

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE
REGULAR SESSION, 2020
FORTY-SECOND DAY

Charleston, West Virginia, Tuesday, February 18, 2020

The Senate met at 11:21 a.m.

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

Prayer was offered by Pastor Dave Stauffer, Gateway Christian Church, St. Albans, West Virginia, and State Chaplain of the West Virginia National Guard.

The Senate was then led in recitation of the Pledge of Allegiance to the United States Flag by the Honorable John R. Pitsenbarger, a senator from the eleventh district.

The Senate was next led in the Pledge of Allegiance to the West Virginia Flag by kindergarten students from West Teays Elementary School in Hurricane, West Virginia.

Pending the reading of the Journal of Monday, February 17, 2020,

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

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

The Clerk presented the following communication from a state agency as required by the provisions of law:

Development Office (Tax Increment Financing Report) (§7-11B-15)

The Senate proceeded to the third order of business.

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

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

On motion of Senator Takubo, the bill was taken up for immediate consideration.

The following House of Delegates amendments to the bill were reported by the Clerk:

On page five, section seven, line one hundred three, by striking out the word “vaccine” and inserting in lieu thereof the word “immunization”;

And,

By striking out the title and substituting therefor a new title, to read as follows:

Eng. Com. Sub. for Senate Bill 544—A Bill to amend and reenact §30-5-7 of the Code of West Virginia, 1931, as amended, relating to immunizations; authorizing joint rules regulating the administrations of immunizations; requiring those rules to be based on certain standards; permitting a licensee to perform immunizations based on the Center for Disease Control recommend schedule; requiring written parental permission for immunizations of minors; requiring a prescription for immunization of a minor; and requiring that the joint rules permits a licensee to administer immunizations in accordance with the latest definitive treatment guidelines promulgated by the Center for Disease Control guidelines.

On motion of Senator Takubo, the Senate concurred in the House of Delegates amendments to the bill.

Engrossed Committee Substitute for Senate Bill 544, as amended by the House of Delegates, was then put upon its passage.

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

The nays were: None.

Absent: Plymale—1.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 544) passed with its House of Delegates amended title.

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

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

Eng. Senate Bill 642, Correcting incorrect code citation in WV Consumer Credit and Protection Act.

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 2961—A Bill to amend and reenact §16-1-9, and §16-1-9a of the Code of West Virginia, 1931, as amended, all relating to covered categories of water supply systems, procedures for determining required installations, and customer rights in response to

the commissioner's authority to require that certain water supply systems connected to a public water supply to be equipped with a backflow prevention assembly.

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

A message from the Clerk of the House of Delegates announced the concurrence by that body in the Senate amendments to, and the passage as amended with its Senate amended title, to take effect from passage, of

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

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 4067—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-13-3a, relating to crimes against property; creating the crime of theft of rental, leased, leased-purchased, or loaned property; creating certain evidentiary presumptions related to intent; defining "proper notice" for a written demand for return of property; requiring a written demand for return of the property; establishing property replacement value to determine the value of the theft; creating misdemeanor and felony offenses; providing penalties; and, establishing the agreements to which this section applies.

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 4101—A Bill to amend and reenact §49-4-604 of the Code of West Virginia, 1931, as amended, relating to requiring a court to verify certain conditions are met before a child who has been removed from a home may be returned to that home.

Referred to the Select Committee on Children and Families.

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 4123—A Bill to amend and reenact §15-5-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §24-6-5 of said code, all relating to 911 telecommunication workers; defining terms; providing that emergency telephone systems be staffed with trained individuals; and providing that telecommunication workers be considered first responders.

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

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

Eng. Com. Sub. for House Bill 4387—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §60A-12-1, §60A-12-2, §60A-12-3, §60A-

12-4, §60A-12-5, §60A-12-6, §60A-12-7 and §60A-12-8, all relating to creating the Donated Drug Repository Program; requiring the West Virginia Board of Pharmacy to administer the program; setting forth eligible drugs; setting forth eligible recipients; establishing how the drugs are to be received, handled, stored, dispensed, distributed, and disposed of; permitting a handling fee; defining terms; and permitting rulemaking.

Referred to the Committee on Health and Human Resources.

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

Eng. Com. Sub. for House Bill 4546—A Bill to amend and reenact §18-4-2 of the Code of West Virginia, 1931, as amended, relating to tuberculosis testing for school superintendents; removing requirement for biennial screenings; and adding permissive screenings based upon suspicion of exposure.

Referred to the Committee on Education.

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 4581—A Bill to amend and reenact §16-49-1, §16-49-2, §16-49-3, §16-49-4, §16-49-5, §16-49-6, §16-49-7, and §16-49-8 of the Code of West Virginia, 1931, as amended; all relating to employment screening; including the screening of West Virginia Department of Health and Human Resources employees in the background check process; and streamlining the variance procedures.

Referred to the Committee on Health and Human Resources.

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

Eng. Com. Sub. for House Bill 4666—A Bill to amend and reenact §8-27-23 of the Code of West Virginia, 1931, as amended, relating to competitive bids for intergovernmental relations and urban mass transportation systems; increasing the contract sum that requires competitive bidding; and providing that competitive bidding is not required by certain urban transit authorities.

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. Com. Sub. for House Bill 4670—A Bill to amend and reenact §49-4-725 of the Code of West Virginia, 1931, as amended, relating to the juvenile restorative justice programs; establishing that a juvenile may be diverted to a restorative justice program at any time when beneficial; providing definitions; providing additional elements of a juvenile restorative justice program; establishing that participation in a restorative juvenile justice program is voluntary; establishing that other stakeholders may participate in a restorative justice program; providing that communication between the victim and juvenile, certain evidence based practices, mediation, redress, restitution and sanctions may be included in a restorative justice program; and, providing

that status offenses may be considered in a juvenile restorative justice program as necessary or appropriate.

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 4955—A Bill to amend and reenact §61-7-4 and §61-7-4a of the Code of West Virginia, 1931, as amended, all relating to reducing the cost of the fees for state licenses to carry concealed deadly weapons and provisional state licenses to carry concealed deadly weapons; eliminating the partial fee deposits in the Courthouse Facilities Improvement Fund for both licenses; reducing the fee deposits for both licenses into the Concealed Weapons License Administration Fund, and exempting honorably discharged veterans of the armed forces of the United States from payment of certain fees for state licenses to carry concealed deadly weapons.

Referred to the Committee on Finance.

Executive Communications

The Clerk then presented a communication from His Excellency, the Governor, advising that on February 17, 2020, he had approved **Enr. Committee Substitute for House Bill 4042**, **Enr. Committee Substitute for House Bill 4091**, and **Enr. House Bill 4496**.

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 18th day of February, 2020, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for H. B. 2602), Including possession of known stolen property in the offense of receiving or transferring stolen property.

(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.

And,

(Com. Sub. for H. B. 4129), Relating to adoption.

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 130, Relating to procedure for driver's license suspension and revocation for DUI.

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

Com. Sub. for Senate Bill 130 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §17C-5-2, §17C-5-2a, §17C-5-2b, §17C-5-4, §17C-5-7, and §17C-5-12 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §17C-5-7a; to amend and reenact §17C-5A-1, §17C-5A-1a, and §17C-5A-3 of said code; to amend said code by adding thereto a new section, designated §17C-5A-2b, and to amend said code by adding thereto a new section, designated §17C-5C-1a, all relating generally to the procedures for revocation or suspension of a person's license to operate a motor vehicle for offenses involving driving under the influence of alcohol, controlled substances, or drugs; defining terms; transferring authority for hearing certain matters related to revocations or suspensions of licenses from the Office of Administrative Hearings to the courts; establishing mandatory license revocation or suspension periods for individuals convicted of certain offenses; authorizing alternate revocation or suspension periods conditioned upon participation in Motor Vehicle Alcohol Test and Lock Program for certain offenses; establishing mandatory license revocation or suspension periods for individuals upon second and subsequent convictions for certain offenses; clarifying what constitutes a second or subsequent offense for purposes of criminal penalties and license revocations and suspensions; clarifying that certain offenses involving driving under the influence take place only when the operator is upon a public highway or private road; clarifying the term "in this state" for purposes of enforcement of certain serious traffic crimes; requiring the Commissioner of Division of Motor Vehicles to revoke a person's license upon conviction of certain offenses or for refusal to submit to a secondary chemical test in certain circumstances; requiring individuals whose licenses have been revoked or suspended upon conviction of certain offenses to complete the comprehensive safety and treatment program before the license can be reinstated; requiring driver consent to participation in Motor Vehicle Alcohol Test and Lock Program; requiring deferral program for certain first offenses to be completed within one year; prohibiting a secondary test of blood without consent absent issuance of a search warrant; requiring that a person arrested for driving under the influence be provided with certain verbal and written warnings prior to submitting to a secondary chemical test; requiring an officer to 15 minutes before a refusal to submit to a secondary chemical test is considered final; requiring that, following an individual's refusal to submit to a secondary chemical test, an arresting officer submit a sworn statement containing certain information to Commissioner of Division of Motor Vehicles and the court; providing for a hearing before the court to contest a documented refusal to submit to a secondary chemical test; providing minimum license revocation periods for refusal to submit to a secondary chemical test; directing the Bureau for Public Health to make reports and recommendations on the levels of drugs and controlled substances to be used as evidence in certain criminal proceedings; limiting the administrative jurisdiction of Division of Motor Vehicles and Office of Administrative Hearings to offenses occurring on or before June 30, 2020; eliminating all statutory provisions authorizing or requiring the Commissioner of the Division of Motor Vehicles to take administrative action upon an individual's license on the basis of driving under the influence or refusal to submit to a secondary test absent direction from court; requiring the Commissioner of the Division of Motor Vehicles to provide certain records to the court following a person's arrest; providing a procedure to correct a license revocation or suspension based on mistaken driver identity; providing that a plea of no contest constitutes a conviction; requiring the clerk of the court to transmit a copy of an order related to revoking or suspending a person's license to the Division of Motor Vehicles; directing that a copy of a license revocation or suspension order to be sent to the person whose license is being revoked or

suspended by certified mail; providing that revocation for refusal to submit to secondary chemical test run concurrently with other revocation or suspension imposed as a result of an offense that led to the arrest; making persons convicted of driving under the influence eligible for participation in comprehensive safety and treatment program and related reductions in length of revocation for successful completion thereof; requiring the Office of Administrative Hearings to dispose of all matters pending before it by a certain date; establishing a timeline for jurisdiction of matters currently filed in the Office of Administrative Hearings to transfer to the courts; requiring that matters related to license suspension or revocation for driving under the influence, pending before the Office of Administrative Hearings on its termination, be dismissed; requiring that matters not related to license suspension or revocation for driving under the influence, pending before the Office of Administrative Hearings on its termination, be transferred to a circuit court according to certain procedures; terminating the Office of Administrative Hearings by a certain date; eliminating obsolete language; providing internal effective dates; and making technical corrections.

And,

Senate Bill 253, Providing for fair pay and maximized employment of disabled persons.

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

Com. Sub. for Senate Bill 253 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-10P-1, §18-10P-2, §18-10P-3, and §18-10P-4, all relating to wages of persons with disabilities; initiating a State Employment First Policy to facilitate integrated employment of disabled persons; providing legislative findings; defining terms; establishing a taskforce to develop a State Employment First Policy; and providing for implementation of the State Employment First Policy.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Blair, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee references of the bills contained in the foregoing report from the Committee on the Judiciary.

Senator Swope, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill 521, Creating Tax and Economic Incentives Review Committee.

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

Com. Sub. for Senate Bill 521 (originating in the Committee on Economic Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,

designated §5-9A-1, §5-9A-2, §5-9A-3, and §5-9A-4, all relating to job creation and economic incentives; providing the Secretary of Commerce, or his or her designees, may review all tax and economic incentives; providing guidelines for the review of incentives; requiring reports; providing confidentiality provisions, and defining terms.

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

Respectfully submitted,

Chandler Swope,
Chair.

The bill (Com. Sub. for S. B. 521), under the original double committee reference, was then referred to the Committee on Government Organization.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill 651, Relating to definition of “mortgage loan originator”.

And,

Eng. House Bill 4411, Relating to the West Virginia Residential Mortgage Lender, Broker and Servicer Act.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Michael T. Azinger,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 660, Regulating electric bicycles.

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

Com. Sub. for Senate Bill 660 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §17A-1-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-1-1 of said code; to amend and reenact §17C-1-5a of said code; to amend said code by adding thereto a new section, designated §17C-1-70; and to amend said code by adding thereto a new section, designated §17C-11-8, all relating to electric bicycles; defining terms; excluding electric bicycles from registration, title, financial liability, and driver’s license requirements; providing electric bicycle general use regulations; providing the operator of an electric bicycle has the same rights and duties as the operator of a bicycle; providing the use of

an electric bicycle may be restricted by an entity having jurisdiction over a bicycle path or trail; and providing for helmet use requirements, and class use restrictions for a person under 15 years of age.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Senate Bill 710, Establishing pilot program to evaluate telemedicine health services.

And reports the same back without recommendation as to passage; but under the original double committee reference first be referred to the Committee on Health and Human Resources.

Respectfully submitted,

Michael T. Azinger,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Health and Human Resources.

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

Your Committee on Natural Resources has had under consideration

Senate Concurrent Resolution 40 (originating in the Committee on Natural Resources)—Requesting the Joint Subcommittee on Parks, Recreation, and Natural Resources study establishing and expanding a statewide system of greenways and trails for recreational and conservation purposes.

Whereas, In order to recognize the benefits of the outdoor areas of West Virginia, and in order to conserve, develop, and use the natural resources of this state for healthful and recreational purposes, the purpose of this study is to determine the means and procedures for establishing and expanding a statewide system of greenways and trails for recreational and conservation purposes which will serve to implement the concepts of ecosystems management while providing, where appropriate, recreational opportunities, including, but not limited to, equestrian activities, hiking, bicycling, canoeing, kayaking, jogging, and historical and archaeological interpretation, thereby improving the health and welfare of the people; and

Whereas, The further purpose of this study is to determine the means and procedures for establishing a statewide system of greenways and trails to provide open space benefiting

environmentally sensitive lands and wildlife and providing people with access to healthful outdoor activities; and

Whereas, The further purpose of this study is to determine the means and procedures to acquire or designate lands and waterways to facilitate the establishment of a statewide system of greenways and trails; to encourage the multiple use of public rights-of-way and use to the fullest extent existing and future scenic roads, highways, park roads, parkways, greenways, trails, and national recreational trails; to encourage the development of greenways and trails by counties, cities, special districts, and nongovernmental organizations to assist in such development by any means available; to coordinate greenway and trail plans and development by local governments with one another and with the state government and federal government; to encourage, whenever possible, the development of greenways and trails on federal lands by the federal government; and to encourage the owners of private lands to protect the existing ecological, historical, and cultural values of their lands, including those values derived from working landscapes; and

Whereas, The further purpose of this study is to determine the means and procedures for locating greenways and trails on public lands and waterways and, subject to the written agreement of the private landowner, on private lands, and to determine public access to same; and

Whereas, The further purpose of this study is to determine the means and procedures for gathering information for the purpose of the identification of lands and waterways, both public and private, that are suitable for greenways and trails for the purposes of setting priorities for acquisition, planning, and management of public lands and waterways for use as greenways and trails; and identifying private lands which are eligible for designation as part of the greenways and trails system and are thereby eligible for incentives; and

Whereas, The further purpose of this study is to determine the means and procedures to authorize the Division of Natural Resources, together with other agencies of this state and all counties, municipalities, and special districts of this state, to spend public funds for purposes of planning, developing, operating, and maintaining the statewide greenways and trails system and to accept gifts and grants of funds, property, or property rights from public or private sources to be used for such purposes; and

Whereas, In recognition of the significant economic benefit of nature-based recreation and the contributions to the state's economy that arise from the creation and completion of the Great Eastern Trail which connects to the Appalachian Trail and other trails and greenways throughout the state, the further purpose of this study is to determine the means and procedures to complete the establishment of the trail in a permanent location; to encourage all state, regional, and local agencies that acquire lands to include in their land-buying efforts the acquisition of enough legal interest in the lands over which the trail passes to ensure its continued existence in a permanent location; to consider the inclusion of private funds used to supplement the state's contribution in its efforts to acquire fee or less-than-fee interests in lands that contain designated portions of the trail; to encourage private landowners to continue to allow the use of private property for trail purposes through existing and future incentives and liability protection; and; to encourage state and local agencies with economic and ecotourism development responsibilities to recognize the importance of the trail in bringing nature-based tourism to local communities along the trail route and to support acquisition and development activities for completion of the trail in a permanent location; and

Whereas, The further purpose of this study is to consider the compatibility of various uses of greenways and trails with one another and with the intended purposes of a piece of property; and

Whereas, The further purpose of this study is to determine the respective roles and responsibilities of existing state agencies and organizations, including but not limited to the Department of Natural Resources, the Department of Highways, the Department of Commerce, and subdivisions thereof, in establishing and managing a statewide system of greenways and trails; and

Whereas, The further purpose of this study is to determine the means and procedures for funding the statewide system of greenways and trails; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Subcommittee on Parks, Recreation, and Natural Resources is hereby requested to study establishing and expanding a statewide system of greenways and trails for recreational and conservation purposes; and, be it

Further Resolved, That the Joint Subcommittee on Parks, Recreation, and Natural Resources report to the regular session of the Legislature, 2021, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

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

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

Respectfully submitted,

Bill Hamilton,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the resolution (S. C. R. 40) contained in the foregoing report from the Committee on Natural Resources was then referred to the Committee on Rules.

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

Your Committee on Natural Resources has had under consideration

Senate Concurrent Resolution 41 (originating in the Committee on Natural Resources)—Requesting the Governor take actions necessary for West Virginia to become eligible to join the Outdoor Recreation Industry Confluence of States and become a signatory to the Outdoor Recreation Industry Confluence Accords.

Whereas, The Legislature recognizes the importance and potential of the outdoor recreation industry in West Virginia; and

Whereas, Thirteen states (Colorado, Maine, Michigan, Montana, Nevada, New Mexico, North Carolina, Oregon, Utah, Vermont, Virginia, Washington, and Wyoming) have joined the Outdoor Recreation Industry Confluence of States (Confluence of States) and are signatories to the Outdoor Recreation Industry Confluence Accords (Confluence Accords); and

Whereas, The Confluence Accords provide:

“Preamble:

We, a growing confluence of states with a shared passion for the outdoors and a commitment to cultivating a strong outdoor recreation economy, believe that outdoor recreation is core to the very character and quality of life we should all enjoy.

The outdoor industry is a powerhouse of meaningful job creation, and a driving force of our Nation’s economy. Our industry is an economic multiplier, creating a unique quality of life in rural and urban areas, attracting new businesses and professional talent to our communities.

While each of our states is unique, our shared commitment to facilitating everyone’s love of place through inclusion and diverse outdoor experiences has the power to unify communities, to bridge societal divides, and to improve the mental and physical health of all people.

The outdoors is the wellspring of adventure, camaraderie, and solace, inspiring us to both explore new places and set down roots. Whereas nature is the backbone of the recreation economy, we are committed to fostering conservation and stewardship values, ensuring environmental quality, and restoring sustainable access to the outdoors for current and future generations.

Therefore, the undersigned representatives for the outdoor recreation sector do hereby adopt and commit our states to the following common principles:

CONSERVATION & STEWARDSHIP

Work with the public, private, and nonprofit sectors to advocate for conservation and stewardship of land, air, water, and wildlife, and for public access to them.

Facilitate public-private partnerships to enhance public outdoor recreational access, infrastructure improvements and conservation efforts.

Educate and empower the public on the importance and interrelatedness of a healthy environment, outdoor recreation and a vibrant economy.

EDUCATION & WORKFORCE TRAINING

Engage with educators to support environmental and outdoor learning opportunities for early and life-long outdoor activity, career development, and advocacy for outdoor recreation.

Promote workforce training programs for technical training, skill mastery, and business opportunities across the spectrum of outdoor industry careers.

Promote interest, participation, and diversity in the outdoors for all, supporting opportunities for early and life-long outdoor learning.

ECONOMIC DEVELOPMENT

Collaborate with all stakeholders to establish and improve sustainable outdoor recreation infrastructure and funding.

Engage federal, tribal, state, and local governments, as well as local and regional economic development organizations to attract, retain, and expand business and market the outdoor recreation economy.

Address barriers to businesses' success in the outdoor recreation economy.

PUBLIC HEALTH & WELLNESS

Address social determinants of health by increasing outdoor recreation opportunities for people of all backgrounds and abilities.

Partner with health & wellness stakeholders to determine shared values and common goals, build relationships, and generate innovative partnerships to fulfill shared visions.

Assist in quantifying impacts of access to outdoor recreation and related social determinants on healthcare outcomes and costs.”; and

Whereas, the Charter of the Confluence of States provides that a state must meet five criteria in order to become eligible to join the Confluence of States and to become a signatory to the Confluence Accords:

“1. State Director. States must appoint or designate a state employee through executive or legislative action, directed to supporting the four pillars and twelve common principles enumerated in The Accords, to represent the outdoor recreation industry sector.

2. New Role or Charter. These staff members may be appointed with the above charge as a new director or equivalent executive leader, or existing staff or advisors may be designated through a new organizational charter or mission which intentionally expands the representative's role to include stewardship of the state's outdoor recreation sector.

3. Public Declaration. For the offices to be visible and accountable to their constituents, creation of new offices, appointment of state employee and/or designation of existing state employee must be made through a durable and public declaration including, but not limited to, executive order, enabling legislation, gubernatorial press release, or similar policy actions.

4. Executive Access. Each state's staff member representing the outdoor recreation sector must have reasonable and timely access to their state's Governor such that the endorsement of coordinated actions by the Confluence of States carries the weight not only of the staff member, but also the informed backing of their state government.

5. Budget and Resources. These state staff members must be endowed with a budget that includes necessary resources to travel and engage with both outdoor recreation constituents within their respective states and other Confluence States to advocate for the outdoor recreation industry both locally and nationally.”; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Governor take actions necessary for West Virginia to become eligible to join the Outdoor Recreation Industry Confluence of States and become a signatory to the Outdoor Recreation Industry Confluence Accords; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution the Governor of West Virginia.

And reports the same back with the recommendation that it be adopted; but with the further recommendation that it first be referred to the Committee on Rules.

Respectfully submitted,

Bill Hamilton,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the resolution (S. C. R. 41) contained in the foregoing report from the Committee on Natural Resources was then referred to the Committee on Rules.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Eng. House Bill 4149, Relating to insurance.

And has amended same.

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

Respectfully submitted,

Michael T. Azinger,
Chair.

Senator Azinger, from the Committee on Banking and Insurance, submitted the following report, which was received:

Your Committee on Banking and Insurance has had under consideration

Eng. House Bill 4359, Increasing the filing fees for insurers.

And has amended same.

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

Respectfully submitted,

Michael T. Azinger,
Chair.

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

Your Committee on Natural Resources has had under consideration

Eng. House Bill 4515, Relating to wildlife resources, eligibility for license or permit application.

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

Respectfully submitted,

Bill Hamilton,
Chair.

At the request of Senator Palumbo, unanimous consent being granted, the Senate returned to the second order of business and the introduction of guests.

The Senate proceeded to the sixth order of business.

Senator Roberts offered the following resolution:

Senate Resolution 46—Congratulating the Victory Baptist Academy volleyball team for winning the 2019 West Virginia Christian Education Association state volleyball tournament.

Whereas, The Victory Baptist Academy volleyball team has been a dominant force on the court in recent years and 2019 proved to be no exception, as the team won their third consecutive West Virginia Christian Education Association state volleyball tournament; and

Whereas, The Victory Baptist Academy volleyball team was led by first year head coach, Janelle Daniels, assisted by bookkeeper/manager, Braden Daniels, and consisted of players: Seniors—Michaela Belcher, Allison Grose, and Lauren Pauley; juniors—Alena Lambert, Emily Markham, Kendal Vest, Jessica Wood, and Haylee Webb; sophomore—Eliza Stevens; and freshmen—Emma Brush, Evie Dillon, and Molly Ward; and

Whereas, The Victory Baptist Academy volleyball team displayed its talent and strong will for an entire season, and is a shining example of what can be accomplished with hard work, perseverance, and spirit; and

Whereas, The 2019 Victory Baptist Academy volleyball team will be remembered as one of the best volleyball teams in West Virginia sports history; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates the Victory Baptist Academy volleyball team for winning the 2019 West Virginia Christian Education Association state volleyball tournament; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Victory Baptist Academy volleyball team.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 39, US Navy PO1 Jeffrey S. Taylor Memorial Bridge.

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

Senate Resolution 45, Congratulating St. Mary's High School golf team for winning 2019 Class A state golf championship.

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

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

On motion of Senator Takubo, at 11:43 a.m., the Senate recessed to present Senate Resolution 45.

The Senate reconvened at 11:49 a.m. and proceeded to the eighth order of business.

Eng. Senate Bill 572, Expiring funds from General Revenue and Lottery Net Profits to various accounts.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 572) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, 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)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 572) 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 717, Relating generally to adult protective services.

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

Senator Trump requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as this bill pertains to the duties and authority of financial institutions and he serves as a director of a state-chartered bank.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 717) 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 725, Supplemental appropriation to various Department of Education accounts.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 725) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, 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)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 725) takes effect from passage.

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

Eng. Senate Bill 778, Supplemental appropriation expiring funds from State Excess Lottery Revenue Fund to DHHR.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 778) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, 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)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 778) takes effect from passage.

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

Eng. Senate Bill 779, Supplemental appropriation expiring funds in State Excess Lottery Revenue to Department of Veterans' Assistance.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard,

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 779) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, 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)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 779) takes effect from passage.

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

Eng. Senate Bill 780, Supplemental appropriation by decreasing and adding new appropriation out of Treasury to DMAPS.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 780) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, 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)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 780) takes effect from passage.

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

Eng. House Bill 4353, Creating a rational nexus requirement between prior criminal conduct and initial licensure decision making.

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 4353 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, 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)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4353) passed.

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

Eng. House Bill 4353—A Bill to amend and reenact §17A-6-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-23-8 of said code; to amend said code by adding thereto a new section, designated §21-1-6; to amend and reenact §21-2-9 of said code; to amend and reenact §21-5-5c of said code; to amend and reenact §21-14-6 of said code; to amend and reenact §21-16-7 of said code; to amend and reenact §29-22-8 of said code; to amend and reenact §29-22A-7 of said code; to amend and reenact §29-22B-502 of said code; to amend and reenact §29-22C-15 and §29-22C-16 of said code; to amend and reenact §29-22D-10 of said code; to amend and reenact §29-25-13 of said code; to amend and reenact §31-17A-5 of said code; to amend and reenact §32A-2-8 of said code; and to amend and reenact §33-13C-3 and §33-13C-4 of said code; all relating to the use of post-criminal conduct in professional and occupational initial licensure decision making; creating a rational nexus requirement between prior criminal conduct and initial licensure decision making; providing criteria for commissioners or commissions as licensing authorities to determine whether a criminal conviction bears a rational nexus to an occupation; removing offenses described as one of moral turpitude as a basis for license denial unless the underlying crime bears a rational nexus to the occupation or profession requiring licensure; limiting licensure disqualification; and authorizing persons to petition licensure commissioners or commissions as to whether a person’s criminal records precludes licensure.

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

Eng. House Bill 4601, Relating to distribution of premium tax proceeds to municipal policemen's and firemen's pension and relief funds.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4601) passed with its title.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 6, Allowing DOH issue permits for certain tractors with certain trailers not exceeding specified maximum axle weights.

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

On motion of Senator Smith, 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:

CHAPTER 17. ROADS AND HIGHWAYS

ARTICLE 2A. WEST VIRGINIA COMMISSIONER OF HIGHWAYS.

§ 17-2A-6b. Country roads accountability and transparency.

(a) The Legislature finds that taxpayers should be able to easily access the details of how the state is spending their tax dollars to build and repair state and public roads. The taxpayers should also be able to easily access and compare the budgeted moneys and the performance results that are achieved for those expenditures. It is the intent of the Legislature, therefore, to direct the Auditor to create and maintain a searchable website detailing where, how much, and from what source the taxpayer moneys in state government are expended for payment to third-party vendors for state roads.

(b) No later than July 1, 2020, the Auditor shall develop and make publicly available a searchable website containing, at a minimum, the following information for a given fiscal year, and the three immediately preceding fiscal years, to the extent that the commissioner has the ability to provide the information to the Auditor:

(1) The project number or name for each state road in which moneys have been expended to pay vendors to build, repair or maintain a state road;

(2) The county location for each such project;

(3) The funding source for a given funding action or expenditure to pay vendors;

(4) The budget program or activity related to a given funding action or expenditure;

(5) The name and the address, principal location, or residence of the vendors receiving payment from a given funding action or expenditure; and

(6) Additional information as to the funding action or expenditure the Auditor considers valuable for the public.

(c) For the purposes of this section:

“Auditor” means the State Auditor of West Virginia, or his or her designee appointed to perform the service.

“Funding action or expenditure” includes details on the type of spending to vendors, including, but not limited to, grants, contracts, and any expenditure from the State Road Fund, federal funds, special revenue funds, including any civil contingency or similar fund. Where possible, a hyperlink to the actual grants or contracts shall be provided.

“Funding source” means the state account from which the funding action or expenditure is appropriated.

“Searchable website” means a website that allows the public at no cost to search and aggregate information regarding the state’s budget and spending for state roads.

“Vendor” means any person or entity that is authorized by the State of West Virginia to supply the Division of Highways with commodities or services.

(d) The searchable website shall be updated periodically as new data becomes available and is submitted by the commissioner to the Auditor. The commissioner shall provide to the Auditor, in a format specified by the Auditor, all the data that is required to be included in the searchable website no later than 30 days after the data becomes available to the agency. The Auditor shall provide guidance and specifications to the commissioner to promote compliance with this section. The commissioner and the Auditor shall communicate and cooperate to develop methodologies for the efficient transfer of the data, including, but not limited to, methodologies to convert noncompatible electronic formats of data into data formats that can be reasonably converted and transferred to the website.

(e) The Auditor and the commissioner shall each report to the Joint Committee on Government and Finance and the Legislative Oversight Commission on Department of Transportation Accountability as to the status of the website and shall advise the committee and the commission of any issues related to the transfer and receipt of the information from the commissioner to the Auditor in a timely manner as required in this section. The reports shall be submitted at the end of each quarter for the 2020-2021 fiscal year; and annually thereafter, beginning December 1,

2021, and on December 1 of each year thereafter, until the Joint Committee finds that the annual reports are no longer required.

ARTICLE 30. ENHANCED ROAD REPAIR AND MAINTENANCE PROGRAM.

§17-30-1. Legislative finding; purpose.

The Legislature finds that the Division of Highways, through no fault of its own, struggles to maintain roadways to the expectation of the citizens of this state. The purpose of the Enhanced Road Maintenance Program established in this article is to increase the utilization of private vendor contractors to provide maintenance and road repair services for the Division of Highways in districts where there is an established need so that this state's roads will be properly maintained and usable by the citizens of this state.

§17-30-2. Establishment of the Enhanced Road Repair and Maintenance Program.

(a) The Enhanced Road Maintenance Program is created within the Division of Highways, to be administered by the division in accordance with the provisions of this article.

(b) To accomplish the goals of the program, the Division of Highway county supervisor in each county in consultation with the county commission of each county and any currently elected member of the Legislature whose district overlaps any portion of the county may submit to the Division of Highways a list of road repair and maintenance projects in need of repair in their county. These projects should be limited to roads that are classified as nonfederal aid eligible county roads. The projects should be listed in priority order according to Division of Highways average daily traffic counts and the county commission's determination of the roads' level of disrepair, and should be based upon the funds available to the county from the funding formula set forth in §17-30-3 of this code. This request is to be made to the Division of Highways by July 1, 2020, and again by July 1, 2021. The Division of Highways is authorized to award funding for these projects based upon the funding allocation formula set forth in §17-30-3 of this code. This funding would be the total available to all the counties in the district regardless of whether the county submitted a request for road repair or maintenance. Work on all projects is subject to the funding limitations set forth in §17-30-3 of this code.

(c) Following receipt of a priority list from all counties in a district, the Division of Highways shall determine the available funding from the funding formula and ascertain the funding available to address the submitted projects in the district. If funding is insufficient to address all submitted projects, the Division of Highways shall notify all the county commissions in the district of the projects which funding is not sufficient to complete. The funding may only be used for the purposes set forth in this article and for the projects submitted to the Division of Highways.

(d) The Division of Highways shall contract with a private contractor or private contractors to perform nonfederal aid road repairs and maintenance activities if 70 percent of the core maintenance projects proposed for completion in the previous year have not been completed and based upon the award allocation and for the projects as submitted to the Division of Highways as set forth in subsection (b) of this section. These repairs shall include, but are not limited to, pothole repair, paving, ditching and mowing on and along each district's roadways. For purposes of this article, "district" means one of the management areas of the state, which include one or more counties, established by the Division of Highways, with each district headed by a separate district engineer or manager.

(e) The division shall contract with vendor contractors to complete repair and maintenance activities for any district if 70 percent of the core maintenance projects proposed in that district for completion in the previous year have not been completed. Completion of the project by the vendor is subject, however, to the availability of funds and the availability of acceptable bids from contract vendors. These repairs shall include, but are not limited to, pothole repair, paving, ditching and mowing on and along each district's roadways.

(f) The Division of Highways and applicable district shall ensure that, alongside roads being paved, all drainage work, including any necessary ditching and installation of culverts, if necessary, has been performed in the state's rights-of-way prior to such paving work.

§17-30-4. Funding for payment of vendor contracts; bidding, contracting and vendor requirements.

(a) Funds shall be allocated by the West Virginia Commissioner of Highways for the payment of vendor contracts among the districts for repair and maintenance of nonfederal aid roads.

(b) The Division of Highways shall process bids and award contracts in accordance with the current bid and contract review processing requirements of the division.

(c) Notwithstanding any other provision of this code to the contrary, the bidding and vendor contracting process provided for in this article shall be conducted in accordance with the most efficient procedures available to the Division of Highways. The division may only require that the vendor provide the applicable insurance coverage and necessary bond and surety.

(d) Vendor contractors performing work pursuant to a contract as provided in this article shall follow all work, operating, and safety procedures and requirements prescribed by the Division of Highways.

§17-30-5. Reporting requirements by Division of Highways and Legislative Auditor.

(a) By November 1, 2020, and on November 1, of each year thereafter, the Division of Highways shall present a report to the Joint Committee on Government and Finance as to the status and progress of the program together with any suggested legislation to address any issues related thereto no later than November of the following fiscal year. After November 2023, such reports will no longer be required.

(b) By December 1, 2020, and by December biennially thereafter, the Legislative Auditor, in a separate audit report, shall review the program to determine efficacy, economic responsibility, and other such factors relating to the program and submit a report of his or her findings, together with any suggested legislation to improve the efficiency and to more economically carry out the purposes of this article.

CHAPTER 17C. TRAFFIC REGULATIONS AND LAWS OF THE ROAD

ARTICLE 1. WORDS AND PHRASES DEFINED.

§17C-1-70. Highways other than the national system of interstate and defense highways.

"Highways other than the national system of interstate and defense highways" means all West Virginia routes, county routes, local service routes, and other public streets, roadways, or

highways in this state that are not also part of a Coal Resource Transportation Road under §17C-17A-1 et seq. of this code or the national system of interstate and defense highways as defined in §17C-1-71 of this code.

§17C-1-71. National system of interstate and defense highways.

“National system of interstate and defense highways” means the “Dwight D. Eisenhower National System of Interstate and Defense Highways” described in 23 U.S.C. 103.

ARTICLE 17. SIZE, WEIGHT, AND LOAD.

§17C-17-9a. Gross weight of vehicles and loads on highways other than the national system of interstate and defense highways.

(a) It is unlawful for any owner, lessee, or borrower of a vehicle or combination of vehicles to operate on any highway other than the national system of interstate and defense highways that vehicle or combination of vehicles with a gross weight in excess of the gross weight for which ~~such~~ the vehicle or combination of vehicles is registered or in excess of any weight limitation set forth in this chapter, whether ~~such~~ the limitation ~~be~~ is specifically stated in this chapter or set by express authority granted this chapter: *Provided*, That if ~~any~~ a vehicle is operated within the tolerances established in this section for the gross weight of that vehicle, then that vehicle ~~shall be deemed~~ is for all purposes ~~to be~~ operating at the gross weight for which it is registered and the registered weight is deemed to include the 10 percent tolerance associated with it under this section.

(b) Subject to the limit ~~upon the weight imposed upon the highway through any one axle as~~ set forth in §17C-17-8 of this code, the total gross weight on vehicles or combination of vehicles operated on any highway other than the national system of interstate and defense highways ~~shall be~~ is as follows:

(1) A single unit truck having one steering axle and two axles in tandem ~~shall be~~ is limited to a maximum gross weight of ~~60,000~~ 70,000 pounds with a tolerance of 10 percent.

(2) A single unit truck having one steering axle and three axles in tridem arrangement ~~shall be~~ is limited to a maximum gross weight of ~~70,000~~ 80,000 pounds with a tolerance of 10 percent.

(3) A single unit truck having one steering axle and four axles in quadem arrangement, ~~shall be~~ a tractor-semitrailer combination with five axles, a tractor-semitrailer combination with six or more axles, a single unit truck having one steering axle and two axles in tandem in combination with a trailer with two axles, and a single unit truck having one steering axle and three axles in tridem in combination with a trailer with two axles, are each limited to a maximum gross weight of ~~73,000~~ 90,000 pounds with a tolerance of 10 percent.

(4) ~~A tractor-semitrailer combination with five axles, a tractor-semitrailer combination with six or more axles, a single unit truck having one steering axle and two axles in tandem in combination with a trailer with two axles and a single unit truck having one steering axle and three axles in tridem in combination with a trailer with two axles, shall be limited to a maximum gross weight of 80,000 pounds with a tolerance of ten percent~~

§17C-17-11a. Authority of Commissioner of the department Division of Highways to increase but not decrease weight limitations upon highways designated by him or her.

If, in the opinion of the Commissioner of the ~~department~~ Division of Highways, the design, construction, and safety of any highway in this state including the national system of interstate and defense highways and highways other than the national system of interstate and defense highways, or portion thereof, are such that the gross weight limitations prescribed in §17C-17-9 or §17C-17-9a of this code can be increased without undue damage to any such highway, the commissioner may, by order, increase but not decrease the gross weight limitations of vehicles which may be operated upon any such highway, or portion thereof, designated by him or her in such order and may establish therein the gross weight limitations which shall thereafter be applicable to the any such highway, or portion thereof, so designated by him or her: *Provided*, That the maximum gross weight, including the load, established by the commissioner for any such ~~designated~~ highway, or portion thereof, ~~shall may not exceed 80,000 pounds, except as otherwise~~ the gross weight limits provided in this article: *Provided, however*, That no such order of the commissioner shall establish any weight limitation in excess of or in conflict with any weight limitation prescribed by or pursuant to acts of Congress with respect to the national system of interstate and defense highways.

§17C-17-11d. Establishing maximum road highway weights for highways other than the national system of interstate and defense highways.

~~Effective July 1, 2004, The maximum gross vehicle weight on existing state-maintained roads and public highways any highway other than the national system of interstate and defense highways designated for gross weight vehicle load of sixty-five thousand pounds, seventy-three thousand five hundred pounds and eighty thousand pounds vehicles with a gross weight not exceeding 90,000 pounds shall have a tolerance of 10 percent. All requirements for vehicle design and axle weights otherwise established under this code remain applicable. In no case may the commissioner authorize weight limits on any state-maintained road or public highway other than the national system of interstate and defense highways that would jeopardize or otherwise limit federal highway fund appropriations to this state. The commissioner of highways shall, by December 31, 2004, review and revise, as the commissioner deems appropriate, weight limits for all state-maintained roads and public highways and provide to the Joint Committee on Government and Finance a report denoting all weight limits as they have been designated on state-maintained roads and public highways~~

Senator Trump arose to a point of order that Senator Smith's amendment was not germane to the bill.

Which point of order, the President ruled well taken.

On motion of Senator Beach, the following amendment to the bill (Com. Sub. for S. B. 6) was next reported by the Clerk:

On page four, section eleven, after line ninety-two, by adding a new subsection, designated subsection (f), to read as follows:

(f) A vehicle or combination of vehicles of a width exceeding the maximum width specified in this chapter that requires a special permit to operate or move over routes designated by the Commissioner of Highways, upon terms and restrictions prescribed by the Public Service Commission, shall have escort vehicles at the front and at the rear of the vehicle or combination of vehicles that are the subject of the special permit.

Following discussion,

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

The bill (Com. Sub. for S. B. 6) was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 204, Providing for nonpartisan elections of county prosecuting attorneys.

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 285, Eliminating WV Greyhound Breeding Development Fund.

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

At the request of Senator Takubo, and by unanimous consent, the bill was advanced to third reading with the right for amendments to be considered on that reading.

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

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

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

Senate Bill 652, Authorizing School Building Authority promulgate legislative rules.

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

Senate Bill 655, Relating to valuation of natural resources land property.

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 686, Exempting contract and common carrier laws for certain vehicles.

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 719, Imposing health care-related provider tax on certain health care organizations.

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

Senate Bill 740, Clarifying authorized users of Ron Yost Personal Assistance Services Fund.

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

Senate Bill 747, Requiring Bureau for Public Health develop Diabetes Action Plan.

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

Senate Bill 748, Increasing awareness of palliative care services.

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

Senate Bill 767, Relating to licensure of hospitals.

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

Eng. Com. Sub. for House Bill 4026, Exempting businesses transporting scrap tires, waste tires, or other used tires, from certain statutory provisions.

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

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

On page three, section three, line sixty-seven, by striking out the word “and” and inserting in lieu thereof the word “or”.

The bill (Eng. Com. Sub. for H. B. 4026), as amended, was then ordered to third reading.

Eng. House Bill 4501, Relating to the ability to refuse offenders for commitment to a jail.

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 15A. DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY.

ARTICLE 5. BUREAU OF PRISONS AND JAILS.

§15A-5-9. Ability to refuse offenders.

(a) Notwithstanding any other provision of this code, the commissioner, or any employee or agent of the division, having authority to accept offenders in a jail is not required to accept those offenders if an offender appears to be in need of medical attention of a degree necessitating treatment by a physician. If an offender is refused pursuant to the provisions of this section, he or she may not be accepted for detention until a written clearance is received from a licensed physician reflecting that the offender has been examined and if necessary treated, and which states that it is the physician’s medical opinion that the offender can be safely housed in a jail.

(b) Notwithstanding the provisions of subsection (a) of this section, the division, the commissioner, or any employee or agent of the division, may accept an offender into custody who appears to be in need of medical attention of a degree necessitating treatment by a licensed medical professional, who refuses a medical examination or medical treatment to a licensed medical professional, and is immune from civil or criminal liability for accepting the person into custody.

CHAPTER 62. CRIMINAL PROCEDURE.

ARTICLE 1C. BAIL.

§62-1C-14. Bailpiece; issuance to surety; taking accused into custody.

(a) A bailpiece is a certificate stating that the bail became such for the accused in a particular case and the amount thereof. Upon demand therefor, the court, magistrate, or clerk shall issue to the bail bondsperson a bailpiece. Any officer having authority to execute a warrant of arrest shall assist the bail bondsperson holding such bailpiece to take the accused into custody and produce him or her before the court or magistrate. The bail bondsperson may take the accused into custody and surrender him or her to the court or magistrate without such bailpiece.

(b) If bailpiece is inaccessible due to unavailability of the court's circuit clerk or magistrate, the bail bondsperson, or his or her designee, can take an offender to a regional ~~or county~~ jail without bailpiece, and the jail must accept the offender, provided:

(1) The bail bondsperson, or his or her designee, delivering an offender to a jail without a bailpiece issued by the court's circuit clerk or magistrate appears on the registered list maintained at the jails and approved by the court of original jurisdiction;

(2) The bail bondsperson signs an agreement provided by the jail indicating that the offender has been booked in lieu of bailpiece. Such agreement shall contain a clause indicating the incarceration of such offender is lawful and that the jail accepting the offender shall be held harmless from any claims of illegal incarceration or other relative charges; thereby, such bail bondsperson assumes the risk and liability of such incarceration; and

(3) Bailpiece must be applied for by the bail bondsperson or his or her designee from the court's circuit clerk or magistrate and hand-delivered by the bail bondsperson or his or her designee to the jail housing such offender on the next judicial day following the initial intake.

(c) Any bail bondsperson who willfully fails to attempt to obtain the appropriate bailpiece within the allotted time period provided in subsection (b) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be prohibited from continuing to conduct business in this state and shall be fined not more than \$1,000 and confined in the regional ~~or county~~ jail not more than one year.

(d) No officer, jailer, or other person having authority to accept offenders in a ~~county or~~ regional jail is required to accept such offenders being housed in lieu of bailpiece except as set forth in §15A-5-9 of this code. ~~if such offender appears to be in need of medical attention of a degree necessitating treatment by a physician. If an offender is refused pursuant to the provisions of this section, he or she may not be accepted for detention until the bail bondsperson, or his or her designee, provides the jailer or persons accepting such offender with a written clearance from a licensed physician reflecting that the offender has been examined and, if necessary, treated,~~

~~and which states that it is the physician's medical opinion that the offender can be safely confined in the county or regional jail~~

(e) The ~~Regional Jail Authority~~ Division of Corrections and Rehabilitation, the county sheriff, county commission, or any of their agents or employees, shall be immune from liability for any claims of illegal incarceration or other relative charges for any offender accepted into a facility under this section.

ARTICLE 6. MISCELLANEOUS PROVISIONS CONCERNING CRIMINAL PROCEDURES.

§62-6-6a. Disposition of prisoners.

[Repealed]

The bill (Eng. H. B. 4501), 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 502, Relating to methamphetamine criminal penalty.

Senate Bill 562, Expunging certain criminal convictions.

Senate Bill 610, Removing resident manager requirement for Alcohol Beverage Control Administration.

And,

Com. Sub. for Senate Bill 692, Clarifying persons indicted or charged jointly for felony offense can move to have separate trial.

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senator Tarr.

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 resolutions:

Senate Resolution 43 (*Recognizing President George Washington and President Abraham Lincoln on President's Day*): Senator Lindsay;

And,

Senate Resolution 44 (*Urging Major League Baseball rescind ill-advised proposal that threatens future of professional baseball in WV*): Senator Rucker.

Pending announcement of meetings of standing committees of the Senate,

Senator Takubo moved that the Senate adjourn until tomorrow, Wednesday, February 19, 2020, at 11 a.m.

Senator Takubo requested unanimous consent that the remarks by Senator Tarr be ordered printed in the Appendix to the Journal.

Which consent was not granted, Senator Plymale objecting.

Senator Takubo then moved that the remarks by Senator Tarr be order printed in the Appendix to the Journal.

Which motion, the President ruled out of order.

The question now being on the adoption of Senator Takubo's aforestated motion to adjourn, the same was put and prevailed.

Whereupon, at 12:32 p.m., the Senate adjourned until tomorrow, Wednesday, February 19, 2020, at 11 a.m.

SENATE CALENDAR

Wednesday, February 19, 2020
11:00 AM

UNFINISHED BUSINESS

S. R. 46 - Congratulating Victory Baptist Academy volleyball team for winning 2019 WV Christian Education Association state volleyball tournament **[ADOPT]**

THIRD READING

Eng. Com. Sub. for S. B. 6 - Allowing DOH issue permits for certain tractors with certain trailers not exceeding specified maximum axle weights

Eng. Com. Sub. for S. B. 204 - Providing for nonpartisan elections of county prosecuting attorneys

Com. Sub. for S. B. 285 - Eliminating WV Greyhound Breeding Development Fund - (With right to amend)

Eng. S. B. 652 - Authorizing School Building Authority promulgate legislative rules

Eng. S. B. 655 - Relating to valuation of natural resources land property

Eng. Com. Sub. for S. B. 686 - Exempting contract and common carrier laws for certain vehicles

Eng. Com. Sub. for S. B. 719 - Imposing health care-related provider tax on certain health care organizations

Eng. S. B. 740 - Clarifying authorized users of Ron Yost Personal Assistance Services Fund

Eng. S. B. 747 - Requiring Bureau for Public Health develop Diabetes Action Plan

Eng. S. B. 748 - Increasing awareness of palliative care services

Eng. S. B. 767 - Relating to licensure of hospitals

Eng. Com. Sub. for H. B. 4026 - Exempting businesses transporting scrap tires, waste tires, or other used tires, from certain statutory provisions

Eng. H. B. 4501 - Relating to the ability to refuse offenders for commitment to a jail - (Com. title amend. pending) (original similar to SB617)

SECOND READING

Com. Sub. for Com. Sub. for S. B. 291 - Requiring PEIA and health insurance providers provide mental health parity

Com. Sub. for S. B. 502 - Relating to methamphetamine criminal penalty

S. B. 562 - Expunging certain criminal convictions

S. B. 610 - Removing resident manager requirement for Alcohol Beverage Control Administration

Com. Sub. for S. B. 692 - Clarifying persons indicted or charged jointly for felony offense can move to have separate trial

FIRST READING

Com. Sub. for S. B. 130 - Relating to procedure for driver's license suspension and revocation for DUI

Com. Sub. for S. B. 253 - Providing for fair pay and maximized employment of disabled persons

S. B. 651 - Relating to definition of "mortgage loan originator" (original similar to HB 3060)

Com. Sub. for S. B. 660 - Regulating electric bicycles

Eng. H. B. 4149 - Relating to insurance - (Com. amend. and title amend. pending)

Eng. H. B. 4359 - Increasing the filing fees for insurers - (Com. amends. and title amend. pending)

Eng. H. B. 4411 - Relating to the West Virginia Residential Mortgage Lender, Broker and Servicer Act

Eng. H. B. 4515 - Relating to wildlife resources, eligibility for license or permit application