

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

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

Charleston, West Virginia, Wednesday, February 13, 2019

The Senate met at 11:10 a.m.

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

Prayer was offered by Pastor Jesse Waggoner, Senior Pastor, Mount Calvary Baptist Church, Charleston, West Virginia.

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

Pending the reading of the Journal of Tuesday, February 12, 2019,

At the request of Senator Weld, 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 2330—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-14-3a; to amend said code by adding thereto a new section, designated §29-3B-4a; and to amend said code by adding thereto a new section, designated 29-3D-4a, all relating to allowing military veterans with certain experience to qualify for examination for licensure; providing the qualifications to sit for a plumbers examination; providing qualifications to sit for an electricians examination; providing qualifications to sit for an examination of a sprinkler fitter in training or a journeyman sprinkler fitter.

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

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

Eng. Com. Sub. for House Bill 2405—A Bill to repeal §11-26-1, §11-26-2, §11-26-3, §11-26-4, §11-26-5, §11-26-6, §11-26-7, §11-26-8, §11-26-9, §11-26-10, §11-26-11, §11-26-12, §11-26-13, §11-26-14, §11-26-15, §11-26-16, §11-26-17, §11-26-19 and §11-26-20 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-27-3 of said code; and to amend said code by adding thereto a new section, designated §11-27-10a, all relating to imposing a health care related provider tax on certain health care organizations; repealing an outdated tax; defining terms; establishing tax rates; requiring federal approval of tax; setting effective date; and setting a termination date.

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

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

Eng. Com. Sub. for House Bill 2674—A Bill to amend and reenact §18C-3-3 of the Code of West Virginia, 1931, as amended, relating to creating a student loan repayment program for mental health providers; creating a special revenue fund; and providing rulemaking authority to establish the program.

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

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

Eng. Com. Sub. for House Bill 2734—A Bill to amend and reenact §11-13-3f of the Code of West Virginia, 1931, as amended; to amend and reenact §11-13F-1, §11-13F-2 and §11-13F-3 of said code; to amend and reenact §11-24-11 of said code; to amend and reenact §24-2A-5 of said code; and to amend and reenact §24-3-2 of said code, all relating to reduced rates for low-income residential customers of privately owned sewer and combined water and sewer utilities; providing for application for reduced rates; and authorizing certain tax credits for cost of using reduced rates..

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

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

Eng. Com. Sub. for House Bill 2813—A Bill to amend and reenact §11-15A-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §11-15A-6b, all relating generally to collection of use tax; defining terms, requiring collection of use tax by marketplace facilitators and referrers satisfying certain economic nexus requirements; and specifying internal effective date.

Referred to the Committee on Finance.

The Senate proceeded to the fourth order of business.

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

Your Committee on Finance has had under consideration

Senate Bill 259, Expanding Coyote Control Program.

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

Com. Sub. for Senate Bill 259 (originating in the Committee on Finance)—A Bill to amend and reenact §7-7-6e of the Code of West Virginia, 1931, as amended, relating to expanding the Coyote Control Program by providing for an assessment on breeding cows; providing an option for owners of breeding cows not to participate in the program; requiring notice; and setting forth a purpose.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 295, Relating to crimes against public justice.

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

Com. Sub. for Senate Bill 295 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-5-17 of the Code of West Virginia, 1931, as amended, relating to court security generally; criminalizing the obstruction of a court security officer and certain fire marshal's office personnel while they are acting in their official capacities, criminalizing fleeing from a court security officer and certain fire marshal's office personnel, criminalizing the disarming or attempted disarming of court security officers and certain fire marshal's office personnel, including the investigation of misdemeanor offenses as subject to prohibition against making false statements; criminalizing the making of materially false statements as to misdemeanor and felony investigations to the state fire marshal and fire investigators; and setting criminal penalties.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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 348, Relating to tobacco usage restrictions.

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

Com. Sub. for Senate Bill 348 (originating in the Committee on Health and Human Resources)—A Bill to repeal §16-9A-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §16-9A-1, §16-9A-2, §16-9A-7, and §16-9A-8, all relating to tobacco usage restrictions; legislative findings and intent; raising the legal age from 18 years of age to 21 years for the selling, furnishing, or distribution of tobacco products; adding definitions; and increasing penalties for violations.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

Senator Stollings requested unanimous consent to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Health and Human Resources.

Which consent was not granted, Senator Trump objecting.

Senator Stollings then moved to dispense with the second committee reference of the bill (Com. Sub. for S. B. 348) contained in the foregoing report from the Committee on Health and Human Resources.

The question being on the adoption of Senator Stollings' aforestated motion, the same was put.

The result of the voice vote being inconclusive, Senator Stollings demanded a division of the vote.

A standing vote being taken, there were 14 Ayeas@ and 19 Anays@.

Whereupon, Senator Carmichael (Mr. President) declared Senator Stollings' aforestated motion had not prevailed.

Thereafter, the bill (Com. Sub. for S. B. 348), under the original double committee reference, was then referred to the Committee on the Judiciary.

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 489, Relating to Pharmacy Audit Integrity Act.

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

Com. Sub. for Senate Bill 489 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §33-51-3, §33-51-4, §33-51-7, §33-51-8, §33-51-9, and §5-16-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto one new section, designated §33-51-10, all relating generally to the Pharmacy Audit Integrity Act and the regulation of pharmacy benefit managers; defining terms; requiring pharmacy benefit managers to obtain a license from the Insurance Commissioner before doing business in the state; setting forth terms and fees for licensure of pharmacy benefit managers; authorizing the Insurance Commissioner to promulgate rules for legislative approval relating to licensing, fees, application, financial standards, and reporting requirements of pharmacy benefit managers; requiring pharmacy benefit managers shall not provide a network comprised only of mail-order benefits; requiring the Insurance Commissioner to enforce the licensure provisions relating to pharmacy benefit managers; providing for the applicability of provisions to pharmacy benefit managers; clarifying that requirements do not apply to certain prescription drug plans; clarifying that an auditing entity may not seek a fee, charge-back, recoupment, or other adjustment from a pharmacy or pharmacist except in certain circumstances; prohibiting a pharmacy benefit manager or third party entity from reimbursing an entity participating in the federal 340B drug discount program for pharmacy-dispensed drugs at a rate lower than that paid for the same drug to pharmacies similar in prescription volume that are not 340B Entities and shall not assess any fee, chargeback, or other adjustment upon the 340B Entity on the basis that the 340B Entity participates in the 340B program; and requiring the reporting of certain data relating to the payment of pharmacy claims.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

Senator Trump, as chair of the Committee on the Judiciary, requested unanimous consent to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Health and Human Resources.

Which consent was not granted, Senator Plymale objecting.

Thereafter, on motion of Senator Trump, as chair of the Committee on the Judiciary, the second committee reference of the bill (Com. Sub. for S. B. 489) contained in the foregoing report from the Committee on Health and Human Resources was dispensed with.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 500, Creating Sewer and Water Infrastructure Replacement Act.

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

Com. Sub. for Senate Bill 500 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §11B-2-20 of the Code of West Virginia, 1931, as

amended; and to amend said code by adding thereto a new article, designated §31-15D-1, §31-15D-2, §31-15D-3, §31-15D-4, and §31-15D-5, all relating to creating the Sewer and Water Infrastructure Replacement and Rehabilitation Act; creating the Sewer and Water Infrastructure Replacement and Rehabilitation Fund and providing for funding and administration of the fund; setting forth responsibilities and authorities for the Secretary of Revenue, West Virginia Investment Management Board, State Treasurer, West Virginia Infrastructure and Jobs Development Council, and West Virginia Water Development Authority related to the fund; directing the West Virginia Water Development Authority to create a special sub account in the West Virginia Infrastructure Fund designated the SWIRRA Sub Account; allowing the West Virginia Infrastructure and Jobs Development Council to direct the authority to govern, administer, and account for the SWIRRA Sub Account in the same manner as the West Virginia Infrastructure Fund; providing a short title; defining terms; authorizing grants by the West Virginia Infrastructure and Jobs Development Council; establishing eligibility requirements, limitations, guidelines, and application processes concerning grants; imposing requirements on the West Virginia Infrastructure and Jobs Development Council relating to the Sewer and Water Infrastructure Replacement and Rehabilitation Fund and grants; requiring publication of certain information; setting forth application and engineering study limitations; and requiring rulemaking.

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

Respectfully submitted,

Charles H. Clements,
Chair.

The bill (Com. Sub. for S. B. 500), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Finance has had under consideration

Senate Bill 502, Exempting sales of investment metal bullion and coins.

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

Com. Sub. for Senate Bill 502 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9q, relating to exemptions for the sales of investment metal bullion and investment coins

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

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 545, Relating to HIV testing.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

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

Your Committee on Finance has had under consideration

Senate Bill 550, Declaring certain claims to be moral obligations of state.

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

Respectfully submitted,

Craig Blair,
Chair.

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

Your Committee on Education has had under consideration

Senate Bill 553, Relating to federal funds for land-grant institutions.

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

Com. Sub. for Senate Bill 553 (originating in the Committee on Education)—A Bill to amend and reenact §18-10-3 of the Code of West Virginia, 1931, as amended, relating to federal funds for land-grant institutions.

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

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

The bill (Com. Sub. for S. B. 553), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration

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

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

Respectfully submitted,

Gregory L. Boso,
Chair.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution 7, Urging Congress provide exceptions to weight limits on trucks on interstate.

And reports back a committee substitute for same as follows:

Com. Sub. for Senate Concurrent Resolution 7 (originating in the Committee on Transportation and Infrastructure)—Urging Congress to allow vehicles traveling on interstate highways in West Virginia to have the same maximum gross vehicle weight and axle configuration as currently permissible for vehicles traveling on U.S. routes in West Virginia.

Whereas, Federal law currently imposes a maximum gross vehicle weight of 80,000 pounds on interstate highways, without any tolerance, and with axle weight restrictions and the bridge formula often reducing such maximum weight; and

Whereas, West Virginia also has an 80,000-pound maximum gross vehicle weight limit, but permits a 10-percent tolerance, raising the permissible maximum weight to 88,000 pounds; and

Whereas, Vehicles transporting commodities through West Virginia often reach our state on interstate highways, but leave the interstate highways system and switch to West Virginia's local roads, taking advantage of the higher weight limit on such routes; and

Whereas, Such practice increases traffic on West Virginia's mountainous country roads, raises safety concerns, and limits economic avenues; and

Whereas, Interstates could safely support the same weight restrictions as those on U.S. routes in West Virginia given that the design standards used for both systems are identical and the weight increase would be minimal; and

Whereas, The West Virginia Department of Transportation, Division of Highways, is poised to address any questions Congress or the U.S. Department of Transportation, Federal Highway Administration, may have to demonstrate the feasibility of this request; and

Whereas, Providing an exception to the existing weight limits and restrictions in Title 23 of the United States Code, including the bridge formula, for vehicles operating on interstate highways in

West Virginia will allow more vehicles to travel the safer interstate highways and expand economic access throughout West Virginia; and

Whereas, Congress has previously provided exceptions to the maximum gross vehicle weight on interstate highways for several states of the United States; therefore, be it

Resolved by the Legislature of West Virginia:

That Congress is urged to allow vehicles traveling on interstate highways in West Virginia to have the same maximum gross vehicle weight and axle configuration as currently permissible for vehicles traveling on U.S. routes in West Virginia; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the President and Secretary of the United States Senate, to the Speaker and Clerk of the United States House of Representatives, and to the members of West Virginia's congressional delegation

With the recommendation that the committee substitute be adopted.

Respectfully submitted,

Charles H. Clements,
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

Eng. Com. Sub. for House Bill 2481, Permitting retail sale of alcoholic beverages on Sundays after 1 p.m.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, and by unanimous consent, the Senate returned to the second order of business and the introduction of guest.

The Senate proceeded to the sixth order of business.

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

By Senators Maroney, Plymale, Tarr, Sypolt, and Boso:

Senate Bill 591—A Bill to amend and reenact §33-45-1 of the Code of West Virginia, 1931, as amended, relating to defining certain terms used in insurance.

Referred to the Committee on Banking and Insurance.

By Senators Blair, Cline, and Sypolt:

Senate Bill 592—A Bill to amend and reenact §7-18-3 and §7-18-4 of the Code of West Virginia, 1931, as amended, all relating to municipal or county taxation of hotel rooms booked through a market facilitator; defining terms; providing for collection and remittance of the tax imposed by any municipality or county; requiring the marketplace facilitator separately state the tax on all bills, invoices, accounts, books of account, and records relating to occupancy or use of a hotel room; and deeming all taxes collected be held in trust by the marketplace facilitator until remitted.

Referred to the Committee on Finance.

By Senators Maroney, Stollings, and Boso:

Senate Bill 593—A Bill to amend and reenact §16-5B-14 of the Code of West Virginia, 1931, as amended, relating to permitting a critical access hospital to become a community outpatient medical center; establishing certain conditions and requirements; and providing for rule-making authority.

Referred to the Committee on Health and Human Resources.

By Senators Takubo and Maroney:

Senate Bill 594—A Bill to amend and reenact §30-7A-8 of the Code of West Virginia, 1931, as amended, relating to granting the Board of Examiners for Licensed Practical Nurses the sole authority for the accreditation of nursing schools.

Referred to the Committee on Education.

By Senators Blair, Boso, Cline, Sypolt, and Maroney:

Senate Bill 595—A Bill to amend and reenact §18-7A-13a of the Code of West Virginia, 1931, as amended, relating to allowing retired teachers to be subsequently employed by the Higher Education Policy Commission, Council for Community and Technical College Education, or state institutions of higher education without any loss of retirement annuity or retirement benefits under certain circumstances.

Referred to the Committee on Education.

By Senators Weld, Stollings, Baldwin, Boso, Cline, Sypolt, Tarr, and Maroney:

Senate Bill 596—A Bill to amend and reenact §17A-2-12a of the Code of West Virginia, 1931, as amended, relating to including voluntary donations to the Department of Veterans Assistance on forms created by the Division of Motor Vehicles.

Referred to the Committee on Military.

By Senators Boso and Sypolt:

Senate Bill 597—A Bill to amend and reenact §30-38A-7, §30-38A-12, and §30-38A-17 of the Code of West Virginia, 1931, as amended, all relating to conforming the state law to the federal law for appraisal management companies' registration.

Referred to the Committee on Government Organization.

By Senators Cline and Lindsay:

Senate Bill 598—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2019, to the Department of Military Affairs and Public Safety, Fire Commission, fund 0436, fiscal year 2019, organization 0619, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019, by adding a new line item.

Referred to the Committee on Finance.

By Senators Tarr, Hamilton, Hardesty, Ihlenfeld, Romano, Rucker, Boso, and Sypolt:

Senate Bill 599—A Bill to amend and reenact §3-5-2, §3-5-7, and §3-5-8 of the Code of West Virginia, 1931, as amended, all relating to the selection process of delegates to national political party conventions.

Referred to the Committee on the Judiciary.

By Senators Trump and Boso:

Senate Bill 600—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §57-5-11a, relating to the preservation and disposal of biological evidence; procedures; and defining terms.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 601—A Bill to amend and reenact §15A-4-17 of the Code of West Virginia, 1931, as amended, relating to mandatory supervision of adult inmates; authorizing the Commissioner of the Division of Corrections and Rehabilitation to develop mandatory supervised release plans; authorizing the early release of inmates subject to the conditions of a mandatory supervised release plan; providing for return of inmates to a correctional facility for violations of the conditions of mandatory supervised release plans; providing that inmates on mandatory supervised release are considered to be on parole; clarifying that mandatory supervised release is not a commutation of sentence or any other form of clemency; and providing that mandatory supervised release concludes upon completion of the minimum expiration of sentence.

Referred to the Committee on the Judiciary.

By Senators Palumbo, Lindsay, Stollings, Tarr, and Weld:

Senate Bill 602—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-8-1, §5B-8-2, §5B-8-3, §5B-8-4, and §5B-8-5, all relating to creating a matching program for the Small Business Innovation and Research Program and the Small Business Technology Transfer Program; defining terms; defining eligibility; providing terms of the grant; and defining the application process.

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

By Senator Tarr:

Senate Bill 603—A Bill to amend and reenact §32A-2-1 and §32A-2-3 of the Code of West Virginia, 1931, as amended, all relating to engaging in the business of currency exchange, transportation, or transmission; providing that currency transmission and money transmission does not include the receipt of currency, the payment of money, or other value that substitutes for money by an agent for a person providing goods or services other than currency transmission or money transmission; and exempting other activities from licensing requirements.

Referred to the Committee on Banking and Insurance.

By Senators Weld, Ihlenfeld, and Maroney:

Senate Bill 604—A Bill to amend and reenact §16-13A-3 of the Code of West Virginia, 1931, as amended, relating to allowing one member of a public district service board to be a county commissioner of the county commission with authority to appoint the members of the board, regardless of whether the commissioner resides within the district.

Referred to the Committee on Government Organization.

Senators Carmichael (Mr. President), Plymale, Stollings, and Jeffries offered the following resolution:

Senate Concurrent Resolution 29—Requesting the Division of Highways name bridge number 18-77-145.78, NB and SB (18A172, 18A173), locally known as Sandy Creek Bridge, carrying Interstate 77 (NB and SB) over Sandy Creek in Jackson County, the “Hershell Lee Thomas Memorial Bridge”.

Whereas, Hershell Lee Thomas was born November 4, 1933, in Sandyville, the son of Orville and Jessie Smith Thomas. He served in the U.S. Army and was a member of the National Rifle Association. Hershell Lee Thomas retired from Ravenswood Aluminum in 1995 after 38 years of service. He was a charter member of the Silverton Fire Department, which started in 1968. Hershell Lee Thomas served as the chief of the department for 25 years. He dedicated his life to helping people in the community; and

Whereas, Hershell Lee Thomas died on December 7, 2016, and was survived by his wife of 64 years, Helen Benson Thomas; son Gregory Thomas and his wife Denise; and daughter Joyce Baltic; and

Whereas, It is fitting that an enduring memorial be established to commemorate Hershell Lee Thomas and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 18-77-145.78, NB and SB (18A172, 18A173), locally known as Sandy Creek Bridge, carrying Interstate 77 (NB and SB) over Sandy Creek in Jackson County, the “Hershell Lee Thomas 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 “Hershell Lee Thomas Memorial Bridge”; and, be it

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

Which, under the rules, lies over one day.

Senators Smith, Clements, Baldwin, Cline, Sypolt, and Boso offered the following resolution:

Senate Concurrent Resolution 30—Applying to and urging Congress to call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States to limit the terms of office that a person may be elected as a member of the United States House of Representatives, and to set a limit on the number of terms that a person may be elected as a member of the United States Senate.

Whereas, The Legislature of West Virginia hereby makes an application to Congress, as provided by Article V of the Constitution of the United States, to call a convention limited to proposing an amendment to the Constitution of the United States to set a limit on the number of terms that a person may be elected as a member of the United States House of Representatives, and to set a limit on the number of terms that a person may be elected as a member of the United States Senate; and

Whereas, This application shall be considered as covering the same subject matter as the applications from other states to Congress to call a convention to set a limit on the number of terms that a person may be elected to the House of Representatives of the Congress of the United States and the Senate of the United States; and this application shall be aggregated with same for the purpose of attaining the two thirds of states necessary to require Congress to call a limited convention on this subject, but shall not be aggregated with any other applications on any other subject; and

Whereas, This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two thirds of the several states have made applications on the same subject; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby petitions and urges Congress to call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States to call a convention limited to proposing an amendment to the Constitution of the United States of America to set a limit on the number of terms that a person may be elected as a Member of the United States House of Representatives or as a Member of the United States Senate; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward copies of this resolution to the President and Secretary of the Senate of the United States and to the Speaker, Clerk and Judiciary Committee Chairman of the House of Representatives of the Congress of the United States, and copies to the members of the said Senate and House of Representatives from this state; also to forward copies thereof to the presiding officers of each of the legislative houses in the several states, requesting their cooperation.

Which, under the rules, lies over one day.

Senators Palumbo, Lindsay, Plymale, Stollings, Baldwin, and Jeffries offered the following resolution:

Senate Concurrent Resolution 31—Requesting the Division of Highways name bridge number 20-32/3-0.47 (20A683), locally known as NGK Pony Truss, carrying County Route 32/3 over the Pocatalico River in Kanawha County, the “U. S. Army SGT James E. Mattingly Bridge”.

Whereas, James E. Mattingly was born November 14, 1931. He continues to work in the highway construction industry as he has since 1958. James E. Mattingly graduated from Morgantown High School in 1949. He worked briefly as a coal miner and then enlisted in the U.S. Army, completing a tour of duty stationed in Fort Richardson, Alaska. He was honorably discharged as a Sergeant on October 6, 1952. He married Jeneane “Bonnie” Vorbach on June 22, 1952; and

Whereas, James E. Mattingly entered West Virginia University in 1954, where he majored in geology with minors in math and chemistry, graduating in 1957. His employment included work with a mining engineering company doing coal evaluation and supervising core drilling programs, an engineer in charge of research and drafting of property maps for the State Tax Department, and project engineer, foreman, and estimator on highway projects such as Interstate 81 in Berkeley County, Interstate 79 from Fairmont to Jane Lew, Interstate 64 at Clintonville, and Interstate 64 at South Charleston; and

Whereas, James E. Mattingly’s work also included work on the Sycamore Street bridge in Clarksburg, the Stadium bridge at WVU, Pine Grove bridge, Clarksburg by-pass, 6th Street bridge in Clarksburg, Haywood-Lumberport bridge, Simpson Creek bridge in Bridgeport, the Mud River dam in Lincoln County, restoration of the Chicken Railroad at Sector, the Clovis bridge at Blacksville, Rt 19 at Birch River, and Hurricane bridge, as well as the two bridges that lead to the NGK Spark Plug Plant, a project that was completed because James E. Mattingly put his reputation on the line that it would be constructed and completed on time; and

Whereas, James E. Mattingly has held most offices and served or chaired on most committees of the Construction Association of West Virginia, serving as president for 17 months, from January 1989 through July 1990. He also belonged to the West Virginia Association of Land Surveyors, the Geological Society of America, the American Institute of Professional Geologists, the National Society of Professional Engineers, the West Virginia Chamber of Commerce, and is a charter member and past state president of Professional Engineers in Construction; and

Whereas, It is fitting that this bridge be named to commemorate SGT James E. Mattingly and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 20-32/3-0.47 (20A683), locally known as NGK Pony Truss, carrying County Route 32/3 over the Pocatalico River in Kanawha County, the “SGT James E. Mattingly 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 “SGT James E. Mattingly Bridge”; and, be it

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

Which, under the rules, lies over one day.

Senators Hardesty, Lindsay, Beach, Plymale, Stollings, Baldwin, and Jeffries offered the following resolution:

Senate Concurrent Resolution 32—Requesting the Division of Highways to name bridge number 23-10-12.56, NB and SB (23A377, 23A378), locally known as Lyburn Bridge, carrying WV 10 over Land Relief in Logan County, the “U. S. Army SSG Henry Kilgore Bridge”.

Whereas, SSG Henry Kilgore was born on December 22, 1922, in Draffin, Kentucky, one of 10 children in his family; and

Whereas, Like many in the Appalachian region at the time, SSG Henry Kilgore’s family struggled to make ends meet and, at age 14, he left school to work in the coal mines to support his family; and

Whereas, Due to a lack of modern equipment, SSG Henry Kilgore mined coal with a pick and shovel and hauled it out with a mule and a cart; and

Whereas, At the age of 20, Sergeant Kilgore was drafted into the U. S. Army to serve his country during World War II. He served in the 33rd Sig Light Construction where he ultimately reached the rank of Staff Sergeant; and

Whereas, SSG Henry Kilgore served in Normandy, Northern France, Ardennes, Rhineland, and Central Europe. He was also present at the Battle of the Bulge and arrived on the beaches of Iwo Jima as American soldiers famously raised an American flag; and

Whereas, SSG Henry Kilgore was honorably discharged from the U. S. Army on December 19, 1945; and

Whereas, SSG Henry Kilgore came home to go back into the coal mines to continue to work for the rest of his working life; and

Whereas, SSG Henry Kilgore married his soul mate, Leona Bartley Kilgore, on February 6, 1946. They were blessed to raise six daughters; and

Whereas, SSG Henry Kilgore selflessly worked in the mines to support his family, even though working conditions were frequently unsafe. He was injured numerous times while on the job, including one occasion where his head was pinned in a roof fall. He was hospitalized for an extended period of time after the accident, suffering broken bones in his face and severe injuries to his eye; and

Whereas, Sergeant Kilgore also acted many times, both during his service in the war and his job as a miner, without concern for his own safety; and

Whereas, It is fitting that an enduring memorial be established to commemorate SSG Henry Kilgore; therefore, be it

Resolved by the West Virginia Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 23-10-12.56, NB and SB (23A377, 23A378), locally known as Lyburn Bridge, carrying WV 10 over Land Relief in Logan County, the “U. S. Army SSG Henry Kilgore Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army SSG Henry Kilgore Bridge”; and, be it

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

Which, under the rules, lies over one day.

Senators Unger, Lindsay, Beach, Plymale, Stollings, Baldwin, Jeffries, and Sypolt offered the following resolution:

Senate Concurrent Resolution 33—Requesting the Joint Committee on Government and Finance study the foster care system and its compliance with federal law.

Whereas, Approximately 2.6 million children are currently being raised in grand families, and experts say this number is rising as the opioid epidemic continues to devastate families and communities across the country; and

Whereas, On February 9, 2018, President Donald Trump signed into law the landmark bipartisan Family First Prevention Services Act, as part of Division E in the Bipartisan Budget Act of 2018 (HR 1892). Family First includes long-overdue historic reforms to help keep children safely with their families and avoid the traumatic experience of entering foster care, emphasizes the importance of children growing up in families, and helps ensure children are placed in the least restrictive, most family-like setting appropriate to their special needs when foster care is needed. Family First builds on the original version of the bill passed in the House of Representatives in June 2016 (HR 5456); and

Whereas, Beginning October 1, 2019, states will have the option to use Title IV-E funds for preventative services for eligible children at risk of foster care. This means they are identified in a prevention plan as being at imminent risk of entering foster care. They may safely remain at home or in a kinship placement, if services are provided that prevent entry into foster care. The Family First Prevention Services Act redirects federal funds to provide services to keep children safely with their families and out of foster care. When foster care is needed, federal reimbursement can provide for care in a family based setting or certain residential treatment programs for children with emotional and behavioral disturbance requiring special treatment; and

Whereas, Placement with relatives, also known as grand families, including grandparents, aunts, and uncles, help to reduce the trauma and separation that accompany children’s removal from their parents by preserving the children’s important connections to their siblings. Research shows that sibling relationships play a major role in how children develop and learn to interact with other people through sibling bonds, just like parent-child bonds, and influence children’s developing sense of attachment; and

Whereas, With the passage of P L 115-123 (Short Title - The Family First Prevention Services Act), historic reforms to the child welfare system will improve outcomes for vulnerable children.

The act provides struggling and overburdened child welfare agencies with the tools needed to help children and families in crisis, including families impacted by the opioid epidemic; and

Whereas, The West Virginia Legislature has great influence and concern over West Virginia's children and families and acts in the best interest of its constituents, therefore it is imperative to encourage laws that would enable West Virginia to collect the federal benefits offered for the improvement in West Virginia children's lives; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is requested to study the foster care system and its compliance with federal law; and, be it

Further Resolved, That the Joint Committee on Government and Finance enlist the assistance of other state agencies and departments as necessary in conducting the study; and, be it

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

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

Which, under the rules, lies over one day.

Senators Jeffries, Lindsay, Ihlenfeld, Beach, Plymale, Stollings, Baldwin, Cline, Swope, Prezioso, and Maroney offered the following resolution:

Senate Resolution 41—Recognizing the West Virginia Kids Cancer Crusaders for their dedication and commitment to fighting childhood cancer.

Whereas, Cancer is the number one cause of death by disease among children, and around 35 percent of children diagnosed with cancer will die within 30 years of diagnosis; and

Whereas, More than 95 percent of childhood cancer survivors will have a significant health-related issue by the time they are 45 years of age; these health-related issues are side-effects of either the cancer, or more commonly, the result of its treatment; and

Whereas, The incidence of childhood cancer is on the increase, averaging 0.6 percent per year since the mid-1970s, resulting in an overall increase of 24 percent over the last 40 years; and

Whereas, The West Virginia Kids Cancer Crusaders are a community of children, families, individuals, organizations, medical professionals, and caregivers with interest in creating awareness, advocating, and providing support and resources for all those West Virginians affected by young adult, adolescence, and childhood cancer; and

Whereas, Since 2014, the West Virginia Kids Cancer Crusaders have helped over 200 families across the state financially; and

Whereas, The West Virginia Kids Cancer Crusaders bring awareness to their cause by declaring September Childhood Cancer Awareness Month, a time to honor and remember children and families affected by cancer, and help rally support to give kids with cancer better outcomes by supporting ground-breaking research; and

Whereas, The West Virginia Kids Cancer Crusaders advocate for their cause through the legislative process, working on legislation to benefit the childhood cancer community, including passage of Senate Bill 590, which passed the West Virginia Legislature in 2018, and created the Cure Childhood Cancer license plate; and

Whereas, The West Virginia Kids Cancer Crusaders partner with hospitals in the state through support of programs and provide gift cards for families; and

Whereas, Under the leadership and guidance of Kelly Wymer, the West Virginia Kids Cancer Crusaders have demonstrated an unwavering commitment to unite and fight childhood cancer; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the West Virginia Kids Cancer Crusaders for their dedication and commitment to fighting childhood cancer; and, be it

Further Resolved, That the Senate extends its sincere gratitude and appreciation to the West Virginia Kids Cancer Crusaders for the compassionate work they do; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Kids Cancer Crusaders.

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

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Jeffries regarding the adoption of Senate Resolution 41 were ordered extended in the Journal as follows:

SENATOR JEFFRIES: Thank you, Mr. President.

It was on a beautiful day in 2017—and I believe you'll remember that day—that Sandy Westfall pulled me into the Governor's reception room and said there is some great people that I want you to meet. And you and I both met those people that day. And I think of that day as an accidental meeting that was meant to be. I met Kelly Rowan Wymer and many of the children and families who are with us today.

I'm so grateful that our paths crossed. Kelly has taught me so much about the work the Kids Cancer Crusaders do to support West Virginia families. I have learned that there is more needs to be done to bring childhood cancer to the shadows.

Mr. President, President Trump, last week, pledged during the State of the Union about \$500 million for the next 10 years, which is a great boost, but there's more that needs to be done. We hear that 80 percent of the childhood cancers will be cured. That statistic is driven by remarkable

progress made in curing childhood leukemia. But, unfortunately, there has been little change in the past 20 years in the cure rates for other childhood cancers.

Last year, St. Jude published an analysis of the genetics of childhood cancers. They found that half of the mutations responsible for tumor's uncontrolled growth, aren't seen in adult cancers. That is why adult therapy cannot simply be weakened for a child. Childhood cancers are different. And that is why there must be more research and specific therapies for children.

I want you to think for a moment, each one of us, about courage. Can you imagine the courage it takes to be Zack, who had one leg amputated a year ago, and then his second leg a few weeks ago, who still works hard to make his mom laugh every day? The courage it takes for Amy, the mom of two-year-old Julie, who was diagnosed with a rare form of brain cancer last October, the day after Amy's dad passed away from melanoma? The courage it takes to be Kelly, who helped her own child through cancer and is now a fierce champion of the families throughout West Virginia?

I think often of these brave children and their families that are with us today—the courage that they have and the strength that they have to be able to get through these situations. All of us face the future with courage, every one of them, with courage, love, and grace. And I want to thank you for allowing me to be a part of your journey, of your survivors, for those that you have lost, and for those that are still fighting.

Mr. President, I ask, please join me in welcoming the families of the West Virginia Kids Cancer Crusaders. And I urge adoption of this resolution.

On motion of Senator Takubo, at 11:33 a.m., the Senate recessed to present Senate Resolution 41.

The Senate reconvened at 11:41 a.m. and, at the request of Senator Plymale, and by unanimous consent, returned to the second order of business and the introduction of guests.

The Senate again proceeded to the sixth order of business.

Senators Smith, Sypolt, Boso, Swope, and Maroney offered the following resolution:

Senate Resolution 42—Recognizing the importance of the Atlantic Coast Pipeline.

Whereas, The Atlantic Coast Pipeline and others are critical to the economic and energy future of the State of West Virginia, providing our state's natural gas production with unprecedented access to new markets; and

Whereas, Studies indicate construction and operation of the Atlantic Coast Pipeline alone will generate massive economic benefits for West Virginia, including almost \$478 million in additional economic activity during the construction period and more than \$15 million in additional economic activity each year after the facility begins operating; and

Whereas, The Atlantic Coast Pipeline and others will create thousands of new job opportunities for the working men and women of West Virginia and significant new tax revenues for many West Virginia counties; and

Whereas, The Atlantic Coast Pipeline and others will help promote our nation's energy independence, helping make the burgeoning natural gas production in West Virginia and adjacent states more available to millions of consumers and reducing the need for energy imports; and

Whereas, The Atlantic Coast Pipeline's environmental impact has been repeatedly and thoroughly analyzed by state and federal agencies, including the West Virginia Department of Environmental Protection, the federal Energy Regulatory Commission, and the U.S. Forest Service, among others, with all of the agencies finding that the project can be built and operated in a manner that protects the natural resources of West Virginia and the other states in its path; and

Whereas, Despite the enormous energy and economic benefits, as well as the positive findings from a broad range of environmental regulatory agencies, some groups have launched an all-out assault on the Atlantic Coast Pipeline project, with the ultimate aim of forcing its cancelation; and

Whereas, These attacks are not based on the facts regarding the Atlantic Coast Pipeline but are part of what the U.S. Chamber of Commerce describes as a nationwide "keep it in the ground" strategy by some groups to end all uses of fossil fuels in power generation; and

Whereas, These unwarranted attacks have resulted in regulatory and legal proceedings that have repeatedly delayed both the Atlantic Coast Pipeline and the related Supply Header Project; and

Whereas, In response to court orders stemming from these attacks, the Atlantic Coast Pipeline and Supply Header Project have been forced to lay off or delay hiring thousands of skilled construction workers in West Virginia and also in Pennsylvania, Ohio, Virginia, and North Carolina, posing significant hardships for working families and depriving them of paychecks and steady work; and

Whereas, The U.S. Chamber of Commerce report estimates that these delays, through August 2018, have already resulted in the loss of \$2.3 billion in the U.S. Gross Domestic Product as well as \$500 million in lost tax revenue for U.S. states and localities; and

Whereas, The chamber's study also found that the delays have already deprived U.S. consumers of \$377 million in energy cost savings; and

Whereas, The General President of the Laborers' International Union of North America (LIUNA) recently said obstructions to the Atlantic Coast Pipeline and other vital energy infrastructure "from activist groups is costing our members jobs and the entire country opportunities"; and

Whereas, The LIUNA general president also emphasized that the economic damage caused by this opposition to new energy projects is "being shouldered by the hard-working men and women who build our nation's energy infrastructure"; and

Whereas, These assaults and delaying tactics are also a direct threat to West Virginia's energy production industry, which directly employs more than 22,000 men and women and pays more than \$6 billion in wages annually; and

Whereas, Although the current employment and payroll figures are impressive, further growth will be severely hampered unless new infrastructure such as the Atlantic Coast Pipeline and other pipelines are built to transport West Virginia's energy production to market; and

Whereas, In addition to this economic damage, the attacks on the Atlantic Coast Pipeline and other interstate natural gas projects have great potential to harm the environment, since other forms of electric generation powered by fossil fuels, such as natural gas, are needed to back up the expansion of the intermittent generation from renewable resources such as solar and wind energy; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the importance of the Atlantic Coast Pipeline; and, be it

Further Resolved, That we, the members of the Senate of the 84th Legislature of the State of West Virginia, categorically condemn these counterproductive and economically damaging assaults on the Atlantic Coast Pipeline and other urgently needed energy infrastructure projects; and, be it

Further Resolved, That we note that these attacks are denying steady employment and income to thousands of West Virginia workers and their families who would otherwise be employed in the construction and operation of the Atlantic Coast Pipeline and the related Supply Header Project; and, be it

Further Resolved, That we find that the attacks are also damaging West Virginia's energy production industry, the source of more than \$6 billion annually in wages to our state's working men and women; and, be it

Further Resolved, That we find that the assaults on these projects have great potential to damage the environment by hindering the deployment of electric generation powered by solar power, wind, and other renewable resources, all of which must be backed up with fossil fuel powered generation, such as natural gas; and, be it

Further Resolved, That we strongly urge the groups spearheading these assaults to stop their attacks and delaying actions and, in the process, help pave the way for a cleaner and stronger energy future for West Virginia and for the entire nation; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward copies of this resolution to the President of the United States, the President Pro Tempore and Secretary of the United States Senate, the members of the West Virginia Congressional delegation, and the news media of West Virginia.

Which, under the rules, lies over one day.

Petitions

Senator Sypolt presented a petition from Robert Vest and 395 Fourteenth Senatorial District residents, supporting Senate Concurrent Resolution 30 (*Urging Congress call convention for Constitutional amendment limiting terms for persons elected to House of Representatives and Senate*).

Referred to the Committee on the Judiciary.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 28, James Henry Caruthers 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 Resolution 39, Urging US Congress allow states to move to permanent daylight saving time.

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

Senate Resolution 40, Stating WV Senate affirms support of protections for consumers in Affordable Care Act.

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

The Senate proceeded to the eighth order of business.

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

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 40 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Romano—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 40) 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 47, Providing wind power projects be taxed at real property rate.

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, Blair, Boley, Boso, Clements, Cline, Facemire, Hardesty, Jeffries, Lindsay, Mann, Maroney, Maynard, Prezioso, Roberts, Rucker,

Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—27.

The nays were: Baldwin, Beach, Hamilton, Ihlenfeld, Palumbo, and Plymale—6.

Absent: Romano—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 47) 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 153, Providing greater flexibility for making infrastructure project grants.

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

Pending discussion,

The question being “Shall Engrossed Senate Bill 153 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Romano—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 153) passed with its title.

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

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

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Romano—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 285) 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 291, Relating generally to survivor benefits for emergency response providers.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Romano—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 291) passed with its title.

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

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Romano—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 291) takes effect July 1, 2019.

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

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

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

Senator Plymale requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as he is a member of PERS with past credited service that he may be able to purchase under this bill.

The Chair replied that any impact on Senator Plymale 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, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney,

Maynard, Palumbo, Plymale, Prezioso, Roberts, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Romano—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 296) 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 345, Relating to fire service equipment and training funds for VFDs.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Romano—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 345) 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 405, Increasing limit on additional expenses incurred in preparing notice list for redemption.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Romano—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 405) 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 461, Providing for personal income tax withholding on certain lottery winnings.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Romano—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 461) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Romano—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 461) takes effect from passage.

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

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

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Romano—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 481) passed with its title.

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

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

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Romano—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2446) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 60, Licensing practice of athletic training.

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.

Com. Sub. for Senate Bill 66, Prohibiting certain misleading lawsuit advertising practices.

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

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

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

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

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

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Com. Sub. for Senate Bill 266, Creating Intermediate Court of Appeals and WV Appellate Review Organization Act of 2019.

Com. Sub. for Senate Bill 393, Protecting right to farm.

Com. Sub. for Senate Bill 516, Relating to attorney fees in subsidized adoptions.

Com. Sub. for Senate Bill 518, Restricting sale and trade of dextromethorphan.

Com. Sub. for Senate Bill 563, Prohibiting sexual assault victim be subjected to certain physical examinations.

Senate Bill 590, Permitting guided bear hunts by licensed outfitters and guides.

And,

Eng. Com. Sub. for House Bill 2521, Relating to permitting fur-bearer parts.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Jeffries, Stollings, Smith, Blair, and Woelfel.

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

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:32 p.m., the Senate adjourned until tomorrow, Thursday, February 14, 2019, at 11 a.m.

SENATE CALENDAR

**Thursday, February 14, 2019
11:00 AM**

UNFINISHED BUSINESS

- S. C. R. 5 - Home of Coach Bob Bolen Mountain State University 2004 NAIA Champions sign
- Com. Sub. for S. C. R. 7 - Urging Congress provide exceptions to weight limits on interstate
- S. C. R. 29 - Hershell Lee Thomas Memorial Bridge
- S. C. R. 30 - Urging Congress call convention for Constitutional amendment limiting terms for persons elected to House of Representatives and Senate
- S. C. R. 31 - SGT James E. Mattingly Bridge
- S. C. R. 32 - US Army SSG Henry Kilgore Bridge
- S. C. R. 33 - Requesting study of foster care system and compliance with federal law
- S. R. 42 - Recognizing importance of Atlantic Coast Pipeline

THIRD READING

- Eng. Com. Sub. for S. B. 74 - Exempting nonpaid volunteers at ski areas from workers' compensation benefits
- Eng. Com. Sub. for S. B. 339 - Allowing certain persons carry pepper spray in State Capitol Complex

SECOND READING

- Com. Sub. for S. B. 60 - Licensing practice of athletic training (original similar to HB2401)
- Com. Sub. for S. B. 66 - Prohibiting certain misleading lawsuit advertising practices (original similar to HB2671)
- Com. Sub. for Com. Sub. for S. B. 266 - Creating Intermediate Court of Appeals and WV Appellate Review Organization Act of 2019 (original similar to HB2366)
- Com. Sub. for S. B. 393 - Protecting right to farm (original similar to HB2774, HB2900)
- Com. Sub. for S. B. 516 - Relating to attorney fees in subsidized adoptions
- Com. Sub. for S. B. 518 - Restricting sale and trade of dextromethorphan
- Com. Sub. for S. B. 563 - Prohibiting sexual assault victim be subjected to certain physical examinations
- S. B. 590 - Permitting guided bear hunts by licensed outfitters and guides
- Eng. Com. Sub. for H. B. 2521 - Relating to permitting fur-bearer parts

FIRST READING

Com. Sub. for S. B. 259 - Expanding Coyote Control Program

Com. Sub. for S. B. 295 - Relating to crimes against public justice (original similar to HB3000)

Com. Sub. for S. B. 489 - Relating to Pharmacy Audit Integrity Act (original similar to HB2806)

Com. Sub. for S. B. 502 - Exempting sales of investment metal bullion and coins

S. B. 545 - Relating to HIV testing

S. B. 550 - Declaring certain claims to be moral obligations of state

Eng. Com. Sub. for H. B. 2481 - Permitting retail sale of alcoholic beverages on Sundays after 1 p.m. - (Com. amend. and title amend. pending)

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2019

Thursday, February 14, 2019

9:30 a.m.	Transportation & Infrastructure	(Room 451M)
1 p.m.	Health & Human Resources	(Room 451M)
2 p.m.	Education	(Room 451M)