Risk and Insurance Management to purchase liability insurance for the Division of Corrections.

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

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Senate Bill 190, Modifying requirement that racetrack participate in WV Thoroughbred Development Fund by certain date.

Senate Bill 300, Updating certain terms in WV Corporation Net Income Tax Act.

Com. Sub. for Senate Bill 316, Relating to oil and gas conservation commission membership.

Com. Sub. for Senate Bill 544, Authorizing pharmacists and pharmacy interns administer vaccines.

Com. Sub. for Senate Bill 551, Relating to Water and Wastewater Investment and Infrastructure Improvement Act.

Com. Sub. for Senate Bill 560, Permitting nursing home use trained individuals administer medication.

Eng. Com. Sub. for House Bill 4042, Requiring agencies exempt from some or all of state purchasing requirements to adopt procedural rules.

Eng. Com. Sub. for House Bill 4091, Allowing for expedited oil and gas well permitting upon payment of applicable expedited fees.

And,

Eng. House Bill 4393, Relating to making suffocation and asphyxiation crimes.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Blair, Prezioso, Romano, Weld, Facemire, Tarr, Lindsay, Azinger, Plymale, and Takubo.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Stollings, unanimous consent being granted, it was ordered that the Journal show had Senator Stollings been present in the chamber on Friday, January 31, 2020, he would have voted "yea" on the passage of Engrossed Committee Substitute for Senate Bill 449, Engrossed Committee Substitute for Senate Bill 550, and Engrossed Senate Bill 642.

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

Senate Bill 672 (*Creating special registration plate recognizing Girl Scouts*): Senator Beach;

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 85 (*Providing up to \$500 credit for teachers against personal income tax for nonreimbursed costs of supplies*): Senator Romano;

Senate Bill 97 (*Allowing senior judge to continue receiving per diem compensation beyond annual salary of sitting judge due to delay by Governor in filling vacancy*): Senator Romano;

Senate Bill 235 (*Increasing criminal penalties for battery of police officer*): Senator Romano;

Senate Bill 236 (*Relating to online privacy protection of children*): Senator Romano;

Senate Bill 237 (*Exempting emergency vehicles and private ambulances from paying tolls or other charges*): Senator Romano;

Senate Bill 238 (*Making state's whistleblower law applicable to private employment sector*): Senator Romano;

Senate Bill 247 (*Providing bonus for school service personnel who use less than four days of personal leave*): Senator Romano;

Senate Bill 250 (*Providing 11-month window to allow PERS members to purchase credited service*): Senator Romano;

Senate Bill 251 (*Allowing workers' compensation benefits for first responders diagnosed with PTSD due to on-the-job event*): Senator Romano;

Senate Bill 252 (*Creating Emergency Medical Services Personnel Loan Forgiveness Program*): Senator Romano;

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

Senate Bill 482 (*Eliminating permit requirement for storing concealed handgun in vehicle on school property for persons over 21*): Senator Azinger;

Senate Bill 628 (*Creating WV Children's Vision Act*): Senator Romano;

Senate Bill 634 (*Authorizing municipality adopt most recent edition of ICC International Property Maintenance Code*): Senator Romano;

Senate Bill 657 (*Allowing designation of tourism development districts*): Senator Roberts;

Senate Bill 669 (*Establishing WV Greenways and Trails Act*): Senator Roberts;

Senate Bill 672 (*Creating special registration plate recognizing Girl Scouts*): Senators Baldwin and Romano;

Senate Bill 673 (*Increasing monthly retirement annuity for certain retirees*): Senator Romano;

Senate Bill 675 (*Supplementing and amending by increasing and decreasing public moneys within DHHR General Revenue Fund*): Senator Baldwin;

Senate Bill 676 (*Permitting fees from Child Abuse Registry be used for information technology support costs*): Senator Roberts;

Senate Bill 678 (*Waiving fines and fees for completing Getting Over Addicted Lifestyles Successfully Program*): Senator Cline;

Senate Bill 679 (*Creating Clean Drinking Water Act of 2020*): Senator Baldwin and Woelfel;

And,

Senate Bill 683 (*Separating Fire Marshal and Fire Commission*): Senator Cline.

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

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

Senate Concurrent Resolution 5 (*Requesting Joint Committee on Government and Finance study ways to achieve higher levels of effectiveness and fairness in public school system*): Senator Roberts;

Senate Concurrent Resolution 16 (*Firefighter Marvin Layton Hughes Memorial Bridge*): Senators Beach, Lindsay, and Romano;

And,

Senate Concurrent Resolution 17 (*USMC PFC Manuel P. Markos Memorial Bridge*): Senators Beach, Lindsay, Romano, and Unger.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:13 p.m., the Senate adjourned until tomorrow, Tuesday, February 4, 2020, at 11 a.m.

SENATE CALENDAR

Tuesday, February 04, 2020
11:00 AM

UNFINISHED BUSINESS

- S. C. R. 18 - William "Bill" Thurman King Memorial Bridge
- S. R. 28 - Designating February 4, 2020, as WV Homeschool Day **[ADOPT]**
- S. R. 29 - Designating February 4, 2020, as WV Alzheimer's Association Day **[ADOPT]**

THIRD READING

- Eng. Com. Sub. for S. B. 240 - Requiring hotels and restaurants secure manhole covers of certain grease traps
- Eng. Com. Sub. for S. B. 267 - Creating offenses of conversion of leased or rented personal property
- Eng. S. B. 510 - Making permanent land reuse agency or municipal land bank's right of first refusal on certain tax sale properties
- Eng. Com. Sub. for S. B. 511 - Regulating pawnbrokers
- Eng. Com. Sub. for S. J. R. 7 - Preserving the Separation of Powers Amendment
- Eng. H. B. 4496 - Removing the specific mandate of the Board of Risk and Insurance Management to purchase liability insurance for the Division of Corrections

SECOND READING

- Com. Sub. for S. B. 190 - Modifying requirement that racetrack participate in WV Thoroughbred Development Fund by certain date
- S. B. 300 - Updating certain terms in WV Corporation Net Income Tax Act
- Com. Sub. for S. B. 308 - Creating criminal penalties for violation of orders issued for protection of victims of financial exploitation
- Com. Sub. for S. B. 316 - Relating to oil and gas conservation commission membership
- Com. Sub. for S. B. 544 - Authorizing pharmacists and pharmacy interns administer vaccines
- Com. Sub. for S. B. 551 - Relating to Water and Wastewater Investment and Infrastructure Improvement Act
- Com. Sub. for S. B. 560 - Permitting nursing home use trained individuals administer medication
- Eng. Com. Sub. for H. B. 4042 - Requiring agencies exempt from some or all of state purchasing requirements to adopt procedural rules
- Eng. Com. Sub. for H. B. 4091 - Allowing for expedited oil and gas well permitting upon payment of applicable expedited fees

Eng. H. B. 4393 - Relating to making suffocation and asphyxiation crimes - (Com. title amend. pending)

FIRST READING

S. B. 482 - Eliminating permit requirement for storing concealed handgun in vehicle on school property for persons over 21

S. B. 620 - Authorizing Division of Corrections and Rehabilitation approve home plans for inmates

Com. Sub. for S. B. 625 - Creating one-day annual license to permit charitable auction of sealed rare, antique, or vintage liquor bottles

Com. Sub. for S. B. 629 - Clarifying alcohol by volume percentage for certain wines

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2020

Tuesday, February 4, 2020

9:30 a.m.	Transportation & Infrastructure	(Room 451M)
10 a.m.	Military	(Room 208W)