

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

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

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Charleston, West Virginia, Monday, February 25, 2019

The Senate met at 11:21 a.m.

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

Prayer was offered by Dr. Trent Eastman, Lead Pastor, New Baptist Church, Huntington, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Stephen Baldwin, a senator from the tenth district.

Pending the reading of the Journal of Saturday, February 23, 2019,

At the request of Senator Blair, 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 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

**Com. Sub. for Senate Bill 396**, Waiving occupational licensing fees for low-income individuals, military families, and young workers.

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

Respectfully submitted,

Craig Blair,  
*Chair.*

At the request of Senator Blair, unanimous consent being granted, the bill (Com. Sub. for S. B. 396) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Government Organization has had under consideration

**Senate Bill 467**, Clarifying PSC jurisdiction over water and sewer utilities.

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

**Com. Sub. for Senate Bill 467** (originating in the Committee on Government Organization)—A Bill to amend and reenact §8-12-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-16-18 of said code; to amend and reenact §8-19-4 of said code; to amend and reenact §8-20-10 of said code; to amend and reenact §16-13-16 of said code; to amend and reenact §16-13A-9 of said code; to amend and reenact §24-1-1 of said code; to amend and reenact §24-2-1, §24-2-2, §24-2-3, §24-2-4a, §24-2-4b, and §24-2-11 of said code, all relating to clarifying Public Service Commission jurisdiction over water and sewer utilities owned by municipalities; establishing uniformity in the class of publications required by municipalities and public service districts for the revision in rates; providing a time period for the filing of and resolution of complaints filed at the Public Service Commission regarding actions of municipalities; cleaning up language regarding reference to other sections of the code regarding notice requirements for municipal utilities; and regarding the time period pertaining to the filing of appeals and the resolution of the appeals for rate and construction projects decided by county commissions.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Gregory L. Boso,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 467) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

**Senate Bill 674** (originating in the Committee on Finance)—A Bill supplementing and amending by increasing an existing item of appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2019, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019.

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

Respectfully submitted,

Craig Blair,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 674) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

The Senate proceeded to the sixth order of business.

Senators Romano, Facemire, Sypolt, Stollings, Swope, Hamilton, Maroney, Jeffries, Hardesty, Boso, and Baldwin offered the following resolution:

**Senate Resolution 59**—Designating February 25, 2019, as Civil Air Patrol Day at the Legislature.

Whereas, The Civil Air Patrol, also known as CAP, was founded on Dec. 1, 1941, to supplement the U.S. military during World War II; and

Whereas, In 1948, CAP was designated as the U.S. Air Force's official auxiliary with three missions: Emergency services, cadet programs, and aerospace education; and

Whereas, In 2016, CAP was placed on equal footing as part of the Air Force's "Total Force", along with the active-duty elements, the Air National Guard and the Air Force reserve; and

Whereas, The West Virginia Wing of the CAP has 14 units throughout the state with a total of more than 600 volunteer cadet and senior members; and

Whereas, The West Virginia Wing of the CAP performs vital homeland security missions that help ensure the protection of our citizens, infrastructure, and the state as a whole, performing search and rescue, photographic, and other homeland security-related missions and operations in support of the West Virginia Army and Air National Guard, West Virginia Division of Homeland Security and Emergency Management, and other state and local emergency and law-enforcement agencies; and

Whereas, The West Virginia Wing of the CAP, with single engine aircraft, vehicles, and its all-volunteer force, trains for and is prepared to immediately respond to search and rescue, disaster relief, and other emergency and homeland security missions here in West Virginia; and

Whereas, CAP also operates one of the most effective Drug Demand Reduction programs in the nation, assisting units at all levels to instill an aggressive, positive, drug-free attitude in CAP members and school-age children through a comprehensive program; and

Whereas, CAP provides exceptional educational and growth opportunities for youth through its nearly 26,000-member strong cadet program, which annually provides access to top national summer flight academies to learn to fly powered or glider aircraft, as well as to more than 30 national programs emphasizing leadership and careers in aviation; and

Whereas, CAP's Aerospace Education Program annually touches more than 1,800 educators, more than 200,000 youths — cadets and others in classrooms across America — teaching

multidisciplinary aviation concepts which emphasize aviation's connection to history, math, science, government, and economics; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates February 25, 2019, as Civil Air Patrol Day at the Legislature; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Wing of the Civil Air Patrol.

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

On motion of Senator Takubo, at 11:35 a.m., the Senate recessed to present Senate Resolution 59.

The Senate reconvened at 11:42 a.m. and resumed business under the sixth order.

Senators Unger, Rucker, Sypolt, Jeffries, Stollings, and Hamilton offered the following resolution:

**Senate Resolution 60**—Recognizing Leadership Jefferson for its service, dedication, and commitment to Jefferson County.

Whereas, The objective of Leadership Jefferson is to promote knowledge and awareness of the problems, opportunities, and issues facing Jefferson County; and

Whereas, Leadership Jefferson is designed to provide a series of educational and participatory experiences, as well as an opportunity for dialogue and the development of a correlation among participants to encourage local participation in the growth of Jefferson County; and

Whereas, The membership of Leadership Jefferson includes individuals from nearly every facet of Jefferson County's business, professional, religious, governmental, educational, civic, the arts, organized labor, and minority organizations who demonstrate a commitment to the community; and

Whereas, The 2019 membership of Leadership Jefferson consists: of Joanne Beaulieu, National Park Service, Harpers Ferry National Historic Park; Jennie Brackens, Science Applications International, Corp. (SAIC); Tyrone Brandyburg, National Park Service, Harpers Ferry National Historic Park; Joe Caltrider, Bowles Rice, LLP; Addie Crawford, Crawford Law Group, PLLC; Cait Cross, City National Bank – CT; Diana Crouse, Blue Ridge Community and Technical College; Tasha Demko, CHEERS School Family, Inc.; Scott Demory, Jefferson County Sheriff's Office; Bri Elder, MVB Bank; Tanner Haid, Cacapon Institute; Tiffany Hall, Bank of Charles Town-Harpers Ferry Branch; Debbie Lowe, Jefferson County Sheriff's Office; Charlie Lowery, CNB Bank; Christy Lowman, Valley Health System; Shane Marrone, United Bank; Kendra Mouton, WVU Medicine; Jodi Forrest-Pope, Advocate Insurance Group; M. K. Robinson, Valley Health System; Jennifer Royster, 2018 Teacher of the Year; Alaina Reilly, City of Ranson; Stephanie Shupe, Dandridge Realty Group; Victoria Slater-Madert, Children's Home Society of West Virginia; Gaby Tokach, Contemporary American Theater Festival; Joe Wall, American

Public University System; John Wilt, For Love of Children (FLOC) – Outdoor Education Center; Tricia Worden, Next Generation HR Solutions; Heather McIntyre, Jefferson County Chamber of Commerce; and Andrew Skinner, Skinner Law Firm; therefore, be it

*Resolved by the Senate:*

That the Senate hereby recognizes Leadership Jefferson for its service, dedication and commitment to Jefferson County; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the appropriate officials of Leadership Jefferson.

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

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 43**, Governor William Casey Marland Memorial Bridge.

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

**Senate Concurrent Resolution 44**, Elizabeth Williams, Teacher and Community Advocate Memorial Bridge.

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

The Senate proceeded to the eighth order of business.

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

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, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

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. 238) 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 316**, Preserving previously approved state Municipal Policemen's or Firemen's pensions.

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, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

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. 316) passed.

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

**Eng. Com. Sub. for Senate Bill 316**—A Bill to amend and reenact §8-22-27a of the Code of West Virginia, 1931, as amended, relating to municipal options to recalculate or preserve previously approved pensions awarded by municipal policemen's or municipal firemen's pension and relief funds prior to effective date of said section, as enacted during the regular legislative session of 2017.

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

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, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

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. 400) 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 421**, Relating to annual legislative review of economic development tax credit.

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, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 421) 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 432**, Enacting Recognition of Emergency Medical Services Personnel Licensure Interstate Compact.

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, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 432) 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 441**, Relating to higher education campus police officers.

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, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

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. 441) 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 511**, Creating alternating wine proprietorships.

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, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: Roberts—1.

Absent: None.

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. 511) 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 535**, Allowing City of Buckhannon begin collecting sales and service and use tax on July 1, 2019.

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, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 535) 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, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 535) 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 538**, Relating to WV Highway Design-Build Pilot Program.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

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. 538) 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, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

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. 538) 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 539**, Relating to accrued benefit of retirees in WV State Police Retirement System Plan B.

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 539 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, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

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. 539) 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 544**, Increasing salaries for members of WV State Police over three-year period.

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, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 544) 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, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 544) takes effect July 1, 2019.

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

**Eng. Com. Sub. for Senate Bill 547**, Limiting landowner liability for recreational use of lands.

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

Pending discussion,

The question being "Shall Engrossed Committee Substitute for Senate Bill 547 pass?"

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

The nays were: Lindsay and Romano—2.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 547) passed with its title.

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

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

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, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 554) 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 592**, Providing for collection of hotel occupancy tax by marketplace facilitators.

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 592 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, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 592) 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, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 592) 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 596**, Adjusting voluntary contribution amounts on certain DMV forms.

Having been read a third time on Saturday, February 23, 2019, and now coming up in regular order, was reported by the Clerk.

The question being “Shall Engrossed Senate Bill 596 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, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 596) 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 597**, Conforming state law to federal law for registration of appraisal management companies.

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, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

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. 597) passed with its title.

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

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

On third reading, coming up in regular order, with the right having been granted on Saturday, February 23, 2019, for amendments to be received on third reading, was reported by the Clerk.

There being no amendments offered,

The bill was ordered to engrossment.

Engrossed Committee Substitute for Senate Bill 603 was then 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, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

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. 603) 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 627**, Relating generally to Rural Rehabilitation Loan Program.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 627) 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, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 627) 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 654**, Amending definition of “mortgage loan originator”.

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, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

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. 654) 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 656**, Relating to electronic filing of tax returns.

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, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 656) 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, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 656) 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 665**, Allowing for expedited oil and gas well permitting.

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, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 665) 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, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 665) takes effect from passage.

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

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

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

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

The nays were: Facemire, Hardesty, Lindsay, Palumbo, Romano, and Unger—6.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 666) 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 667**, Creating WV Motorsport Committee.

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, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 667) passed with its title.

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

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

Having been read a third time on Saturday, February 23, 2019, and now coming up in regular order, was reported by the Clerk.

The question being "Shall Engrossed House Bill 2036 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, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.



So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2036) passed with its title.

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

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

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

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

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

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

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

**Eng. Com. Sub. for House Bill 2821**, Updating provisions for command, clerical and other pay.

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, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

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. 2821) 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 248**, Creating Prosecuting Attorney's Detectives Act.

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

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

**ARTICLE 4A. THE PROSECUTING ATTORNEY'S DETECTIVES ACT.****§7-4A-1. Short title.**

This article shall be known and may be cited as the Prosecuting Attorney's Detectives Act.

**§7-4A-2. Legislative findings.**

The Legislature finds and declares that:

(a) In West Virginia's criminal justice system, prosecuting attorney's office investigators, and the law-enforcement officers assigned to prosecuting attorneys offices, perform vital and highly sensitive duties.

(b) It is critical to the confidence of the public in West Virginia's criminal justice system that the integrity and impartiality of prosecuting attorney's detectives and their investigations be a high priority at all times.

(c) It is the purpose of this article to establish statewide standards and a code of conduct and professionalism for prosecuting attorney's detectives and the law-enforcement officers assigned to the prosecuting attorney's office.

**§7-4A-3. Law-enforcement titles.**

The provisions of this article include all law-enforcement titles in the Office of the Prosecuting Attorney.

**§7-4A-4. Duties and powers of detectives.**

(a) The prosecuting attorney's detectives of each of the prosecuting attorney's offices, in addition to any and all powers prescribed by law, have the power to enforce:

(1) All rules and regulations promulgated by the governing body of the county governing the use by the public of county highways and roads; and

(2) All rules and regulations promulgated by the governing body of the county respecting the general health, safety, and welfare of the public within the county.

(b) Prosecuting attorney's detectives shall be certified law-enforcement officers and have full power of arrest consistent with that of sheriffs' deputies.

**§7-4A-5. Employment status compensation.**

(a) A full-time prosecuting attorney's detective shall be compensated at a rate mutually agreed upon by the prosecuting attorney and the prosecuting attorney detective.

(b) A full-time prosecuting attorney's detective eligible shall be afforded employee benefits that are available to full-time county employees of the county in which the prosecuting attorney's detective is employed.

**§7-4A-6. Appointment of detectives.**

The prosecuting attorney may appoint a sufficient number of suitable persons, to be known as prosecuting attorney's detectives, for the purpose of assisting the prosecuting attorney in the detection, apprehension, arrest, and conviction of offenders against the law.

**§7-4A-7. Requirements.**

Except as otherwise provided by law, a person may not be appointed to the title of prosecuting attorney's detective unless that person:

(a) Is a citizen of the United States and a resident of West Virginia;

(b) Is able to read, write and speak the English language;

(c) Is of good moral character and has not been convicted of any criminal offense involving moral turpitude; and

(d) Is a certified law-enforcement officer with at least five years of experience in a municipal, county, state, or federal law-enforcement agency.

**§7-4A-8. Limitations on off duty employment.**

A prosecuting attorney's detective may not engage in any off-duty employment which is determined to be in conflict with the role of a prosecuting attorney's detective.

**§7-4A-9. Miscellaneous.**

(a) Prosecuting attorney's detectives may participate, join, or be members of charitable, civic, and professional organizations, associations, or committees. A prosecuting attorney's detective may not be prohibited from being a member of a law-enforcement union or association.

(b) Nothing in this article may be construed to prohibit a prosecuting attorney's detective from recommending an attorney or providing financial assistance to a family member in a civil or criminal proceeding, except where a clear conflict of interest exists.

The bill (Com. Sub. for S. B. 248), as amended, was then ordered to engrossment and third reading.

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

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 273**, Relating to Commission on Special Investigations and State Auditor duties.

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

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

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

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 520**, Requiring entities report drug overdoses.

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

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

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

On motions of Senators Swope, Sypolt, and Tarr, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On page two, section two, line eight, after the words "priority order" by inserting the words "according to Department of Highways average daily traffic counts and the county commission's determination of the roads' level of disrepair";

On page three, section two, line thirty-one, by striking out the word "may" and inserting in lieu thereof the word "shall";

On page three, section three, line two, after the word "district" by inserting the words "excluding where core maintenance was completed within the previous year";

And,

On page three, section three, line three, by striking out "\$1,500,000" and inserting in lieu thereof "\$1,000,000".

Following discussion,

Senator Plymale arose to a point of order stating only one amendment with multiple sponsors was being discussed.

Which point of order, the President ruled well taken.

Following discussion,

The question being on the adoption of the amendments offered by Senators Swope, Sypolt, and Tarr to the bill, the same was put and prevailed.

The bill (Com. Sub. for Com. Sub. for S. B. 522), as amended, was then ordered to engrossment and third reading.

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

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

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

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

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 referred to the Committee on Rules.

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

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 600**, Relating to preservation of biological evidence obtained through criminal investigations and trials.

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

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 622**, Relating generally to regulation and control of financing elections.

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

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

On page forty, section twelve, lines fifty-one and fifty-two, by striking out the words "subsection (g) of this section" and inserting in lieu thereof the words "this article".

The bill (Com. Sub. for S. B. 622), as amended, was then ordered to engrossment and third reading.

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

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

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

On page three, section three, line thirty-four, by striking out “(g)” and inserting in lieu thereof “(f)”;

On page three, section three, line thirty-six, after the word “seq.” by inserting the words “and §30-14-1 *et seq.*”;

On page three, section three, line thirty-eight, after the word “seq.” by inserting the words “and §30-14A-1 *et seq.*”;

And,

On page three, section three, line forty-three, by striking out “(g)” and inserting in lieu thereof “(f)”.

The bill (Com. Sub. for S. B. 640), as amended, was then ordered to engrossment and third reading.

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

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

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 653**, Relating generally to practice of medical corporations.

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

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

On page three, section fifteen, line fifty-eight, by striking out the words “or podiatry”.

The bill (Com. Sub. for S. B. 653), as amended, was then ordered to engrossment and third reading.

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

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

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

Having been read a second time on Saturday, February 23, 2019, and now coming up in regular order, was reported by the Clerk.

The bill (S. B. 668) was then ordered to engrossment and third reading.

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

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

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

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

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

On page four, section four, line twenty-three, by striking out the words “public members and the”.

The bill (S. B. 670), as amended, was then ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

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

**Com. Sub. for Senate Bill 105**, Creating offense of impaired operation of motor vehicle placing nonpassengers at risk of physical injury.

**Com. Sub. for Senate Bill 318**, Transferring Medicaid Fraud Control Unit to Attorney General’s office.

**Com. Sub. for Com. Sub. for Senate Bill 348**, Relating to tobacco usage restrictions.

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

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

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

**Com. Sub. for Senate Bill 487**, Relating to admissibility of health care staffing requirements in litigation.

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

**Com. Sub. for Com. Sub. for Senate Bill 543**, Relating generally to automobile warranties and inspections.

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

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

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

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

**Com. Sub. for Com. Sub. for Senate Bill 632**, Improving student safety.

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

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

**Com. Sub. for Senate Bill 650**, Protecting consumers from price gouging after state of emergency.

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

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

**Senate Bill 671**, Eliminating State Fire Marshal report on transfer of authority and responsibility of providing fire service to counties.

**Senate Bill 672**, Authorizing School Building Authority to promulgate legislative rules.

And,

**Senate Bill 673**, Relating to public higher education accountability and planning.

At the request of Senator Takubo, unanimous consent being granted, the Senate returned to the fourth order of business.

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

Your Committee on Natural Resources has had under consideration

**Senate Bill 675** (originating in the Committee on Natural Resources)—A Bill to amend and reenact §22-15A-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §22-15A-3a, all relating to requiring the Department of Environmental Protection to create and implement an Adopt-A-Stream Program; to encourage the removal of litter along West Virginia's rivers and streams by volunteers, and allowing the Litter Control Fund to be used to fund the program.

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

Respectfully submitted,

Mark R. Maynard,  
*Chair.*



At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 675) contained in the preceding report from the Committee on Natural Resources was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Natural Resources has had under consideration

**Senate Bill 676** (originating in the Committee on Natural Resources)—A Bill to amend and reenact §17-2A-11 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto new sections, designated §20-1-12a and §20-1-18d; and to amend said code by adding thereto a new article, designated §20-17-1, §20-17-2, §20-17-3, §20-17-4, and §20-17-5, all relating to off-road vehicle recreation; creating an Off-Road Vehicle Recreation Fund for development and maintenance of public roads suitable for off-road vehicle recreation; revising digital road map requirements; requiring an inventory and mapping of state forest roads; describing allowable uses of the Off-Road Vehicle Recreation Fund; defining terms; requiring the development of a comprehensive recreation plan and plans for the construction and maintenance of suitable roads; establishing a program of grants and cooperative agreements to develop and maintain suitable roads and access thereto; mandating review of expenditures; providing for appeals of grant or agreement decisions; and requiring the proposal of legislative rules.

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

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

Senator Takubo requested unanimous consent that the bill (S. B. 676) contained in the preceding report from the Committee on Natural Resources be taken up for immediate consideration.

Which consent was not granted, Senator Beach objecting.

Thereafter, on motion of Senator Takubo, the bill (S. B. 676) contained in the preceding report from the Committee on Natural Resources was taken up for immediate consideration, read a first time, and ordered to second reading.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Plymale, Rucker, and Trump.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Unger, the name of Senator Unger was removed as a sponsor of **Senate Bill 672** (*Authorizing School Building Authority to promulgate legislative rules*).

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 1:21 p.m., the Senate recessed until 4:30 p.m. today.

The Senate reconvened at 4:36 p.m. and, without objection, returned to the third order of business.

### Executive Communications

The Clerk then presented communications from His Excellency, the Governor, advising that on February 25, 2019, he had approved **Enr. Committee Substitute for Senate Bill 18, Enr. Committee Substitute for Senate Bill 323, Enr. Committee Substitute for House Bill 2191,** and **Enr. Committee Substitute for House Bill 2446.**

The Senate proceeded to the fourth order of business.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 25th day of February, 2019, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

**(Com. Sub. for S. B. 61)**, Adding certain crimes for which prosecutor may apply for wiretap.

And,

**(S. B. 377)**, Relating to minimum wage and maximum hour standards

Respectfully submitted,

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

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 414**, Creating Protect Our Right to Unite Act.

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

**Com. Sub. for Senate Bill 414** (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §1-7-1, §1-7-2, §1-7-3, and §1-7-4, and to amend §20-2-27 of said code, all relating generally to protecting the right to privacy and association of the citizens of West Virginia; creating the Protect Our Right to Unite Act; declaring legislative purpose; defining terms; providing that no public agency may require nonprofit entities to disclose donor information, subject to certain exceptions; providing that where the state or a public agency obtains donor information it may not be released, subject to certain exceptions; providing exemption from Freedom of Information Act requests; providing for redaction of donor information; providing exception for court orders; providing exception for discovery requests under certain conditions; providing civil remedies; providing for

the payment of attorneys' fees and costs, and in certain circumstances, treble damages; and providing that the name, address, and other contact information of persons having obtained certain fishing and wildlife authorizations from the Division of Natural resources are exempt from the Freedom of Information Act.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 414) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

**Com. Sub. for Senate Bill 574** (originating in the Committee on Health and Human Resources), Permitting authorized physician order involuntary hospitalization of individual if physician believes addicted or mentally ill.

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

**Com. Sub. for Com. Sub. for Senate Bill 574** (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §27-5-2a, relating to permitting an authorized staff physician, after examination, to order the involuntary hospitalization of an individual whom the physician believes is addicted or mentally ill and likely to cause serious harm to himself or herself or other individuals; setting forth a procedure; defining terms; providing for payment for services; limiting liability; and requiring the West Virginia Supreme Court of Appeals to produce information to hospitals regarding contact information for mental hygiene commissioners, designated county magistrates, and circuit judges.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. 574) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

The Senate again proceeded to the thirteenth order of business.

At the request of Senator Beach, the name of Senator Beach was removed as a sponsor of **Senate Bill 676** (*Relating to off-road vehicle recreation*).

Pending announcement of a meeting of a standing committee of the Senate,

On motion of Senator Takubo, at 4:39 p.m., the Senate adjourned until tomorrow, Tuesday, February 26, 2019, at 11 a.m.

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## SENATE CALENDAR

Tuesday, February 26, 2019  
11:00 AM

### THIRD READING

- Eng. Com. Sub. for S. B. 248 - Creating Prosecuting Attorney's Detectives Act (original similar to HB2444)
- Eng. Com. Sub. for S. B. 249 - Relating to administration of estates and trusts
- Eng. Com. Sub. for S. B. 329 - Relating to agricultural education in high schools
- Eng. S. B. 472 - Exempting retirement income of certain uniformed services members from state income tax
- Eng. Com. Sub. for S. B. 520 - Requiring entities report drug overdoses
- Eng. Com. Sub. for Com. Sub. for S. B. 522 - Creating Special Road Repair Fund
- Eng. Com. Sub. for S. B. 537 - Creating workgroup to review hospice need standards
- Eng. Com. Sub. for S. B. 561 - Permitting Alcohol Beverage Control Administration request assistance of local law enforcement (original similar to HB3031)
- Eng. S. B. 566 - Relating to compensation for State Athletic Commission members
- Eng. Com. Sub. for S. B. 600 - Relating to preservation of biological evidence obtained through criminal investigations and trials
- Eng. Com. Sub. for S. B. 615 - Providing ongoing mechanism for county commissioners to allow compensation increases for elected officials every two years
- Eng. Com. Sub. for S. B. 622 - Relating generally to regulation and control of financing elections
- Eng. Com. Sub. for S. B. 640 - Regulating sudden cardiac arrest prevention
- Eng. Com. Sub. for S. B. 642 - Providing options in living wills and combined medical powers of attorney and living wills
- Eng. Com. Sub. for S. B. 651 - Relating to DNR ability to enter into certain contracts
- Eng. Com. Sub. for S. B. 653 - Relating generally to practice of medical corporations
- Eng. S. B. 655 - Relating to conservation districts generally
- Eng. S. B. 668 - Relating to physician assistants collaborating with physicians in hospitals
- Eng. S. B. 669 - Allowing appointment of commissioners to acknowledge signatures
- Eng. S. B. 670 - Relating to WV College Prepaid Tuition and Savings Program
- Eng. Com. Sub. for H. B. 2740 - Barring a parent from inheriting from a child in certain instances (original similar to SB482)
- Eng. H. B. 2746 - Relating to administration of estates (original similar to SB480)

## SECOND READING

- Com. Sub. for S. B. 105 - Creating offense of impaired operation of motor vehicle placing nonpassengers at risk of physical injury (original similar to HB2822)
- Com. Sub. for S. B. 273 - Relating to Commission on Special Investigations and State Auditor duties
- Com. Sub. for S. B. 318 - Transferring Medicaid Fraud Control Unit to Attorney General's office (original similar to HB2867)
- Com. Sub. for Com. Sub. for S. B. 348 - Relating to tobacco usage restrictions
- Com. Sub. for S. B. 379 - Permitting county board of education to include faith-based electives in drug prevention programs
- Com. Sub. for S. B. 396 - Waiving occupational licensing fees for low-income individuals and military families
- Com. Sub. for S. B. 412 - Establishing Katherine Johnson Fair Pay Act of 2019
- Com. Sub. for S. B. 414 - Creating Protect Our Right to Unite Act
- Com. Sub. for S. B. 464 - Modifying licensing requirements for telemedicine and surgery or podiatry (original similar to HB3089)
- Com. Sub. for S. B. 467 - Clarifying PSC jurisdiction over water and sewer utilities (original similar to HB2946)
- Com. Sub. for S. B. 487 - Relating to admissibility of health care staffing requirements in litigation
- Com. Sub. for S. B. 530 - Relating to state employee merit system
- Com. Sub. for Com. Sub. for S. B. 543 - Relating generally to automobile warranties and inspections
- S. B. 555 - Relating to authority of Higher Education Policy Commission
- Com. Sub. for S. B. 564 - Expanding comprehensive coverage for pregnant women through Medicaid
- Com. Sub. for Com. Sub. for S. B. 574 - Permitting authorized physician order involuntary hospitalization of individual if physician believes addicted or mentally ill
- S. B. 605 - Permitting Secondary Schools Athletic Commission discipline schools for not following protocol for concussions and head injuries
- S. B. 625 - Clarifying and defining authority of State Athletic Commission (original similar to SB644)
- Com. Sub. for Com. Sub. for S. B. 632 - Improving student safety
- S. B. 633 - Authorizing Board of Physical Therapy conduct criminal background checks on applicants for licenses
- Com. Sub. for S. B. 637 - Relating to revocation, cancellation, or suspension of business registration certificates

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

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

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

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

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

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

S. B. 674 - Supplemental appropriation to Division of Human Services

S. B. 675 - Requiring DEP create and implement Adopt-A-Stream Program

S. B. 676 - Relating to off-road vehicle recreation

**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2019**

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**Tuesday, February 26, 2019**

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