

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE
REGULAR SESSION, 2019
SECOND DAY

Charleston, West Virginia, Thursday, January 10, 2019

The Senate met at 11:07 a.m.

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

Prayer was offered by Bishop Martin Townsend, Retired Episcopal Bishop, Fort Ashby, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Patricia Puertas Rucker, a senator from the sixteenth district.

Pending the reading of the Journal of Wednesday, January 9, 2019,

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

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

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

Accountancy, Board of (§30-1-12)

Acupuncture, Board of (§30-1-12)

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

Architects, Board of (§30-1-12)

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

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

Health and Human Resources, Department of

Breast and Cervical Cancer Screening Program (§16-33-6)

Commission for the Deaf and Hard of Hearing (§5-14-9)
Sudden Unexplained Infant Deaths (§16-1-6)
Youth Services (§49-2-1006)
Insurance Commissioner, Office of the (Office of the Consumer Advocate) (§33-2-16)
James “Tiger” Morton Catastrophic Illness Commission (§16-5Q-2)
Landscape Architects, Board of (§30-1-12)
Legislative Rule-Making Review Committee (§29A-3-12)
Massage Therapy Licensure Board (§30-1-12)
Personnel, Division of (§29-6-7)
Pharmacy, Board of (§30-1-12)
Physical Therapy, Board of (§30-1-12)
Protective Services, Division of (Monthly Report) (§15-2D-3)
Psychologists, Board of Examiners of (§30-1-12)
Real Estate Appraiser Licensing and Certification Board (§30-1-12)
Registered Professional Nurses, Board of Examiners for (§30-1-12)
Social Work, Board of (§30-1-12)
Speech-Language Pathology and Audiology, Board of Examiners for (§30-1-12)
Treasury Investments, Board of (Comprehensive Annual Financial Report) (§12-6-6)
Women’s Commission (§29-20-6)

The Senate proceeded to the sixth order of business.

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

By Senators Baldwin, Palumbo, Takubo, Stollings, Jeffries, and Lindsay:

Senate Bill 151—A Bill to amend and reenact §5B-2-15 of the Code of West Virginia, 1931, as amended, relating to the Upper Kanawha Valley Resiliency and Revitalization Program; extending the length of the program; clarifying the reporting requirements for the program; removing certain language regarding funding; and requiring an assessment of the option of establishing or maintaining schools jointly pursuant to authority granted in said code.

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

By Senators Jeffries, Baldwin, Stollings, Woelfel, and Lindsay:

Senate Bill 152—A Bill to amend and reenact §61-11B-1, §61-11B-2, §61-11B-3, §61-11B-4, and §61-11B-5 of the Code of West Virginia, 1931, as amended, all relating to criminal offense expungement; changing current law related to offense reduction to instead apply as an expungement; amending definitions; clarifying that the petition may be used for more than one offense arising from the same act or occurrence; reducing the requisite time period required to wait before filing a petition; permitting the petition to be used to expunge certain misdemeanor offenses; and clarifying throughout that if the court grants the petition then the criminal offense is expunged.

Referred to the Committee on the Judiciary.

By Senators Jeffries, Stollings, Lindsay, Clements, Smith, Baldwin, Plymale, Ihlenfeld, Hamilton, and Boso:

Senate Bill 153—A Bill to amend and reenact §31-15A-10 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Infrastructure and Jobs Development Council; increasing the percentage of the infrastructure fund that may be used for grants; providing authority to transfer additional funds designated to loans on to the grant program under certain circumstances; clarifying how funding assistance may be spent; and increasing the cap on annual spending that may be made on the preapplication process to project sponsors.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

By Senators Jeffries, Baldwin, Stollings, Lindsay, Plymale, Hamilton, and Boso:

Senate Bill 154—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-13d, relating to the use of school facilities for memorial services; recognizing schools are integral parts of communities and the death of certain community members can have a significant impact on communities; allowing school facilities to be used for funeral and memorial services of certain community members; permitting county boards of education to establish a process for requesting the use of school facilities for funeral and memorial services; providing that county boards of education are not responsible for additional costs associated with such funeral and memorial services that are held at school facilities; and clarifying that such funeral and memorial services that are held at school facilities are not to disrupt or interfere with classroom instruction or other scheduled school event or activity.

Referred to the Committee on Education.

By Senator Ojeda:

Senate Bill 155—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-15d, relating to authorizing retirement for corrections officers after 25 years of service.

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

By Senator Ojeda:

Senate Bill 156—A Bill to amend and reenact §21-5F-1, §21-5F-2, §21-5F-3, and §21-5F-4 of the Code of West Virginia, 1931, as amended, all relating to amending the West Virginia Nurse

Overtime and Patient Safety Act to include nurses employed in nursing homes as well as those employed in hospitals; establishing limits on hours such nurses may be mandated to work by their employers; and establishing enforcement offenses, penalties, and a private cause of action for violations.

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

[CLERK'S NOTE: Senate Bill 157 through Senate Bill 230 are recommended for introduction by the Legislative Rule-Making Review Committee.]

By Senator Maynard:

Senate Bill 157—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to purchasing.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 158—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to state-owned vehicles.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 159—A Bill to amend and reenact §64-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Administration to promulgate a legislative rule relating to leasing of space and acquisition of real property on behalf of state spending units.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 160—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to ambient air quality standards.

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

By Senator Maynard:

Senate Bill 161—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to standards of performance for new stationary sources.

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

By Senator Maynard:

Senate Bill 162—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a

legislative rule relating to control of air pollution from hazardous waste treatment, storage, and disposal facilities.

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

By Senator Maynard:

Senate Bill 163—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to emission standards for hazardous air pollutants.

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

By Senator Maynard:

Senate Bill 164—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements for determining conformity of transportation plans, programs, and projects developed, funded, or approved under Title 23 U.S.C. or the Federal Transit Laws to applicable air quality implementation plans (transportation conformity).

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

By Senator Maynard:

Senate Bill 165—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to provisions for determination of compliance with air quality management rules.

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

By Senator Maynard:

Senate Bill 166—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to cross-state air pollution rule to control annual nitrogen oxides emission, annual sulfur dioxide emissions, and ozone season nitrogen oxides emissions.

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

By Senator Maynard:

Senate Bill 167—A Bill to amend and reenact §64-3-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Environmental Protection to promulgate a legislative rule relating to requirements governing water quality standards.

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

By Senator Maynard:

Senate Bill 168—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to behavioral health centers licensure.

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

By Senator Maynard:

Senate Bill 169—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to assisted living residences.

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

By Senator Maynard:

Senate Bill 170—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food establishments.

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

By Senator Maynard:

Senate Bill 171—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to food manufacturing facilities.

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

By Senator Maynard:

Senate Bill 172—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to newborn screening system.

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

By Senator Maynard:

Senate Bill 173—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medication-assisted treatment—office-based, medication-assisted treatment.

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

By Senator Maynard:

Senate Bill 174—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to chronic pain management clinic licensure.

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

By Senator Maynard:

Senate Bill 175—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to collection and exchange of data related to overdoses.

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

By Senator Maynard:

Senate Bill 176—A Bill to amend and reenact §64-5-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Health Care Authority to promulgate a legislative rule relating to cooperative agreement approval and compliance.

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

By Senator Maynard:

Senate Bill 177—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Fire Commission to promulgate a legislative rule relating to State Building Code.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 178—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Lottery Commission to promulgate a legislative rule relating to West Virginia Lottery sports wagering rule.

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

By Senator Maynard:

Senate Bill 179—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 180—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to payment of taxes by electronic funds transfer.

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

By Senator Maynard:

Senate Bill 181—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to aircraft operated under a fractional ownership program.

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

By Senator Maynard:

Senate Bill 182—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to senior citizen tax credit for property taxes paid.

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

By Senator Maynard:

Senate Bill 183—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to administration of tax on purchases of wine and liquor inside and outside of municipalities.

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

By Senator Maynard:

Senate Bill 184—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to exchange of information agreement between Tax Division and Division of Environmental Protection.

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

By Senator Maynard:

Senate Bill 185—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to exchange of information agreement between the State Tax Division and the Alcohol Beverage Control Administration.

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

By Senator Maynard:

Senate Bill 186—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to exchange of information pursuant to written agreement.

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

By Senator Maynard:

Senate Bill 187—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to exchange of information agreement between the Commissioner of the Tax Division of the Department of Revenue and the Commissioner of the Division of Labor of the Department of Commerce, the Commissioner of the Insurance Commission of the Department of Revenue, the Commissioner of the Division of Motor Vehicles of the Department of Transportation, the Commissioner of the Bureau of Employment Programs, and the Office of the Governor.

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

By Senator Maynard:

Senate Bill 188—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to exchange of information agreement between the State Tax Department and the West Virginia Lottery.

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

By Senator Maynard:

Senate Bill 189—A Bill to amend and reenact §64-7-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the State Tax Department to promulgate a legislative rule relating to exchange of information agreement between the State Tax Department and the Office of the State Fire Marshal.

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

By Senator Maynard:

Senate Bill 190—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Highways to promulgate a legislative rule relating to employment procedures.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 191—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to animal disease control.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 192—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to industrial hemp.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 193—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to rural rehabilitation loan program.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 194—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to captive cervid farming.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 195—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to farm-to-food bank tax credit.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 196—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to agritourism.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 197—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to farmers markets.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 198—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of Agriculture to promulgate a legislative rule relating to seed certification program.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 199—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Athletic Commission to promulgate a legislative rule relating to administrative rules of the West Virginia State Athletic Commission.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 200—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Licensed Dietitians to promulgate a legislative rule relating to licensure and renewal requirements.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 201—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to licensing and disciplinary procedures: physicians; podiatric physicians; and surgeons.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 202—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Medicine to promulgate a legislative rule relating to permitting and disciplinary procedures: educational permits for graduate medical interns, residents, and fellows.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 203—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Osteopathic Medicine to promulgate a legislative rule relating to licensing procedures for osteopathic physicians.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 204—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to licensure and practice of pharmacy.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 205—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to board of pharmacy rules for registration of pharmacy technicians.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 206—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to regulations governing pharmacy permits.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 207—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to regulations governing pharmacists.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 208—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Pharmacy to promulgate a legislative rule relating to rules for the substitution of biological pharmaceuticals.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 209—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Real Estate Appraiser Licensing and Certification Board to promulgate a legislative rule relating to requirements for licensure and certification.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 210—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Registered Professional Nurses to promulgate a legislative rule relating to policies, standards, and criteria for the evaluation and accreditation of colleges, departments, or schools of nursing.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 211—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to requirements for registration and licensure, and conduct constituting professional misconduct.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 212—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to advanced practice registered nurse.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 213—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to standards for scope of professional nursing practice.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 214—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Registered Professional Nurses to promulgate a legislative rule relating to fees for services rendered by the board and supplemental renewal fee for the center for nursing.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 215—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Examiners for Registered Professional Nurses to promulgate a legislative rule relating to dialysis technicians.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 216—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to filing and formatting rules and related documents and other documents for publication in the State Register.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 217—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to loan and grant programs under the Help America Vote Act for the purchase of voting equipment, election systems, software, services, and upgrades.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 218—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to early voting in-person satellite precincts.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 219—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Secretary of State to promulgate a legislative rule relating to notaries public.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 220—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Social Work to promulgate a legislative rule relating to qualifications for the profession of social work.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 221—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Board of Social Work to promulgate a legislative rule relating to code of ethics.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 222—A Bill to amend and reenact §64-9-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Treasurer's Office to promulgate a legislative rule relating to reporting and claiming unknown and unlocatable interest owners reserved interests.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 223—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to wage payment and collection.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 224—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to child labor.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 225—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Labor to promulgate a legislative rule relating to regulation of heating, ventilating, and cooling work.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 226—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to rules and regulations governing the safety of those employed in and around surface mines in West Virginia.

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

By Senator Maynard:

Senate Bill 227—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to rules and regulations governing the submission and approval of a comprehensive mine safety program for coal mining operations in the State of West Virginia.

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

By Senator Maynard:

Senate Bill 228—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to rules for operating diesel equipment in underground mines in West Virginia.

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

By Senator Maynard:

Senate Bill 229—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to commercial whitewater outfitters.

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

By Senator Maynard:

Senate Bill 230—A Bill to amend and reenact §64-10-1 of the Code of West Virginia, 1931, as amended, relating to authorizing the Division of Natural Resources to promulgate a legislative rule relating to rules for Cabwaylingo State Forest trail system two-year pilot project permitting ATVs and ORVs.

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

By Senator Hamilton:

Senate Bill 231—A Bill to amend and reenact §5-10-52 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Public Employees Retirement Act; and calculating benefits for certain members of the Legislature.

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

By Senators Hamilton, Baldwin, and Cline:

Senate Bill 232—A Bill to amend and reenact §17C-14-9a of the Code of West Virginia, 1931, as amended; to amend and reenact §17C-15-26 of said code; and to amend and reenact §24A-2-2b of said code, all related to emergency vehicles; increasing penalties for failure to use due caution when approaching an emergency vehicle while using emergency signals; authorizing the use of red flashing lights by tow trucks and wreckers; and providing that Public Service Commission publish guidelines for use of certain safety equipment and a fee schedule for use of secondary vehicle.

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

By Senators Hamilton and Cline:

Senate Bill 233—A Bill to amend and reenact §7-14-8 of the Code of West Virginia, 1931, as amended, relating to the age requirements of persons for the position of deputy sheriff.

Referred to the Committee on Government Organization.

By Senators Azinger and Cline:

Senate Bill 234—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-9a, relating to requiring all schools provide an elective course on Hebrew Scriptures, Old Testament of the Bible, or New Testament of the Bible; stating a purpose; permitting students to use a translation of their choice; requiring teacher certification; and requiring federal and state laws be followed regarding religious neutrality while accommodating the diverse religious views of students.

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

By Senators Azinger and Cline:

Senate Bill 235—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-7a, relating to making it a felony to attempt to kill another person; and establishing a penalty.

Referred to the Committee on the Judiciary.

By Senators Lindsay, Jeffries, and Baldwin:

Senate Bill 236—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §62-12-30, relating to notification of the renewed right to vote for a person previously under conviction of treason, felony, or bribery in an election; requiring such persons to be notified within one week of completing their full punishment or receiving a pardon; and detailing which agencies are responsible for providing the notice.

Referred to the Committee on the Judiciary.

By Senators Jeffries, Cline, and Baldwin:

Senate Bill 237—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-3C-1, §15-3C-2, §15-3C-3, §15-3C-4, §15-3C-5, and §15-3C-6; and to amend and reenact §61-5-17 of said code, all relating to improving the ability of law enforcement to locate and return missing persons; establishing short title; declaring findings; defining terms; setting forth details of process for filing a missing persons report; detailing actions that must be taken by law enforcement upon filing of a missing persons report; authorizing reporting and obtaining of additional information under certain circumstances; improving the identification of human remains; improving the timely information and notification to family members of missing persons; authorizing expeditious record exchanges between national and state databases related to missing and unidentified persons; and creating a criminal offense of filing a false missing persons report.

Referred to the Committee on the Judiciary.

By Senators Baldwin, Cline, Jeffries, and Lindsay:

Senate Bill 238—A Bill to amend and reenact §17C-12-7 of the Code of West Virginia, 1931, as amended, relating to increasing fines for passing a stopped school bus; lengthening license suspension for said offense; and providing for exterior cameras on all new county school buses.

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

By Senators Baldwin and Jeffries:

Senate Bill 239—A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, relating to mobility impairment identifying documents.

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

By Senators Maynard, Trump, Cline, and Swope:

Senate Bill 240—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §64-12-1, §64-12-2, §64-12-3, §64-12-4, §64-12-5, §64-12-6, §64-12-7, and §64-12-8, all relating generally to repealing certain legislative rules promulgated by certain agencies, boards, and commissions which are no longer authorized or are obsolete; authorizing certain agencies and commissions under the Department of Administration, Department of Environmental Protection, West Virginia Community and Technical Education Council, Department of Military Affairs and Public Safety, Department of Tax and Revenue, Department of Transportation, miscellaneous agencies, boards, and commissions, and the Bureau of Commerce to repeal certain legislative rules; repealing the Department of Administration legislative rule relating to the state purchasing card program; repealing the Department of Environmental Protection legislative rule relating to abandoned mine lands reclamation; repealing the Department of Environmental Protection legislative rule relating to

certification of gas wells; repealing the Community and Technical College Education legislative rule relating to human resources administration; repealing the Regional Jail and Correctional Facility Authority legislative rule relating to criteria and procedures for determination of projected cost per day for inmates incarcerated in regional jails operated by the authority; repealing the Insurance Commission legislative rule relating to health insurance benefits for temporomandibular and craniomandibular disorders; repealing the Insurance Commission legislative rule relating to guaranteed loss ratios as applied to individual sickness and accident insurance policies; repealing the Insurance Commission legislative rule relating to emergency medical services; repealing the Insurance Commission legislative rule relating to external review of coverage denials; repealing the Insurance Commission legislative rule relating to mental health parity; repealing Insurance Commission legislative rule relating to small employer eligibility requirements; repealing the Division of Motor Vehicles legislative rule relating to eligibility for reinstatement following suspension or revocation of driving privileges; repealing the Board of Social Work legislative rule relating to applications; repealing the Division of Labor legislative rule relating to hazardous chemical substances; and repealing the Division of Labor legislative rule relating to Safety Glazing Act.

Referred to the Committee on the Judiciary.

By Senators Weld, Cline, Hamilton, and Baldwin:

Senate Bill 241—A Bill to amend and reenact §39-1-11 of the Code of West Virginia, 1931, as amended, relating to recording of writings to be recorded under the direction of the county clerk; and permitting the clerk, with written authorization from the state Department of History and Archive, to scan certain documents in electronic form rather than in well-bound books.

Referred to the Committee on Government Organization.

By Senators Weld and Cline:

Senate Bill 242—A Bill to amend and reenact §36-3-5 of the Code of West Virginia, 1931, as amended, relating to the form of deeds; and requiring a notarized acknowledgement on a deed by a grantee accepting the conveyance.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 243—A Bill to amend and reenact §29-22A-10b of the Code of West Virginia, 1931, as amended, relating to the requirement that a racetrack must have participated in the West Virginia Thoroughbred Development Fund since on or before January 1, 1999, in order for counties to receive two percent of the net terminal income where the video lottery terminals are located.

Referred to the Committee on Finance.

By Senator Weld:

Senate Bill 244—A Bill to amend and reenact §11-22-1 of the Code of West Virginia, 1931, as amended, relating to definitions in excise tax on privilege of transferring real property.

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

By Senators Weld, Baldwin, Cline, Jeffries, Clements, and Ihlenfeld:

Senate Bill 245—A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to cruelty to animals; creating the felony offense of aggravated cruelty to animals; providing a criminal penalty for the offense; and defining a term.

Referred to the Committee on the Judiciary.

By Senators Weld and Cline:

Senate Bill 246—A Bill to amend and reenact §44-2-1 of the Code of West Virginia, 1931, as amended, relating to appraisement of a decedents' estate and proceedings which determine if reference to fiduciary commissioner is to be made; and adding language to be contained in an appraisement showing nonprobate assets that are not to be sold by the personal representative of the estate.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 247—A Bill to amend and reenact §55-2-5 of the Code of West Virginia, 1931, as amended, relating to limitation of actions and suits; and amending the time frames for enforcement of certain liens reserved by conveyance or created by deed of trust or mortgage on real estate.

Referred to the Committee on the Judiciary.

By Senators Weld and Cline:

Senate Bill 248—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-4A-1, §7-4A-2, §7-4A-3, §7-4A-4, §7-4A-5, §7-4A-6, §7-4A-7, §7-4A-8, §7-4A-9, and §7-4A-10, all relating to creating the Prosecuting Attorney's Detectives Act; providing a short title; making legislative findings; providing for law-enforcement titles; setting forth the duties and powers of detectives; providing for compensation of detectives; permitting prosecuting attorneys to hire detectives; establishing arrest power of detectives; setting forth requirements; limiting off-duty employment; and providing miscellaneous provisions.

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

By Senator Weld:

Senate Bill 249—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §44-1-6a, relating to the administration of estates and trusts; creating a limited letter of administration that may be issued for estates that do not exceed the value of \$2,000; and establishing procedures and responsibilities relating to a limited letter of administration.

Referred to the Committee on the Judiciary.

By Senators Baldwin and Lindsay:

Senate Bill 250—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5H-1, §16-5H-2, §16-5H-3, §16-5H-4, §16-5H-5, and §16-5H-6, all relating to creating the Wholesale Prescription Drug Importation Program; setting requirements for the design of the program; setting certain deadlines for the implementation of the program; requiring monitoring for anticompetitive behavior; ensuring compliance with federal law; requiring a plan for program financing to be provided to the Joint Committee on Government and Finance; authorizing emergency rule-making authority; providing for certain implementation requirements; and requiring annual reporting to the Legislature.

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

By Senators Baldwin and Jeffries:

Senate Bill 251—A Bill to amend and reenact §3-1-37 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-9-6 and §3-9-9 of said code, all relating to adjusting the distance from a polling place that certain electioneering and election-related activity is prohibited; making legislative findings and justifications for the changes; and ensuring consistency in the law with respect to application of the distances within which certain conduct is prohibited at polling places.

Referred to the Committee on the Judiciary.

By Senators Ojeda and Sypolt:

Senate Joint Resolution 7—Proposing an amendment to the Constitution of the State of West Virginia, amending section six, article IV thereof, relating to removal of officials; authorizing the recall of any elected official for any reason; requiring the Legislature to enact laws to implement the recall procedure; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

Senators Smith, Sypolt, Cline, Lindsay, Plymale, Weld, and Trump offered the following resolution:

Senate Resolution 6—Recognizing the service of Clifton E. Brooks, Sr., native of Keyser, West Virginia, World War II veteran, and member of the Tuskegee Airmen.

Whereas, Clifton E. Brooks, Sr., is a native of Keyser, West Virginia, in Mineral County; and

Whereas, Clifton E. Brooks, Sr. served his country during World War II as a cryptographer with the Tuskegee Airmen, sending out codes to keep their missions a secret; and

Whereas, In 2007, Clifton E. Brooks, Sr., was awarded the Congressional Gold Medal, the highest expression of national appreciation which can be bestowed by the United States Congress for distinguished achievements and contributions by individuals or institutions; and

Whereas, For his historic and dedicated service to his country and state, Clifton E. Brooks, Sr. was most recently recognized locally by the City of Keyser, by renaming the South End Park as Brooks Park; and

Whereas, Clifton E. Brooks, Sr., is of the Greatest Generation and is responsible for helping generations of West Virginians develop their values of personal responsibility, duty, honor, and faith; and

Whereas, Clifton E. Brooks, Sr., is a model for integrity, honesty, and moral virtue, and has earned the respect and gratitude of a grateful state and nation; and

Whereas, It is fitting that on Mineral County Day at the Legislature, that we honor Clifton E. Brooks, Sr., for his everlasting contribution to the great state of West Virginia; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the service of Clifton E. Brooks, Sr., native of Keyser, West Virginia, World War II veteran, and member of the Tuskegee Airmen; and, be it

Further Resolved, That the Senate extends its most sincere appreciation to Clifton E. Brooks, Sr., for his dedicated service in preserving and defending freedom throughout the world; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Clifton E. Brooks, Sr.

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

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

At the request of Senator Takubo, unanimous consent being granted, at 11:17 a.m., the Senate recessed to present Senate Resolution 6.

The Senate reconvened at 11:21 a.m. and proceeded to the seventh order of business.

Senate Concurrent Resolution 3, Requesting Joint Committee on Government and Finance study practice of requiring payment to hold space by child care facilities.

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

Senate Concurrent Resolution 4, US Marine Corps Lt. Col. Dennis Ray Blankenship Memorial Road.

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 5, Home of Coach Bob Bolen Mountain State University 2004 NAIA Champions sign.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Ojeda and Blair.

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

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

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:39 a.m., the Senate adjourned until tomorrow, Friday, January 11, 2019, at 11 a.m.
