

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE
REGULAR SESSION, 2020
THIRTY-FOURTH DAY

Charleston, West Virginia, Monday, February 10, 2020

The Senate met at 11:04 a.m.

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

Prayer was offered by Pastor Matt Davis, Church at the Depot, Scott Depot, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael A. Woelfel, a senator from the fifth district.

Pending the reading of the Journal of Friday, February 7, 2020,

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

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

The Senate then proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendment to, and the passage as amended, of

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

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 4083—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-16A-13b, relating to requiring the West Virginia Parkways Authority to accept the use of credit and debit cards for paying tolls on the West Virginia Turnpike.

Referred to the Committee on Transportation and Infrastructure.

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

Eng. Com. Sub. for House Bill 4361—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §33-41-4a, and §33-41-11a; and to amend and reenact §33-41-2, §33-41-5, §33-41-8, §33-41-11, and §33-41-12 of said code, all relating to insurance law violations; defining “fraudulent insurance act”; allowing Insurance Commissioner to accept proceeds from court ordered forfeiture proceedings; creating special revenue fund; permitting courts to award cost of investigation to insurance fraud unit or other law-enforcement agency; requiring person engaged in the business of insurance to report to the Insurance Commissioner suspected insurance law violations; permitting insurance fraud unit to administer oaths or affirmations, execute search and arrest warrants, make arrests upon probable cause without a warrant, and participate in the prosecution of workers’ compensation fraud; making the commission of a fraudulent insurance act a violation of law; mandating that a person convicted of a felony involving dishonesty, breach of trust, or a law reasonably related to the business of insurance is disqualified from participating in the business of insurance; requiring insurance companies to have antifraud initiatives; allowing the Insurance Commissioner to promulgate rules; and providing for criminal penalties and restitution for insurance law violations.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 4444—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §29-32-1, §29-32-2, §29-32-3, §29-32-4, §29-32-5, all relating to establishing Medals of Valor for emergency medical service members, firefighters, and law-enforcement officers; establishing the Medal of Valor; establishing criteria for awarding the Medal of Valor; prohibiting awarding of Medal of Valor in any manner than otherwise set forth in this article; establishing the Firefighters Honors Board to recommend persons to receive the Medal of Valor; establishing the Law-Enforcement Honor Board to recommend persons to receive the Medal of Valor; establishing the Emergency Medical Services Honor Board to recommend persons to receive the Medal of Valor; providing duties and purpose of each board; setting forth the membership of each board, the manner of membership selection, and the terms and conditions of service; setting forth process for identifying candidates to receive Medal of Valor; setting forth process for considering candidates to receive Medal of Valor; providing for submission of nominated persons to Speaker of the House of Delegates and President of the Senate; directing Governor to issue Medal of Valor to nominee upon adoption of concurrent resolution by Legislature; and directing the Department of Arts, Culture and History create design for Medal of Valor.

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

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

Eng. Com. Sub. for House Bill 4453—A Bill to amend and reenact §30-18-2, §30-18-3, §30-18-5, §30-18-6, and §30-18-9 of the Code of West Virginia, 1931, as amended, all relating to the eligibility and application requirements for private investigator and security guard licensure; recognizing military service; removing a disparate out of state license fee; removing the

ambiguous reference to moral turpitude as grounds for disqualification; and by capping the license renewal fee.

Referred to the Committee on Government Organization.

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

Eng. House Bill 4466—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-53-1, §33-53-2, §33-53-3, §33-53-4, §33-53-5, §33-53-6 and §33-53-7, all relating to certificates of insurance for certain types of insurance; and addressing form requirements, limitations on use, notice requirements, applicability, enforcement, penalties and rulemaking.

Referred to the Committee on Banking and Insurance.

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

Eng. House Bill 4477—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-27A-1, §33-27A-2, §33-27A-3, §33-27A-4, §33-27A-5, §33-27A-6, §33-27A-7, §33-27A-8, §33-27A-9, §33-27A-10, §33-27A-11, §33-27A-12, §33-27A-13, and §33-27A-14, all relating to creating the enactment and operation of the West Virginia mutual to mutual insurance holding company act.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 4502—A Bill to repeal §33-12B-4a and §33-12B-11a of the Code of West Virginia, 1931, as amended; to amend and reenact §33-12B-1, §33-12B-2, §33-12B-3, §33-12B-4, §33-12B-5, §33-12B-6, §33-12B-7, §33-12B-8, §33-12B-9, §33-12B-10, §33-12B-11, and §33-12B-13 of said code; and to amend said code by adding thereto a new section, designated §33-12B-15, all relating to insurance adjusters; defining terms; providing licensure requirements for company, independent, and public adjusters; providing exceptions to adjuster license requirements; permitting temporary licensure for emergency company and independent adjusters; providing for qualifications for a resident adjuster license; authorizing the Insurance Commissioner to conduct criminal history checks for prospective adjusters; providing for adjuster lines of authority; providing for revocation or suspension of adjuster license; providing for civil penalty against adjusters; requiring adjusters to complete continuing education; and providing for an effective date.

Referred to the Committee on Banking and Insurance; 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. House Bill 4515—A Bill to amend and reenact §20-2-30 of the Code of West Virginia, 1931, as amended; relating to eligibility for license or permit application and unlawful acts when applying for a license or permit.

Referred to the Committee on Natural Resources.

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

Eng. House Bill 4585—A Bill to amend and reenact §49-2-810 of the Code of West Virginia, 1931, as amended, relating to immunity from criminal and civil liability and amending the provision of immunity to explicitly grant immunity from civil or criminal liability for individuals providing information or assistance to a good faith report of child abuse or neglect.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 4607—A Bill to amend and reenact §30-27-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact said code by adding thereto a new section, designated §30-27-17a, all relating to authorizing the operation of mobile shops for hair, nail, cosmetology, and aesthetics services; defining “mobile shop”; establishing prerequisites for operation of a mobile shop; specifying mandatory features and systems; setting the term of licenses; and requiring shop identification and display of license.

Referred to the Committee on Government Organization.

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

Eng. House Bill 4664—A Bill to amend and reenact §17C-5-2 and §17C-5-2a of the Code of West Virginia, 1931, as amended, clarifying that the offense of driving under the influence of alcohol, controlled substances, or drugs must, in instances not causing bodily injury or death, be for circumstances where the operator is upon a public highway, or is on a private road; and clarifying the definition of “in this state” for purposes of enforcement of these measures.

Referred to the Committee on the Judiciary.

Executive Communications

The Clerk then presented a communication from His Excellency, the Governor, advising that on February 7, 2020, he had approved **Enr. Committee Substitute for House Bill 2696**.

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 10th day of February, 2020, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(H. B. 4103), Relating to office of drug control policy.

And,

(H. B. 4393), Relating to making suffocation and asphyxiation crimes.

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 232, Removing outdated prohibitions against electronic or mechanical ticket dispensers and readers.

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

Com. Sub. for Senate Bill 232 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §47-21-2, §47-21-20, and §47-21-26 of the Code of West Virginia, 1931, as amended, all relating to charitable raffles; removing outdated prohibitions against electronic or mechanical ticket dispensers and readers and associated digital fundraising platforms; limiting types and numbers of mechanical or electronic ticket dispenser systems; and removing restriction that a licensee may only use raffle equipment obtained from another licensee.

And,

Senate Bill 638, Creating new private club licenses and requirements.

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

Com. Sub. for Senate Bill 638 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §60-7-2, §60-7-6, §60-7-8a, and §60-7-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-8-27 of said code, all relating to creating new private club licenses and requirements for a private multivendor fair and festival license, private night club license, private tennis club license, and a private wedding venue license; setting private club license requirements; setting private club license fees; setting private club hours of operations; and permitting certain exceptions to the accompanied minor requirements.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The Senate proceeded to the fifth order of business.

Senator Takubo, from the Select Committee on Children and Families, submitted the following report, which was received:

Your Select Committee on Children and Families has had under consideration

Senate Bill 288, Relating to family planning and child spacing.

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

Com. Sub. for Senate Bill 288 (originating in the Select Committee on Children and Families)—A Bill to amend and reenact §16-2B-1 of the Code of West Virginia, 1931, as amended, relating to family planning and child spacing; extending family planning resources provided by Bureau for Public Health to other entities; providing that Bureau for Medical Services shall not require multiple office visits for women who select long-acting reversible contraceptive (LARC) methods unless medically necessary; requiring Bureau for Medical Services to provide payment for LARC devices and services; authorizing Bureau for Public Health to make LARC products available in practitioner offices without upfront practitioner costs; requiring Bureau for Public Health to develop statewide plan and providing requirements for plan; and requiring annual report by Department of Health and Human Resources.

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,

Tom Takubo,
Chair.

At the request of Senator Blair, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Select Committee on Children and Families.

The Senate proceeded to the sixth order of business.

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

By Senator Maynard:

Senate Bill 738—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-9-1, relating to creating the Flatwater Trail Commission; describing role, function, and duties of the commission; establishing criteria qualifications for the appointment of members; specifying duties; declaring the responsibilities of the Department of Commerce regarding the commission; providing for reimbursement of the expenses for members; and defining a quorum to conduct business.

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

By Senators Swope, Clements, and Maynard:

Senate Bill 739—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 §24-2-1, §24-2-4a, and §24-2-11 of said code; to amend said code by adding thereto a new article, designated §24-2H-

1, §24-2H-2, §24-2H-3, §24-2H-4, §24-2H-5, §24-2H-6, §24-2H-7, §24-2H-8, and §24-2H-9; and to amend and reenact §31-15A-9 of said code; all relating to authorizing the Public Service Commission to protect the consumers of distressed and failing water and wastewater utilities by ordering various corrective measures up to and including acquisition of a failing utility by a capable water or wastewater utility; clarifying Public Service Commission jurisdiction over water and sewer utilities owned by political subdivisions; 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 public service districts and municipalities; cleaning up language regarding reference to other sections of the code regarding notice requirements for municipal utilities; regarding time period pertaining to the filing of appeals and the resolution of appeals for rate and construction projects decided by county commissions; and adding language to allow the commission to order the acquisition of failing water and wastewater utilities; and allowing water and/or wastewater utilities access to public funds at below market rates and grants to repair, replace, and improve acquired failing utilities.

Referred to the Committee on Government Organization.

By Senator Blair:

Senate Bill 740—A Bill to amend and reenact §18-10L-5 of the Code of West Virginia, 1931, as amended, relating to clarifying authorized uses of the Ron Yost Personal Assistance Services Fund.

Referred to the Committee on Finance.

By Senators Palumbo, Jeffries, and Lindsay:

Senate Bill 741—A Bill to amend and reenact §8-12-16 of the Code of West Virginia, 1931, as amended, relating to authorizing municipalities to enact ordinances that allow the municipal court to place a structure, dwelling, or building into receivership under certain circumstances.

Referred to the Committee on Government Organization.

By Senators Palumbo, Jeffries, and Lindsay:

Senate Bill 742—A Bill to amend and reenact §21-5-5c of the Code of West Virginia, 1931, as amended, relating to psychophysiological detection of deception examinations by law-enforcement officers; authorizing law-enforcement officers with a Class II license to conduct examinations of employees of other law-enforcement agencies; and requiring certain legislative rules pertaining to psychophysiological detection of deception examinations to include a provision requiring video recording of the examinations.

Referred to the Committee on the Judiciary.

By Senator Unger:

Senate Bill 743—A Bill to amend and reenact §4-2-1 and §4-2-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §4-2-6a; and to amend and reenact §4-3-3c of said code, all relating to the establishment of the Office of Regulatory and Fiscal Affairs under the Joint Committee on Government and Finance; clarifying the duties of the Legislative Auditor; creating the Office of Regulatory and Fiscal Affairs as an advisory body to the Legislature; establishing processes for the conduct of fiscal notes and economic impact analysis; requiring state agencies to provide information to the Office of Regulatory and Fiscal Affairs upon request; authorizing certain members of the Legislature to

request an economic impact analysis of the rules of the state; permitting the chairs of the Joint Committee on Government and Finance to request certain performance reviews and analysis of existing statutes; and clarifying the organization of joint legislative agencies.

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

By Senators Palumbo and Lindsay:

Senate Bill 744—A Bill to amend and reenact §64-6-1 of the Code of West Virginia, 1931, as amended, relating to directing the State Fire Commission to promulgate a legislative rule related to code official certification standards with certain amendments.

Referred to the Committee on the Judiciary.

By Senators Tarr, Blair, Smith, and Swope:

Senate Bill 745—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to the creation of an exemption to the State Sales and Use Tax for the rental of equipment among corporations with a minimum of 50 percent common ownership.

Referred to the Committee on Finance.

By Senator Maroney:

Senate Bill 746—A Bill to amend and reenact §16-4E-6 of the Code of West Virginia, 1931, as amended, relating to providing contracted managed care companies with the Bureau for Medical Services may be provided data from the uniform maternal screening tool regarding their own covered lives.

Referred to the Committee on Health and Human Resources.

Senator Tarr offered the following resolution:

Senate Resolution 35—Congratulating Gary Young, West Virginia's Outstanding Tree Farmer for 2020.

Whereas, Gary Young, of West Columbia, West Virginia, owns and manages an 898-acre tree farm in Putnam County, West Virginia; and

Whereas, Gary Young was selected as West Virginia's Outstanding Tree Farmer for 2020 by the West Virginia Tree Farm Committee and its state sponsor, the West Virginia Forestry Association; and

Whereas, This outstanding tree farmer made a formal commitment to sound forest management practices by enrolling in the West Virginia Tree Farm Program; and

Whereas, Gary Young is committed to the long-term productivity of his property by implementing a forest management program that promotes good growth, improves the overall quality of the property, and generates income from the possible sale of forest products; and

Whereas, Gary Young manages stands for wildlife habitat, clean water, and controlling invasive species, and shares his conservation ethic with other landowners; and

Whereas, A primary objective of the West Virginia Tree Farm Program is to successfully enhance wildlife and recreation; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates Gary Young, West Virginia's Outstanding Tree Farmer for 2020; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Gary Young.

Which, under the rules, lies over one day.

Senators Sypolt, Smith, and Hamilton offered the following resolution:

Senate Resolution 36—Recognizing the 75th birthday of Smokey Bear.

Whereas, Shortly after the start of World War II, Japanese submarines surfaced near the California coast and fired shells that exploded on an oil field close to the Los Padres National Forest; and

Whereas, Americans feared that more Japanese attacks would cause substantial loss of life and property; and

Whereas, With many American men, including experienced firefighters, deployed to fight in World War II, communities were forced to look for alternative resources to minimize forest fire occurrence and encourage rapid suppression; and

Whereas, To reduce the number of preventable forest fires, the affected communities began urging all Americans to be more conscientious of his or her role in forest fire prevention; and

Whereas, The United States Forest Service then organized the Cooperative Forest Fire Prevention Program with the assistance of the War Advertising Council and the Association of State Foresters to rally Americans and convince them that being more careful with fire would help America win the war; and

Whereas, The Cooperative Forest Fire Prevention Program included memorable slogans such as, "Forest Fires Aid the Enemy" and "Our Carelessness, Their Secret Weapon" that were promoted throughout the country; and

Whereas, The Smokey Bear Wildfire Prevention Campaign is the longest-running public service advertising campaign in United States history; and

Whereas, Since the program's creation in 1944, it has been instrumental in educating generations of Americans on the importance of exercising good judgement to prevent or stop the spread of forest fires; and

Whereas, The Smokey Bear Prevention Program remains a crucial part of the West Virginia Division of Forestry's fire prevention curriculum today; and

Whereas, Through the Division of Forestry's coordinated efforts with local schools and community leaders, Smokey Bear sightings are still responsible for educating adults and exciting children throughout West Virginia today; and

Whereas, On August 9, 2019, Smokey Bear celebrated his 75th birthday by reminding Americans that, "Only You Can Prevent Wildfires" at numerous celebrations throughout the United States; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the 75th birthday of Smokey Bear; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Smokey Bear and the West Virginia Division of Forestry.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 27, Requesting study on ways to make State Capitol building more handicap accessible.

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

Senate Concurrent Resolution 28, Curtis "Pap" and Millie "Mammie" Asbury 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 29, Requesting DEA and USDA promulgate rule allowing state to take custody of certain cannabis plants for testing on lowering THC levels in processed hemp.

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

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

The question being on the adoption of the resolution, the same was put and prevailed.

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Com. Sub. for Senate Bill 96, Prohibiting municipalities from limiting persons' rights to possess certain weapons.

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 Committee Substitute for Senate Bill 96 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Blair, Boley, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Mann, Maroney, Maynard, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—30.

The nays were: Lindsay and Palumbo—2.

Absent: Beach and Facemire—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 96) 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 195, Updating powers of personal representatives of deceased person’s estate.

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, Blair, Boley, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Facemire—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 195) 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 266, Clarifying and updating language regarding Fairmont State alumni license plates.

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, Blair, Boley, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Facemire—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 266) 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 275, Creating Intermediate Court of Appeals.

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

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Committee Substitute for Senate Bill 275 pass?”

Senators Palumbo, Ihlenfeld, Romano, Woelfel, Lindsay, Weld, and Trump, respectively, requested rulings from the Chair as to whether they should be excused from voting under Rule 43 of the Rules of the Senate.

The Chair replied that any impact on Senators Palumbo, Ihlenfeld, Romano, Woelfel, Lindsay, Weld, and Trump, respectively, would be as members of a class of persons and that they would be required to vote.

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Cline, Mann, Maroney, Maynard, Pitsenbarger, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, and Carmichael (Mr. President)—18.

The nays were: Baldwin, Clements, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—14.

Absent: Beach and Facemire—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 275) 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 573, Supplementing, amending, and increasing appropriations of public moneys for claims against state.

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, Blair, Boley, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Facemire—2.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 573) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Beach and Facemire—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 573) 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 576, Relating to management of public records.

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, Blair, Boley, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Facemire—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 576) 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 600, Creating special revenue account designated Military Authority Fund.

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, Blair, Boley, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Facemire—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 600) 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 665, Requiring persons convicted of certain crimes on or after March 8, 1995, provide DNA samples.

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, Blair, Boley, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Facemire—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 665) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Beach and Facemire—2.

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. 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. Com. Sub. for Senate Bill 670, Amending service of process on nonresident persons or corporate entities.

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, Blair, Boley, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Facemire—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 670) 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 676, Permitting fees from Child Abuse Registry be used for information technology support costs.

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, Blair, Boley, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Facemire—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 676) 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 678, Waiving fines and fees for completing Getting Over Addicted Lifestyles Successfully 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 678 pass?”

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

The nays were: None.

Absent: Beach and Facemire—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 678) 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 2086, Uniform Real Property Electronic Recording 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, Blair, Boley, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Facemire—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2086) 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 4007, Born-Alive Abortion Survivors Protection Act.

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 House Bill 4007 pass?”

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

The nays were: None.

Absent: Beach and Facemire—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4007) passed.

The following amendment to the title of the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

Eng. House Bill 4007—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2P-1, relating to creating the Born-Alive Abortion Survivors Protection Act generally; defining terms requiring medical practitioners to use the same degree of reasonable medical judgment to preserve the life of a fetus which is born alive as would be used in a live non-abortion birth of the same gestational age; making the failure to exercise such judgment a crime; establishing penalties; and making failure to exercise such judgment a violation of medical licensure standards.

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 4058, Relating to pharmacy benefit managers.

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, Blair, Boley, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Beach and Facemire—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 4058) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 97, Allowing senior judge to continue receiving per diem compensation beyond annual salary of sitting judge due to delay by Governor in filling vacancy.

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 131, Creating Tim Tebow Act.

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

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

On page five, section twenty-five-c, after line eight-six, by inserting the following:

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-2. Definitions.

For the purpose of this article:

(a) "State board" means the West Virginia Board of Education.

(b) "County board" or "board" means a county board of education.

(c) "Professional salaries" means the state legally mandated salaries of the professional educators as provided in §18A-4-1 *et seq.* of this code.

(d) "Professional educator" shall be synonymous with and shall have the same meaning as "teacher" as defined in §18-1-1 of this code, and includes technology integration specialists.

(e) "Professional instructional personnel" means a professional educator whose regular duty is as that of a classroom teacher, librarian, attendance director, or school psychologist. A professional educator having both instructional and administrative or other duties shall be included as professional instructional personnel for that ratio of the school day for which he or she is assigned and serves on a regular full-time basis in appropriate instruction, library, attendance, or psychologist duties.

(f) "Professional student support personnel" means a "teacher" as defined in §18-1-1 of this code who is assigned and serves on a regular full-time basis as a counselor or as a school nurse with a bachelor's degree and who is licensed by the West Virginia Board of Examiners for Registered Professional Nurses. Professional student support personnel shall also include professional personnel providing direct social and emotional support services to students, as well as professional personnel addressing chronic absenteeism. For all purposes except for the determination of the allowance for professional educators pursuant to §18-9A-4 of this code, professional student support personnel are professional educators.

(g) "Service personnel salaries" means the state legally mandated salaries for service personnel as provided in §18A-4-8a of this code.

(h) "Service personnel" means all personnel as provided in §18A-4-8 of this code. For the purpose of computations under this article of ratios of service personnel to net enrollment, a service employee shall be counted as that number found by dividing his or her number of employment days in a fiscal year by 200: *Provided*, That the computation for any service person employed for three and one-half hours or fewer per day as provided in §18A-4-8a of this code shall be calculated as one-half an employment day.

(i) "Net enrollment" means the number of pupils enrolled in special education programs, kindergarten programs, and grades one to 12, inclusive, of the public schools of the county. Net enrollment further shall include:

(1) Adults enrolled in vocational programs: *Provided*, That net enrollment includes no more than 2,500 of those adults counted on the basis of full-time equivalency and apportioned annually to each county to support Advanced Career Education programs, as provided in §18-2E-11 of this code, in proportion to the adults participating in vocational programs counted on the basis of full-time equivalency: *Provided further*, That beginning with the 2021 fiscal year and every year thereafter, a career technical education center may only receive the funding for enrollment as authorized by this paragraph if the center has satisfied the requirements of §18-2E-11 of this code;

(2) Students enrolled in early childhood education programs as provided in §18-5-44 of this code, counted on the basis of full-time equivalency;

(3) A pupil may not be counted more than once by reason of transfer within the county or from another county within the state, and a pupil may not be counted who attends school in this state from another state;

(4) The enrollment shall be modified to the equivalent of the instructional term and in accordance with the eligibility requirements and rules established by the state board; and

(5) For the purposes of determining the county's basic foundation program only, for any county whose net enrollment as determined under all other provisions of this definition is less than 1,400,

the net enrollment of the county shall be increased by an amount to be determined in accordance with the following:

(A) Divide the state's lowest county student population density by the county's actual student population density;

(B) Multiply the amount derived from the calculation in §18-9A-2(i)(5)(A) of this code by the difference between 1,400 and the county's actual net enrollment;

(C) Add the amount derived from the calculation in paragraph (B) of this subdivision to the county's actual net enrollment and increase that total amount by 10 percent; and

(D) If the net enrollment as determined under this subdivision is greater than 1,400, the calculated net enrollment shall be reduced to 1,400; and

(E) During the 2008-2009 interim period and every three interim periods thereafter, the Legislative Oversight Commission on Education Accountability shall review this subdivision to determine whether these provisions properly address the needs of counties with low enrollment and a sparse population density.

(6) For the purposes of determining the county's basic foundation program only, the county's net enrollment shall be increased by the equivalent of 0.25 full-time equivalent students for each non-public school student that is permitted to participate in public school extracurricular activities under the provisions of §18-2-25c of this code during the most recently completed school-year.

(j) "Sparse-density county" means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition of "net enrollment", to the square miles of the county is less than five.

(k) "Low-density county" means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition of "net enrollment", to the square miles of the county is equal to or greater than five but less than 10.

(l) "Medium-density county" means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition of "net enrollment", to the square miles of the county is equal to or greater than 10 but less than 20.

(m) "High-density county" means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to §18-9A-2(i)(5) of this code, of the definition of "net enrollment", to the square miles of the county is equal to or greater than 20.

(n) "Levies for general current expense purposes" means 85 percent of the levy rate for county boards of education calculated or set by the Legislature pursuant to §11-8-6f of this code.

(o) "Technology integration specialist" means a professional educator who has expertise in the technology field and is assigned as a resource teacher to provide information and guidance to classroom teachers on the integration of technology into the curriculum.

(p) "State aid eligible personnel" means all professional educators and service personnel employed by a county board in positions that are eligible to be funded under this article and whose salaries are not funded by a specific funding source such as a federal or state grant, donation, contribution, or other specific funding source not listed.

(q) The amendments to this section during the 2019 First Extraordinary Session of the Legislature shall be effective for the 2019-2020 funding year, and the provisions of this section existing immediately prior to the 2019 First Extraordinary Session of the Legislature remain in effect for funding years prior to the 2019-2020 funding year.

Following discussion,

The question being on the adoption of Senator Baldwin's amendment to the bill (Com. Sub. for S. B. 131), the same was put.

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

A standing vote being taken, there were 13 "yeas" and 19 "nays".

Whereupon, Senator Carmichael (Mr. President) declared Senator Baldwin's amendment to the bill rejected.

On motion of Senator Baldwin, the following amendments to the bill (Com. Sub. for S. B. 131) were next reported by the Clerk and considered simultaneously:

On page two, section twenty-five-c, line eighteen, by striking out the words "A Tebow student may" and inserting in lieu thereof the words "A county board of education may permit a Tebow student to";

On page three, section twenty-five-c, line fifty-four, by striking out the word "and";

On page four, section twenty-five-c, line fifty-six, after the word "participates" by changing the period to a semicolon and inserting the word "and";

And,

On page four, section twenty-five-c, after line fifty-six, by inserting a new subdivision, designated subdivision (7), to read as follows:

(7) The county board of education approves the Tebow student's participation in extracurricular activities sponsored by, or engaged in by, a member school.

Following discussion,

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

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

The question being on the adoption of Senator Baldwin's amendments to the bill, the same was put and did not prevail.

On motion of Senator Baldwin, the following amendment to the bill (Com. Sub. for S. B. 131) was next reported by the Clerk:

On page three, section twenty-five-c, line forty-one, by striking out the word "one" and inserting in lieu thereof the words "at least two".

Following discussion,

The question being on the adoption of Senator Baldwin's amendment to the bill, the same was put and did not prevail.

The bill (Com. Sub. for S. B. 131) was then ordered to engrossment and third reading.

Senate Bill 202, Allowing one member of PSD board to be county commissioner.

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 208, Protecting consumers from unfair pricing practices during state of emergency.

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 517, Creating State Parks and Recreation Endowment Fund.

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 575, Designating local fire department as safe-surrender site to accept physical custody of certain children from lawful custodian.

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 607, Reporting motor vehicle crashes to owners.

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

Senate Bill 618, Conforming WV law to federal distance requirements for locations of salvage yards.

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

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

On page three, section four, line fifty-seven, after the word “occurred.” by inserting the following: The amendments to this section do not apply to any salvage yard holding a license on the effective date of the amendment and reenactment of this section by the Legislature in 2020.

The bill (S. B. 618), as amended, was then ordered to engrossment and third reading.

Senate Bill 654, Allowing certain sheriffs transfer from PERS to Deputy Sheriff Retirement System.

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 657, Allowing designation of tourism development districts.

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:

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

ARTICLE 1. DEPARTMENT OF COMMERCE.

§5B-1-9. Authority to assist qualifying tourism development projects and tourism development expansion projects; legislative findings.

(a) The Department of Commerce may assist qualifying tourism development projects and tourism development expansion projects by approved companies pursuant to §5B-2E-1 et seq. of this code which are located in, or partially in, municipalities with a population of 2,000 or less, effective as of the effective date of the most recent census, as specified in §8-1-4 of this code relating to the creation of tourism development districts.

(b) The Legislature finds and declares that the general welfare and material well-being of the citizens of the state depend, in large measure, upon the development and expansion of tourism in the state, and that, beyond the creation and expansion of tourism development projects and tourism development expansion projects, it is in the best interest of the state to induce and assist in tourism development in small municipalities through the creation of tourism development districts, in order to advance the public purposes of relieving unemployment by preserving and creating jobs, and preserving and creating new and greater sources of revenues for the support of public services provided by the state and local government; and that tourism development districts are of paramount importance to the state and its economy and for the state's contribution to the national economy.

It is the intent of the Legislature to occupy the whole field of the creation and regulation of tourism development districts. The stated purpose of this section is to promote uniform and consistent application of the act within the state.

(c) This section prohibits:

(1) Certain municipalities, whether by ordinance, resolution, administrative act or otherwise, from enacting, adopting, implementing, or enforcing ordinances, regulations, or rules which limit, in any way, the creation of, and acquisition, construction, equipping, development, expansion,

and operation of any tourism development project or tourism development expansion project in a tourism development district; and

(2) Certain municipalities from imposing or enforcing local laws and ordinances concerning the creation or regulation of any tourism development district and any tourism development project or tourism development expansion project therein.

(d) Any developer or owner of a tourism development project or tourism development expansion project which has been determined by the West Virginia Development Office, pursuant to §5B-2E-1 et seq. of this code, to be an approved company and which has entered into an agreement with the development office pursuant to §5B-2E-6 of this code to provide the approved company with a credit against the West Virginia consumers sales and service tax imposed by §11-15-1 et seq. of this code may apply to the development office for designation of a tourism development district encompassing the area where the tourism development project or the tourism development expansion project is to be acquired, constructed, equipped, developed, expanded, and operated: *Provided*, That notwithstanding any provision of §11-15-1 et seq. of this code to the contrary, only tourism development projects and tourism development expansion projects with aggregate projected costs of construction, reconstruction, restoration, rehabilitation, or upgrading of not less than \$25 million shall be eligible for designation as a tourism development district.

(e) Applicants for the creation of a tourism development district shall demonstrate that the district, when designated, will create significant economic development activity:

(1) Applicants shall submit a development plan that provides specific details on proposed financial investment, direct and indirect jobs to be created, and the viability of the proposed tourism development district; and

(2) The applicant shall own or control all real property within the proposed tourism development district and shall provide evidence of such ownership or control in the application to the development office.

(f) The proposed district shall be entirely or partially within the corporate limits of a municipality which has a population of 2,000 or less as of the effective date of the most recent census, as specified in §8-1-4 of this code.

(g) All costs for the application shall be borne by the applicant.

(h) The application submitted by the applicant to the development office pursuant to §5B-2E-1 et seq. of this code may be considered by the development office to be sufficient to meet some or all of the requirements of this section.

(i) The decision of the development office to designate a tourism development district shall be final.

(j) The total number of approved tourism development districts may not exceed five. When the total number of designated tourism development districts equals five, no further designations may be approved by the development office.

(k) Each tourism development district shall terminate by operation of law 99 years from the date approved by the development office, unless a shorter time period for termination is agreed

to by the applicant and the development office. The development office may terminate a tourism development district if the development office determines that the tourism development project or tourism development expansion project has been abandoned or ceased operations for five consecutive years.

(l) In accordance with subsection (b) of this section, and notwithstanding any provision of this code to the contrary, or any municipality's home rule powers with respect to ordinances and ordinance procedures, designated tourism development districts, and the tourism development projects and/or tourism development expansion projects therein, may not be subject to the following:

(1) Municipal zoning, historic preservation, horticultural, noise, viewshed, lighting, development, or land use ordinances, restrictions, limitations, or approvals;

(2) Municipal regulation of the sale of alcoholic liquor, nonintoxicating beer, or wine for consumption within the tourism development district;

(3) Municipal building permitting, inspection, or code enforcement;

(4) Municipal license requirements;

(5) The legal jurisdiction of the municipality in which the tourism development district is entirely or partially located, except as specifically provided in this article;

(6) The implementation of any tax, fee, or charge by the municipality, except as specifically provided in this section; or

(7) Any requirement under state law for the consent or approval of the municipality in which the tourism development district is entirely or partially located of any state or county action pursuant to this code, specifically including, but not limited to, §7-11B-1 *et seq.* of this code, for formal consent of the governing body of a municipality for county or state action regarding the establishment of tax increment financing development or redevelopment districts or the approval of tax increment financing development or redevelopment plans.

(m) Notwithstanding the creation of the tourism development district, the owner, operator, or manager, as applicable, and all concessions and licensees thereof, of the tourism development project or tourism development expansion project located therein shall:

(1) Pay business and occupation tax, if applicable, pursuant to §8-13-5 of this code, to the municipality in the same manner as any other business or commercial venture located within the municipality;

(2) Collect and remit municipal sales and service tax and municipal use tax, if applicable, pursuant to §8-1-5a of this code, to the municipality in the same manner as any other business or commercial venture located within the municipality;

(3) Pay ad valorem real and personal property tax pursuant to the same millage rates as any other business or commercial venture located within the municipality;

(4) Collect and remit hotel occupancy tax, if applicable, to the municipality or county in accordance with §7-18-1 of this code;

(5) Pay all municipal service fees enacted pursuant to §8-13-13 of this code, including, but not limited to, fire, police, sanitation, or city service fees;

(6) Pay all municipal utility rates, fees, and charges for utilities used or consumed during construction and operation of premises within the tourism development district, including, but not limited to, water, sewer, storm water, and garbage and recycling collection: *Provided*, That (i) the rates, fees, and charges for such services shall be based on the cost of providing such service and the municipality shall enter into a contract for each such service with the developer and any contracts for water service or sewer service with the municipality shall be subject to review and approval by the Public Service Commission of West Virginia; and (ii) the developer shall only be required to pay any capacity improvement fee or impact fee to the extent that capital additions, betterments, and improvements must be designed, acquired, constructed, and equipped by the municipality to provide such service to the project and any such capacity improvement fee or impact fee for water or sewer service shall be subject to review and approval by the Public Service Commission of West Virginia;

(7) Comply with state laws, regulations, and licensure requirements concerning state control of alcoholic liquors pursuant to chapter 60 of this code;

(8) Be entitled to municipal police protection and municipal fire protection, if available, in the same manner as any other business or commercial venture located within the municipality;

(9) Be designed, acquired, constructed, and equipped pursuant to the state building code in accordance with §8-12-13 of this code and corresponding state rule 87 CSR 4; and

(10) Provide for inspection of the design, acquisition, construction, and equipping, and any subsequent expansion of the tourism development project or the tourism development expansion project pursuant to standards approved by the West Virginia Development Office.

(n) The West Virginia Department of Transportation may take actions necessary in support of the development of any tourism development project or tourism development expansion project in a tourism development district specifically, including, but not limited to, the development or improvement of such highways, roads, thoroughfares, and sidewalks within the municipality in which the tourism development district is partially or entirely located.

(o) Failure of the Legislature to renew the Tourism Development Act, §5B-2E-1 *et seq.* of this code may not in any way, modify or alter the designation and vested rights of any tourism development district created prior to the failure of the Legislature to renew the Tourism Development Act and any such tourism development district shall continue to exist beyond the termination of the Tourism Development Act.

(p) The development office shall propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code to implement this section, and the rules shall include, but not be limited to:

(1) The application and time line process;

(2) A non-binding review of the existing planning and zoning ordinances of any municipality in which the tourism development district is located;

(3) Notice provisions;

(4) The method and time line for receiving statements of support or opposition from any municipality within or partially within the tourism development district;

(5) Additional application consideration criteria; and

(6) Application fees sufficient to cover the costs of consideration of an application.

(q) The development office shall promulgate emergency rules pursuant to §29A-3-15 of this code by July 1, 2020, to facilitate the initial implementation of this section.

(r) Pursuant to §2-2-10 of this code, if any provision of this section or the application thereof to any person or circumstance is held unconstitutional or invalid, the unconstitutionality or invalidity shall not affect other provisions or applications of this section, and to this end the provisions of this section are declared to be severable.

Following discussion,

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

The bill (Com. Sub. for S. B. 657), as amended, was then ordered to engrossment and third reading.

Eng. House Bill 2922, Relating to requirements to obtain a final order of discharge and dismissal for possession of opiates or opioids.

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

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

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

ARTICLE 4. OFFENSES AND PENALTIES.

§60A-4-407a. Authorizing additional requirements to obtain a final order of discharge and dismissal for persons charged with possession of controlled substances.

(a) Notwithstanding any provision of this code to the contrary, when a person pleads guilty or is found guilty of a violation of §60A-4-401(c) of this code, or a municipal ordinance containing the same elements where the controlled substance possessed is listed in §60A-2-204 of this code, other than marijuana, or is a controlled substance listed in §60A-2-206, §60A-2-208, or §60A-2-210 of this code, the court may, as an additional condition for the entry of a final order of discharge or dismissal under §60A-4-407 of this code or a municipal ordinance containing the same or substantially the same provision, require the defendant to be:

(1) Evaluated for admission into a drug court program; or

(2) Participate in a drug treatment program.

(b) If a defendant is determined to be an appropriate candidate for admission to drug court or a drug treatment program, the court may make successful completion of a drug court or a drug treatment program a requirement for obtaining a final order of discharge and dismissal.

The bill (Eng. H. B. 2922), as amended, was then ordered to third reading.

Eng. House Bill 3039, Relating to a court's consideration of the expression of a preference by a child in certain child custody matters.

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

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk and adopted:

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

CHAPTER 44. ADMINISTRATION OF ESTATES AND TRUSTS.

ARTICLE 10. GUARDIANS AND WARDS GENERALLY.

§44-10-4. Right of minor to nominate guardian.

(a) If the minor is above the age of fourteen years, he or she may in the presence of the circuit or family court, or in writing acknowledged before any officer authorized to take the acknowledgment of a deed, nominate his or her own guardian, who, if approved by the court, shall be appointed accordingly.

(b) If the minor is below the age of fourteen years and, if the court determines it is in the best interests of the minor, the court may consider the firm and reasonable preferences of a minor who, in the discretion of the court, is sufficiently matured that he or she can intelligently express a preference. He or she may in the presence of the circuit or family court, or in writing acknowledged before any officer authorized to take the acknowledgment of a deed, nominate his or her own guardian, who, if approved by the court, after giving that preference the weight warranted by the circumstances, shall be appointed accordingly.

~~(b)~~ (c) If the guardian nominated by the minor is not appointed by the court, or if the minor resides outside the state, or if, after being summoned, the minor neglects to nominate a suitable person, the court may appoint the guardian in the same manner as if the minor were under the age of fourteen years.

CHAPTER 48. DOMESTIC RELATIONS.

ARTICLE 9. ALLOCATION OF CUSTODIAL RESPONSIBILITY AND DECISION-MAKING RESPONSIBILITY OF CHILDREN.

§48-9-206. Allocation of custodial responsibility.

(a) Unless otherwise resolved by agreement of the parents under §48-9-201 of this code or unless harmful to the child, the court shall allocate custodial responsibility so that, except to the extent required under §48-9-209 of this code, the custodial time the child spends with each parent may be expected to achieve any of the following objectives:

(1) To permit the child to have a meaningful relationship with each parent who has performed a reasonable share of parenting functions;

(2) To accommodate, if the court determines it is in the best interests of the child, the firm and reasonable preferences of a child who is 14 years of age or older; and ~~with regard to accommodate, if the court determines it is in the best interests of the child, the firm and reasonable preferences of a child~~ under 14 years of age, but sufficiently matured that he or she can intelligently express a voluntary preference for one parent, ~~to give that preference the weight warranted by the circumstances;~~

(3) To keep siblings together when the court finds that doing so is necessary to their welfare;

(4) To protect the child's welfare when, under an otherwise appropriate allocation, the child would be harmed because of a gross disparity in the quality of the emotional attachments between each parent and the child, or in each parent's demonstrated ability or availability to meet a child's needs;

(5) To take into account any prior agreement of the parents that, under the circumstances as a whole, including the reasonable expectations of the parents in the interest of the child, would be appropriate to consider;

(6) To avoid an allocation of custodial responsibility that would be extremely impractical or that would interfere substantially with the child's need for stability in light of economic, physical, or other circumstances, including the distance between the parents' residences, the cost and difficulty of transporting the child, the parents' and child's daily schedules, and the ability of the parents to cooperate in the arrangement;

(7) To apply the principles set forth in §48-9-403(d) of this code if one parent relocates or proposes to relocate at a distance that will impair the ability of a parent to exercise the amount of custodial responsibility that would otherwise be ordered under this section;

(8) To consider the stage of a child's development; and

(9) To consider which parent will encourage and accept a positive relationship between the child and the other parent, including which parent is more likely to keep the other parent involved in the child's life and activities.

(b) The court may consider the allocation of custodial responsibility arising from temporary agreements made by the parties after separation if the court finds, by a preponderance of the evidence, that such agreements were consensual. The court shall afford those temporary consensual agreements the weight the court believes the agreements are entitled to receive, based upon the evidence. The court may not consider the temporary allocation of custodial responsibility imposed by a court order on the parties.

(c) If the court is unable to allocate custodial responsibility under §48-9-206(a) of this code because the allocation under §48-9-206(a) of this code would be harmful to the child, or because there is no history of past performance of caretaking functions, as in the case of a newborn, or because the history does not establish a pattern of caretaking sufficiently dispositive of the issues of the case, the court shall allocate custodial responsibility based on the child's best interest, taking into account the factors in considerations that are set forth in this section and in §48-9-209

and §48-9-403(d) of this code and preserving to the extent possible this section's priority on the share of past caretaking functions each parent performed.

(d) In determining how to schedule the custodial time allocated to each parent, the court shall take account of the economic, physical, and other practical circumstances such as those listed in §48-9-206(a)(6) of this code.

§48-9-402. Modification without showing of changed circumstances.

(a) The court shall modify a parenting plan in accordance with a parenting agreement, unless it finds that the agreement is not knowing and voluntary or that it would be harmful to the child.

(b) The court may modify any provisions of the parenting plan without the showing of change circumstances required by §48-9-401(a) if the modification is in the child's best interests, and the modification:

(1) Reflects the de facto arrangements under which the child has been receiving care from the petitioner, without objection, in substantial deviation from the parenting plan, for the preceding six months before the petition for modification is filed, provided the arrangement is not the result of a parent's acquiescence resulting from the other parent's domestic abuse;

(2) Constitutes a minor modification in the plan; or

(3) Is necessary to accommodate the reasonable and firm preferences of a child who, has attained the age of fourteen; or

(4) Is necessary to accommodate the reasonable and firm preferences of a child who, is under the age of fourteen and, in the discretion of the court, is sufficiently matured that he or she can intelligently express a voluntary preference.

(c) Evidence of repeated filings of fraudulent reports of domestic violence or child abuse is admissible in a domestic relations action between the involved parties when the allocation of custodial responsibilities is in issue, and the fraudulent accusations may be a factor considered by the court in making the allocation of custodial responsibilities.

The bill (Eng. H. B. 3039), as amended, was then ordered to third reading.

Eng. House Bill 4030, Increasing limit for application for original appointment as a firefighter to 40 years of age for honorably discharged veterans.

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

The following amendment to the bill, from the Committee on Military, was reported by the Clerk and adopted:

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

ARTICLE 15. FIRE FIGHTING; FIRE COMPANIES AND DEPARTMENTS; CIVIL SERVICE FOR PAID FIRE DEPARTMENTS.

§8-15-17. Form of application; age and residency requirements; exceptions.

(a) The Firemen's Civil Service Commission in each municipality shall require individuals applying for admission to any competitive examination provided for under the civil service provisions of this article or under the rules of the commission to file in its office, within a reasonable time prior to the proposed examination, a formal application in which the applicant shall state under oath or affirmation:

(1) His or her full name, residence, and post office address;

(2) His or her United States citizenship, age, and the place and date of his or her birth;

(3) His or her state of health, and his or her physical capacity for the public service;

(4) His or her business and employments and residences for at least three previous years; and

(5) Any other information reasonably required, touching upon the applicant's qualifications and fitness for the public service.

(b) Blank forms for the applications shall be furnished by the commission, without charge, to all individuals requesting the same.

(c) The commission may require, in connection with the application, certificates of citizens, physicians, and others, having pertinent knowledge concerning the applicant, as the good of the service requires.

(d) Except as provided in subsections ~~(e) and (f)~~ (e), (f), and (g) of this section, the commission may not accept an application for original appointment if the individual applying is less than 18 years of age or more than 35 years of age at the date of his or her application.

(e) If any applicant is an honorably discharged veteran of any branch of the United States armed forces, armed services reserve, or National Guard, then the individual may apply for an original appointment if the applicant is not more than 40 years of age.

~~(e)~~ (f) If any applicant formerly served upon the paid fire department of the municipality to which he or she makes application for a period of more than one year, and resigned from the department at a time when there were no charges of misconduct or other misfeasance pending against the applicant within a period of two years next preceding the date of his or her application, and at the time of his or her application resides within the corporate limits of the municipality in which the paid fire department to which he or she seeks appointment by reinstatement is located, then the individual is eligible for appointment by reinstatement in the discretion of the Firemen's Civil Service Commission, even though the applicant is over the age of 35 years, and the applicant, providing his or her former term of service so justifies, may be appointed by reinstatement to the paid fire department without a competitive examination. The applicant shall undergo a medical examination; and if the individual is so appointed by reinstatement to the paid fire department, he or she shall be the lowest in rank in the department next above the probationers of the department and may not be entitled to seniority considerations.

~~(f)~~ (g) If an individual is presently employed by one paid fire department and is over the age of 35, he or she may make an application to another paid fire department if:

(1) The paid fire department to which he or she is applying is serving a municipality that has elected to participate in the West Virginia Municipal Police Officers and Firefighters Retirement System created in §8-22A-1 *et seq.* of this code: *Provided*, That any individual applying pursuant to this subdivision is to be classified as a new employee for retirement purposes and prior employment service may not be transferred to the West Virginia Municipal Police Officers and Firefighters Retirement System; or

(2) The paid fire department to which he or she is applying is serving a municipality that has elected to participate in the West Virginia Public Employees Retirement System created in §5-10-1 *et seq.* of this code: *Provided*, That any individual applying pursuant to this subdivision is to be classified as a new employee for retirement purposes and prior employment service may not be transferred to the West Virginia Public Employees Retirement System, except for individuals and their prior employment service already credited to them in the West Virginia Public Employees Retirement System pursuant to §5-10-1 *et seq.* of this code.

~~(g)~~ (h) Individuals who are authorized to apply to a paid fire department pursuant to subsection (f) of this section shall be in the lowest rank of the department and are not entitled to seniority considerations.

~~(h)~~ (i) Notwithstanding charter provisions to the contrary, any applicant for original appointment need not be a resident of the municipality or the county in which he or she seeks to become a member of the paid fire department.

The bill (Eng. H. B. 4030), as amended, was then ordered to third reading.

Eng. Com. Sub. for House Bill 4275, Authorizing Department of Military Affairs and Public Safety promulgate legislative rules relating to the Fire Commission.

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

The following amendment to the bill, from the Committee on the Judiciary, was reported by the Clerk:

On page one, section one, line eight, after the word “authorized” by striking out the period and adding the following: with the following amendments:

On page 4, section 4, subsection 4.1.k., by striking out the comma and inserting in lieu thereof a period;

On page 4, section 4, subsection 4.1.k., by striking out the words “with the following exceptions:”;

And,

On page 4, section 4, by striking out subdivision 4.1.k.1. in its entirety.

Following discussion,

The question being on the adoption of the Judiciary committee amendment to the bill, and on this question, Senator Stollings demanded the yeas and nays.

The roll being taken, the yeas were: Baldwin, Boley, Clements, Cline, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Smith, Stollings, Swope, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—25.

The nays were: Azinger, Blair, Maynard, Roberts, Rucker, Sypolt, and Tarr—7.

Absent: Beach and Facemire—2.

So, a majority of those present and voting having voted in the affirmative, the President declared the Judiciary committee amendment to the bill adopted.

The bill (Eng. Com. Sub. for H. B. 4275), as amended, was then ordered to third reading.

The Senate proceeded to the tenth order of business.

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

Com. Sub. for Senate Bill 163, Relating to municipal or county taxation of hotel rooms booked through marketplace facilitator.

Senate Bill 180, Relating to Second Chance Driver's License Program.

Com. Sub. for Senate Bill 230, Requiring State Board of Education provide routine education in suicide prevention.

Com. Sub. for Com. Sub. for Senate Bill 490, Relating to criminal offenses against agricultural facilities.

Senate Bill 545, Authorizing transfer of moneys from Insurance Commission Fund to Workers' Compensation Old Fund.

Com. Sub. for Senate Bill 571, Expiring funds from State Excess Lottery Revenue Fund to various accounts.

Com. Sub. for Senate Bill 583, Creating program to further development of renewable energy resources.

Senate Bill 641, Allowing WVCHIP flexibility in rate setting.

Senate Bill 647, Permitting physician assistants and advanced practice registered nurses issue do-not-resuscitate orders.

Com. Sub. for Senate Bill 662, Removing restrictions on fiduciary commissioners.

Senate Bill 664, Adding physician's assistant to list of medical professionals capable of determining if individual lacks capacity.

Com. Sub. for Senate Bill 674, Permitting DOH purchase hardware items and equipment from local seller.

Eng. Com. Sub. for House Bill 2602, Including possession of known stolen property in the offense of receiving or transferring stolen property.

Eng. Com. Sub. for House Bill 2924, Permitting the West Virginia Tourism Office to decide to contract with the Division of Highways to sell advertising space on the WV511 website.

Eng. Com. Sub. for House Bill 4129, Relating to adoption.

Eng. House Bill 4141, Requiring the Department of Administration to publish its comprehensive annual financial report by the end of December.

And,

Eng. House Bill 4179, Recognition of Emergency Medical Services Personnel Licensure Interstate Compact.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Stollings.

At the request of Senator Stollings, unanimous consent being granted, the Senate stood in observance of a moment of silence in recognition of the passing of Raamie Barker, former Senate employee and current mayor of Chapmanville, West Virginia.

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

Remarks were made by Senator Maynard.

The Senate proceeded to the thirteenth order of business.

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

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

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

Senate Bill 22 (*Requiring county boards of education to provide free feminine hygiene products in grades six through 12*): Senator Facemire;

Senate Bill 30 (*Extending expiration of driver's licenses for active military members' spouses*): Senator Facemire;

Senate Bill 31 (*Providing 11-month window for PERS members to purchase certain credited service*): Senator Facemire;

Senate Bill 34 (*Relating generally to emergency vehicles*): Senator Facemire;

Senate Bill 37 (*Providing long-term care and substance abuse treatment*): Senator Facemire;

Senate Bill 39 (*Requiring patients be provided estimate of health care provider's standard charges*): Senator Facemire;

Senate Bill 45 (*Requiring teaching of agricultural science education course*): Senator Facemire;

Senate Bill 52 (*Supplementary appropriation of public moneys to DHHR, Center for End of Life*): Senator Facemire;

Senate Bill 53 (*Supplementary appropriation of public moneys to DHHR, CARDIAC Project*): Senator Facemire;

Senate Bill 54 (*Relating generally to occupational pneumoconiosis*): Senator Facemire;

Senate Bill 55 (*Ensuring insurance coverage for residents with preexisting conditions*): Senator Facemire;

Senate Bill 56 (*Prohibiting insurance coverage from requiring prior authorization for tests to stage cancer*): Senator Facemire;

Senate Bill 57 (*Including correctional officers as law-enforcement within WV Fire, EMS, and Law-Enforcement Survivor Benefit Act*): Senator Facemire;

Senate Bill 61 (*Relating to safety of tow trucks, wreckers, and tilt-bed vehicles*): Senator Facemire;

Senate Bill 62 (*Creating Katherine Johnson Fair Pay Act of 2020*): Senator Facemire;

Senate Bill 63 (*Creating five-year tax credits for hemp manufacturing*): Senator Facemire;

Senate Bill 68 (*Designating DHHR social workers to promote school attendance and performance*): Senator Facemire;

Senate Bill 69 (*Relating generally to Consolidated Public Retirement Board*): Senator Facemire;

Senate Bill 70 (*Requiring any newly constructed building to meet minimum standards for universal design for disabled persons*): Senator Facemire;

Senate Bill 74 (*Requiring wholesale drug distributors to report certain information to WV Board of Pharmacy*): Senator Facemire;

Senate Bill 82 (*Creating Orphan Oil and Gas Well Prevention Act*): Senator Facemire;

Senate Bill 84 (*Allowing for expedited oil and gas well permitting and permit modifications upon payment of fee*): Senator Facemire;

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

Senate Bill 92 (*Exempting first \$150,000 of assessed value of primary residence for certain veterans*): Senator Facemire;

Senate Bill 93 (*Creating shared table initiative for senior citizens who suffer from food insecurity*): Senator Facemire;

Senate Bill 99 (*Allowing voters who register in person with county clerk to vote during early in-person voting*): Senator Facemire;

Senate Bill 101 (*Allowing workers' compensation for first responders diagnosed with PTSD due to event during employment*): Senator Facemire;

Senate Bill 106 (*Making daylight saving time official time year round in WV*): Senator Facemire;

Senate Bill 117 (*Providing \$1,000 cost-of-living adjustment to certain PERS and State Teachers Retirement System retirees*): Senator Facemire;

Senate Bill 120 (*Establishing priorities for expenditures for plugging abandoned gas or oil wells*): Senator Facemire;

Senate Bill 130 (*Relating to procedure for driver's license suspension and revocation for DUI*): Senator Facemire;

Senate Bill 137 (*Requiring Legislature provide funds to DHHR for local boards of health pay raises in certain circumstances*): Senator Facemire;

Senate Bill 139 (*Shifting funding from Landfill Closure Assistance Fund to local solid waste authorities*): Senator Facemire;

Senate Bill 148 (*Creating Road Maintenance Program*): Senator Facemire;

Senate Bill 149 (*Including emergency response vehicles in single fee EZ Pass transponder program*): Senator Facemire;

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

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

Senate Bill 172 (*Exempting certain veterans from carry concealed permit fees*): Senator Facemire;

Senate Bill 173 (*Creating WV Farm-to-School Grant Program*): Senator Facemire;

Senate Bill 174 (*Relating to federal funding for WVU and WVSU*): Senator Facemire;

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

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

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

Senate Bill 200 (*Including certain types of cancers for which rebuttable presumption of injury exists for firefighters*): Senator Facemire;

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

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

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

Senate Bill 244 (*Modifying Industrial Hemp Development Act*): Senator Facemire;

Senate Bill 245 (*Relating to placement of traffic control devices before and after street and highway construction and maintenance*): Senator Facemire;

Senate Bill 246 (*Including family court judges in retirement system for judges*): Senator Facemire;

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

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

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

Com. Sub. for Senate Bill 265 (*Authorizing DEP to develop Reclamation of Abandoned and Dilapidated Properties Program*): Senator Facemire;

Senate Bill 274 (*Authorizing year-round hunting of coyote*): Senator Maynard;

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

Senate Bill 319 (*Exempting moneys in WV EMS Retirement Fund from state or municipal tax*): Senator Facemire;

Senate Bill 497 (*Relating to outdoor advertising regulated by Commissioner of Highways*): Senator Facemire;

Senate Bill 498 (*Creating New Worker Relocation Incentive Program*): Senator Facemire;

Senate Bill 502 (*Relating to methamphetamine criminal penalty*): Senator Facemire;

Senate Bill 503 (*Removing barriers to employment for certain individuals with criminal records*): Senator Facemire;

Senate Bill 504 (*Providing for timely and efficient handling of forensic evidence in sexual assault cases*): Senator Facemire;

Senate Bill 507 (*Requiring certain persons who commit criminal offense while in juvenile custody not be held within sight or sound of adult inmates*): Senator Facemire;

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

Senate Bill 533 (*Relating to lifetime hunting, fishing, and trapping licenses for certain foster or adoptive children*): Senator Facemire;

Senate Bill 541 (*Creating position of homeless education coordinator*): Senator Facemire;

Senate Bill 543 (*Establishing Minority Health Advisory Team*): Senator Facemire;

Senate Bill 546 (*Requiring Medicaid and insurance coverage for treatment of pediatric autoimmune neuropsychiatric disorders*): Senator Facemire;

Com. Sub. for Senate Bill 554 (*Relating to termination, expiration, or cancellation of oil or natural gas leases*): Senator Maroney;

Senate Bill 559 (*Authorizing small private employers buy-in to PEIA*): Senator Facemire;

Senate Bill 562 (*Expunging certain criminal convictions*): Senator Facemire;

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

Com. Sub. for Senate Bill 583 (*Creating program to further development of renewable energy resources*): Senator Palumbo;

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

Com. Sub. for Senate Bill 653 (*Increasing number of magistrates in Putnam County*): Senator Tarr;

Senate Bill 655 (*Relating to valuation of natural resources land property*): Senator Woelfel;

Senate Bill 658 (*Establishing Office of Administrative Hearings within DMAPS*): Senator Smith;

Senate Bill 659 (*Prohibiting insurance companies from using credit ratings to establish home and auto premiums*): Senator Smith;

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

Senate Bill 683 (*Separating Fire Marshal and Fire Commission*): Senator Smith;

Senate Bill 701 (*Regulating pharmacy services administrative organizations*): Senator Roberts;

Senate Bill 717 (*Relating generally to adult protective services*): Senator Smith;

Senate Bill 727 (*Relating to disbursement of funds for highway road repair*): Senators Roberts, Hardesty, and Stollings;

Senate Bill 728 (*Exempting all property used for agricultural purposes from county property maintenance codes or ordinances*): Senators Baldwin, Sypolt, Maroney, Rucker, and Smith;

Senate Bill 729 (*Relating to awards and disability under Deputy Sheriff Retirement Act*): Senators Baldwin, Hardesty, and Stollings;

Senate Bill 730 (*Campus Self Defense Act*): Senator Cline;

Senate Bill 731 (*Limiting severance tax break on steam coal*): Senator Cline;

Senate Bill 732 (*Authorizing fee payment and expense reimbursement for attorneys who participate on court teams established by Supreme Court of Appeals*): Senator Cline;

Senate Bill 733 (*Recognizing political party status*): Senator Ihlenfeld;

Senate Bill 735 (*Relating to excise tax on tobacco products*): Senator Ihlenfeld, Roberts, and Maroney;

Senate Bill 736 (*Relating to public service districts' laying of certain utility lines on state rights-of-way*): Senator Sypolt;

And,

Senate Bill 737 (*Requiring contractors performing work on government computers use software to verify hours worked*): Senator Sypolt.

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

Senate Concurrent Resolution 8 (*US Army 1st Lieutenant Harold H. Frazier Memorial Bridge*): Senator Smith;

Senate Concurrent Resolution 9 (*US Army SSG Nick P. Markos Memorial Bridge*): Senator Smith;

Senate Concurrent Resolution 15 (*Kaylee Grace Whetzel Memorial Bridge*): Senator Unger;

Senate Concurrent Resolution 16 (*Firefighter Marvin Layton Hughes Memorial Bridge*): Senator Unger;

Senate Concurrent Resolution 20 (*US Senator Joseph Rosier Memorial Highway*): Senator Unger;

Senate Concurrent Resolution 21 (*US Army SSG James "Junior" Spurrier Memorial Bridge*): Senator Unger;

Senate Concurrent Resolution 22 (*George M. Hall Memorial Bridge*): Senator Unger;

Senate Concurrent Resolution 23 (*Requesting study of State Police's increased duties and responsibilities*): Senator Unger;

And,

Senate Concurrent Resolution 28 (*Curtis "Pap" and Millie "Mammie" Asbury Bridge*): Senator Sypolt.

Pending announcement of meetings of standing and select committees of the Senate,

On motion of Senator Takubo, at 1:47 p.m., the Senate adjourned until tomorrow, Tuesday, February 11, 2020, at 11 a.m.

SENATE CALENDAR

**Tuesday, February 11, 2020
11:00 AM**

UNFINISHED BUSINESS

S. R. 35 - Congratulating Gary Young, WV Outstanding Tree Farmer for 2020 **[ADOPT]**

S. R. 36 - Recognizing 75th birthday of Smokey Bear **[ADOPT]**

THIRD READING

Eng. Com. Sub. for S. B. 97 - Allowing senior judge to continue receiving per diem compensation beyond annual salary of sitting judge due to delay by Governor in filling vacancy

Eng. Com. Sub. for S. B. 131 - Creating Tim Tebow Act

Eng. Com. Sub. for S. B. 208 - Protecting consumers from unfair pricing practices during state of emergency

Eng. Com. Sub. for S. B. 517 - Creating State Parks and Recreation Endowment Fund (original similar to HB4505)

Eng. Com. Sub. for S. B. 575 - Designating local fire department as safe-surrender site to accept physical custody of certain children from lawful custodian

Eng. Com. Sub. for S. B. 607 - Reporting motor vehicle crashes to owners (original similar to HB4667)

Eng. S. B. 618 - Conforming WV law to federal distance requirements for locations of salvage yards

Eng. S. B. 654 - Allowing certain sheriffs transfer from PERS to Deputy Sheriff Retirement System

Eng. Com. Sub. for S. B. 657 - Allowing designation of tourism development districts

Eng. H. B. 2922 - Relating to requirements to obtain a final order of discharge and dismissal for possession of opiates or opioids - (Com. title amend. pending)

Eng. H. B. 3039 - Relating to a court's consideration of the expression of a preference by a child in certain child custody matters - (Com. title amend. pending)

Eng. H. B. 4030 - Increasing limit for application for original appointment as a firefighter to 40 years of age for honorably discharged veterans - (Com. title amend. pending)

Eng. Com. Sub. for H. B. 4275 - Authorizing Department of Military Affairs and Public Safety promulgate legislative rules relating to the Fire Commission - (Com. title amend. pending)

SECOND READING

Com. Sub. for S. B. 163 - Relating to municipal or county taxation of hotel rooms booked through marketplace facilitator (original similar to HB4555)

S. B. 180 - Relating to Second Chance Driver's License Program

S. B. 202 - Allowing one member of PSD board to be county commissioner

Com. Sub. for S. B. 230 - Requiring State Board of Education provide routine education in suicide prevention (original similar to HB4475, HB4491, HB4525, HB4568)

Com. Sub. for Com. Sub. for S. B. 490 - Relating to criminal offenses against agricultural facilities

S. B. 545 - Authorizing transfer of moneys from Insurance Commission Fund to Workers' Compensation Old Fund

Com. Sub. for S. B. 571 - Expiring funds from State Excess Lottery Revenue Fund to various accounts (original similar to HB4490).

Com. Sub. for S. B. 583 - Creating program to further development of renewable energy resources (original similar to HB4562)

S. B. 641 - Allowing WVCHIP flexibility in rate setting

S. B. 647 - Permitting physician assistants and advanced practice registered nurses issue do-not-resuscitate orders

Com. Sub. for S. B. 662 - Removing restrictions on fiduciary commissioners

S. B. 664 - Adding physician's assistant to list of medical professionals capable of determining if individual lacks capacity

Com. Sub. for S. B. 674 - Permitting DOH purchase hardware items and equipment from local seller

Eng. Com. Sub. for H. B. 2602 - Including possession of known stolen property in the offense of receiving or transferring stolen property - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 2924 - Permitting the West Virginia Tourism Office to decide to contract with the Division of Highways to sell advertising space on the WV511 website

Eng. Com. Sub. for H. B. 4129 - Relating to adoption

Eng. H. B. 4141 - Requiring the Department of Administration to publish its comprehensive annual financial report by the end of December - (Com. amend. pending)

Eng. H. B. 4179 - Recognition of Emergency Medical Services Personnel Licensure Interstate Compact (original similar to SB492)

FIRST READING

Com. Sub. for S. B. 232 - Removing outdated prohibitions against electronic or mechanical ticket dispensers and readers

Com. Sub. for S. B. 288 - Relating to family planning and child spacing

Com. Sub. for S. B. 638 - Creating new private club licenses and requirements

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2020

Tuesday, February 11, 2020

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