

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE
REGULAR SESSION, 2019
THIRTIETH DAY

Charleston, West Virginia, Thursday, February 7, 2019

The Senate met at 11:08 a.m.

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

Prayer was offered by the Reverend Binu Emmanuel, Associate Rector, Basilica of the Co-Cathedral of the Sacred Heart, Charleston, West Virginia.

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

Pending the reading of the Journal of Wednesday, February 6, 2019,

At the request of Senator Rucker, 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.

At the request of Senator Takubo, and by unanimous consent, the Senate proceeded to the sixth order of business.

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

By Senators Blair, Roberts, and Tarr:

Senate Bill 543—A Bill to repeal §17C-16-1, §17C-16-2, §17C-16-3, §17C-16-4, §17C-16-5, §17C-16-6, §17C-16-7, §17C-16-8, and §17C-16-9 of the Code of West Virginia, 1931, as amended; to amend and reenact §17A-10-3a of said code; and to amend said code by adding thereto a new section, designated §46A-6-107a, all relating generally to automobile warranties and inspections; eliminating annual mandatory state inspections of motor vehicles; providing that a used motor vehicle may only be sold “as is” under certain circumstances; providing certain disclosure requirements for “as is” sales of used motor vehicles; providing that a consumer shall sign and date the disclosure for an “as is” sale in order for the disclosure to be effective; providing

that a merchant disclose in writing certain defects or malfunctions when selling a used motor vehicle “as is”; providing that the merchant shall provide the consumer a copy of a nationally recognized vehicle history report for the used motor vehicle; and providing that an “as is” sale of a used motor vehicle waives implied warranties, but does not waive any express warranties.

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

By Senators Hamilton, Carmichael (Mr. President), Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Boso:

Senate Bill 544—A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended, relating to increasing salaries for members of the West Virginia State Police over a three-year period; increasing the annual interval salary increase; and setting effective dates.

Referred to the Committee on Finance.

By Senator Azinger:

Senate Bill 545—A Bill to amend and reenact §16-3C-2 of the Code of West Virginia, 1931, as amended, relating to HIV testing; and eliminating outdated testing protocols.

Referred to the Committee on Health and Human Resources.

By Senators Takubo, Maroney, and Stollings:

Senate Bill 546—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-27-39, relating generally to health care provider taxes; imposing a contingent 0.13 percent tax on eligible acute care hospitals; and providing an expiration date for the tax.

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

By Senators Maynard, Beach, Cline, and Swope:

Senate Bill 547—A Bill to amend and reenact §19-25-2, §19-25-3, §19-25-4, and §19-25-5 of the Code of West Virginia, 1931, as amended, all relating generally to limiting landowner liability for noncommercial recreational or wildlife propagation use of lands; providing that an owner of land has no duty to keep his or her land safe for persons permitted or trespassing upon such land for recreational or wildlife propagation purposes; clarifying that an owner of land is not liable for death or injury to, or caused by, a person present on the owner’s land for the purpose of engaging in recreational or wildlife propagation purposes; providing that an owner of land is not liable to persons present on the owner’s land for the purpose of engaging in recreational or wildlife propagation purposes for injury or death resulting from a wild animal attack; providing that an owner of land who grants a lease, easement, or license of land to the federal government or any agency thereof, or the state or any agency thereof, or any county or municipality or agency thereof, for military, law-enforcement, or homeland defense training or recreational or wildlife propagation purposes does not, by doing so, owe a duty to warn persons entering or going upon the land regarding dangerous wild animals and is not liable for injury or death resulting from wild animal attacks; substituting the term “charge” with the term “fee”; clarifying that the term “fee” does not include a one-time charge for an event that is less than \$50 per person per annum; providing that the term “fee” does not include a parking fee charged per vehicle entering the land;

providing that the term “fee” does not include a voluntary donation to a nonprofit for the purpose of maintaining land for recreational purposes; altering the definition of the term “owner of land” to include any person holding legal possession, ownership, or partial ownership of an interest in land, including a person sponsoring land or premises for volunteer improvement or maintenance purposes; defining the term “person”; altering the definition of the term “recreational purposes” to include any outdoor activity undertaken, or practice or instruction in any such activity, for the purpose of exercise, relaxation, or pleasure; specifically including the activities of rock climbing and kayaking in the definition of “recreational use”; and making technical corrections.

Referred to the Committee on the Judiciary.

By Senators Takubo, Cline, and Maroney:

Senate Bill 548—A Bill to repeal §30-7D-1, §30-7D-2, §30-7D-3, §30-7D-4, §30-7D-5, §30-7D-6, §30-7D-7, §30-7D-8, §30-7D-9, §30-7D-10, §30-7D-11, §30-7D-12, and §30-7D-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §16-5AA-1, §16-5AA-2, §16-5AA-3, §16-5AA-4, §16-5AA-5, §16-5AA-6, §16-5AA-7, §16-5AA-8, §16-5AA-9, and §16-5AA-10, all relating generally to the administration of medication in nursing homes; repealing a pilot program designed to monitor the practice of unlicensed personnel administering medication in a nursing home setting; permitting a nursing home to use trained individuals to administer medication under the direction of a registered professional nurse; authorizing Approved Medication Assistive Personnel (AMAP) to administer medication in a nursing home; providing certain exemptions; establishing requirements for training curricula and national medication aide certification examination procedures; establishing eligibility criteria; establishing procedures by which an AMAP may administer medication; requiring nursing homes using an AMAP to establish an administrative monitoring system; permitting a registered professional nurse to withdraw authorization for an AMAP to administer medications in certain circumstances; allowing certain fees to be collected; providing limits on administration of medication by an AMAP; providing that use of an AMAP in nursing homes is permissive; requiring rulemaking; and defining terms.

Referred to the Committee on Health and Human Resources.

By Senators Stollings, Prezioso, Hardesty, Hamilton, Ihlenfeld, Romano, Beach, Maroney, and Facemire:

Senate Bill 549—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-33c, relating to authorizing the Director of the Division of Natural Resources to include on applications for a hunting and fishing license a solicitation for a donation to fund the West Virginia University Rifle Team.

Referred to the Committee on Government Organization.

By Senators Blair, Boley, Facemire, Hamilton, Ihlenfeld, Maroney, Palumbo, Plymale, Prezioso, Roberts, Swope, Sypolt, Tarr, Stollings, Jeffries, Hardesty, Romano, and Cline:

Senate Bill 550—A Bill recognizing and declaring certain claims against agencies of the state to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof.

Referred to the Committee on Finance.

By Senators Beach, Stollings, Romano, and Maroney:

Senate Bill 551—A Bill to amend and reenact §7-3-3 of the Code of West Virginia, 1931, as amended, relating to expanding county commissions' ability to dispose of county or district property; and adding the ability of county commissions to dispose of the property to a nonprofit community or senior center organization without conducting a public sale.

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

By Senator Maynard:

Senate Bill 552—A Bill to amend and reenact §29-12-2, §29-12-3, §29-12-4, and §29-12-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §29-12-5d, all relating to reforming the practice of securing state insurance; reasserting the sovereign immunity of the State of West Virginia and the qualified immunity of its officers and employees as to any damages in excess of state insurance; providing for the process by which settlement of claims be approved; limiting attorney fees in instances of settlement of claims against state insurance or entry of final judgment for a claimant; establishing the extent of the amount of the state's insurance coverage; establishing term limits for members of the state Board of Risk and Insurance Management; providing that the Insurance Commissioner submits the report of the board's activities and providing for certain information to be contained in the report; providing that appointed members of the Board of Risk and Insurance Management serve at the pleasure of the Governor; clarifying that the Director of the Board of Insurance and Risk Management shall hold no other employment; requiring any person who files a claim against the state which is subject to state insurance to reimburse the state for its costs of defense in the event a verdict is entered for the state; and limiting attorney fees in settlement of claims.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

By Senators Lindsay, Jeffries, Stollings, and Beach:

Senate Bill 553—A Bill to amend and reenact §18-10-3 of the Code of West Virginia, 1931, as amended, relating to federal funds for land-grant institutions.

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

By Senator Clements:

Senate Bill 554—A Bill to amend and reenact §29-18-4a of the Code of West Virginia, 1931, as amended, relating to aligning the salary of the Director of the State Rail Authority with similar positions in state government; and providing that the Secretary of Transportation set the salary with the consent of the authority.

Referred to the Committee on Government Organization.

Senators Weld, Stollings, Hamilton, Ihlenfeld, Jeffries, Romano, Beach, Cline, Swope, Lindsay, and Maroney offered the following resolution:

Senate Resolution 33—Designating February 7, 2019, as Veterans Visibility Day at the Legislature.

Whereas, From the Revolutionary War, which gave America its identity as a free and democratic nation, to this moment, America's men and women have always risen to the call of duty in order to defend and preserve our freedom, and help maintain freedom throughout the world; and

Whereas, Per capita, more citizens from West Virginia have served in our nation's armed forces than from any other state, and we are proud of our citizens who, despite danger, have done what they must for peace and freedom; and

Whereas, Through wars, conflicts, and the threat of terror thousands of West Virginians have paid the ultimate price for freedom with their lives, and thousands more have been wounded in battle; and

Whereas, The Senate is proud to honor those currently serving in harm's way in Iraq, Afghanistan, and in other countries all over the world to protect democracy from the threat of terror; and

Whereas, It is always important that we honor the many brave West Virginians who have faced the enemy, been wounded, and have given their lives not only for our freedom but for freedom around the world; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 7, 2019, as Veterans Visibility Day at the Legislature; and, be it

Further Resolved, That the Senate expresses its sincere gratitude to all West Virginia veterans and those men and women currently serving in the armed forces to protect our freedom; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Department of Veterans Assistance.

At the request of Senator Weld, 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 Senate Resolution 33, and on this question, Senator Beach demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, 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: Mann and Palumbo—2.

So, a majority of those present and voting having voted in the affirmative, the President declared Senate Resolution 33 adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Weld, Stollings, and Clements regarding the adoption of Senate Resolution 33 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 11:25 a.m., the Senate recessed to present Senate Resolution 33.

The Senate reconvened at 11:35 a.m. and resumed business under the sixth order.

Senators Takubo, Stollings, Hamilton, Ihlenfeld, Jeffries, Romano, Beach, Cline, Swope, Lindsay, and Maroney offered the following resolution:

Senate Resolution 34—Designating February 7, 2019, as Go Red For Women Day at the Capitol.

Whereas, Cardiovascular disease is the number one killer of women in the United States; and

Whereas, Cardiovascular disease kills one woman every 80 seconds in the United States; and

Whereas, Around 80 percent of cardiovascular diseases may be prevented; and

Whereas, Some risk factors, such as blood pressure, smoking, cholesterol, and lack of regular physical activity, can be controlled; and

Whereas, The American Heart Association's Go Red For Women movement motivates women to learn their family history and to meet with a health care provider to determine their risk for cardiovascular diseases and stroke; and

Whereas, Go Red For Women encourages women to take control of their heart health by knowing five numbers that can be lifechanging: Total cholesterol; HDL (good) cholesterol; blood pressure; blood sugar; and body mass index; and

Whereas, By increasing awareness, speaking out about heart disease, and empowering women to reduce their risk for cardiovascular diseases, thousands of lives can be saved each year; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 7, 2019, as Go Red For Women Day at the Capitol; and, be it

Further Resolved, That the Senate urges all citizens to show their support for women and the fight against heart disease by commemorating this day and wearing the color red; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Go Red For Women Day.

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

Thereafter, at the request of Senator Prezioso, and by unanimous consent, the remarks by Senator Takubo regarding the adoption of Senate Resolution 34 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 11:38 a.m., the Senate recessed to present Senate Resolution 34.

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

Senators Romano, Facemire, Stollings, Hamilton, Jeffries, Beach, Swope, Lindsay, and Maroney offered the following resolution:

Senate Resolution 35—Recognizing Glenville State College and the public school districts of Gilmer, Braxton, Calhoun, Doddridge, Fayette, Kanawha, Lewis, Nicholas, Pleasants, Pocahontas, Roane, Webster, Wood, Wirt, and Upshur counties for their efforts in solving the teacher shortage by improving teacher recruitment, education, and retention throughout West Virginia.

Whereas, Glenville State College was originally founded in 1872 to serve the higher education needs of West Virginia citizens by preparing teachers to serve in the classrooms of the state as the educators of its children; and

Whereas, Glenville State College continues to be critical to the educational and economic vitality of central West Virginia through its many partnerships with businesses, agencies, and public school districts; and

Whereas, Glenville State College has shown leadership to the state in keeping the cost of tuition affordable to students during the past two academic years, 2017-2019, reducing tuition contrary to state and national trends, and is committed again to doing so for the upcoming 2019-2020 academic year; and

Whereas, Glenville State College and the public school districts of the counties of Gilmer, Braxton, Calhoun, Doddridge, Fayette, Kanawha, Lewis, Nicholas, Pleasants, Pocahontas, Roane, Webster, Wood, Wirt, and Upshur have partnered to increase the number of highly qualified teachers, particularly in the defined shortage areas of science, math, and special education; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes Glenville State College and the public school districts of Gilmer, Braxton, Calhoun, Doddridge, Fayette, Kanawha, Lewis, Nicholas, Pleasants, Pocahontas, Roane, Webster, Wood, Wirt, and Upshur counties for their efforts in solving the teacher shortage by improving teacher recruitment, education, and retention throughout West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Glenville State College.

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

Thereafter, at the request of Senator Prezioso, and by unanimous consent, the remarks by Senators Romano, Facemire, and Maroney regarding the adoption of Senate Resolution 35 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 11:47 a.m., the Senate recessed to present Senate Resolution 35.

The Senate reconvened at 11:51 a.m. and resumed business under the sixth order.

Petitions

Senators Hamilton and Boso presented a petition from Howard Cogar and 109 Diana, West Virginia, residents, requesting a water line extension to Guardian Drive, Big Run Road, Bear Run Road, Removal Road, and Cool Lane Road in Diana, West Virginia.

Referred to the Committee on Transportation and Infrastructure.

Senator Baldwin presented a petition from the West Virginia Rivers Coalition and 898 West Virginia residents, requesting the Legislature to update human health protections in state water quality standards.

Referred to the Committee on the Judiciary.

Without objection, the Senate returned to the third order of business.

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

Eng. Com. Sub. for House Bill 2363—A Bill to amend and reenact §5B-2-15 of the Code of West Virginia, 1931, as amended, relating to the Upper Kanawha Valley Resiliency and Revitalization Program; extending the length of the program; clarifying the reporting requirements for the program; removing certain language regarding funding; and requiring an assessment of the option of establishing or maintaining schools jointly pursuant to authority granted in said code.

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

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 2490—A Bill to amend and reenact §16-1-4 of the Code of West Virginia, 1931, as amended, relating to preventing the secretary of the Department of Health and Human Resources from enforcing certain rules relating to public pools.

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. House Bill 2691—A Bill to amend and reenact §61-7-4 of the Code of West Virginia, 1931, as amended, relating to providing that a license to carry a concealed deadly weapon expires on the holder's birthday.

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 2779—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §37-4-9; and to amend and reenact §55-12A-7 of said code, all relating to funding the Oil and Gas Reclamation Fund by providing that proceeds from certain oil and natural gas wells and interests that are due to persons whose names or addresses are unknown or unlocatable which are being kept in special funds throughout the state, if unclaimed for seven years or more, shall be transferred to the Oil and Gas Reclamation Fund and used to plug orphaned and abandoned oil and natural gas wells; providing and clarifying that certain deed provisions purporting to convey or reserve interests created by this article are void, providing that certain provisions take effect beginning when funds have been unclaimed for seven years after the special commissioner's lease regardless of when the lease was signed; and authorizing rule making.

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

The Senate proceeded to the fourth order of business.

Senator Azinger, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 26, Permitting certain employees of educational service cooperatives participate in state's teacher retirement systems.

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

Com. Sub. for Senate Bill 26 (originating in the Committee on Pensions)—A Bill to amend and reenact §18-7A-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-7B-2 of said code, all relating to permitting full-time employees of educational services cooperatives to participate in the State Teachers Retirement System; and permitting full-time employees of educational services cooperatives to participate in the State Teachers' Defined Contribution Retirement System.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael T. Azinger,
Chair.

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

Your Committee on Economic Development has had under consideration

Senate Bill 153, Providing greater flexibility for making infrastructure project grants.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Mark R. Maynard,
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 Committee on Economic Development.

Senator Azinger, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 316, Preserving previously approved state Municipal Policemen's or Firemen's pensions.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Michael T. Azinger,
Chair.

The bill, under the original double committee reference, was then referred to the Committee on Finance.

Senator Azinger, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 341, Establishing minimum monthly retirement annuity for retirants with 20 or more years of service.

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

Com. Sub. for Senate Bill 341 (originating in the Committee on Pensions)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-10-22l; and to amend said code by adding thereto a new section, designated §18-7A-26w, all relating to establishing a minimum monthly retirement annuity of \$750 for those retirants with 20 or more years of credited service.

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,

Michael T. Azinger,
Chair.

The bill (Com. Sub. for S. B. 341), under the original double committee reference, was then referred to the Committee on Finance.

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 440, Relating to Antihazing Law.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Finance has had under consideration

Senate Bill 442, Supplementing, amending, and decreasing appropriation to Insurance Commission.

Senate Bill 443, Supplemental appropriation of federal moneys to DHHR divisions.

Senate Bill 444, Supplemental appropriation to DHHR divisions.

And,

Senate Bill 452, Supplemental appropriation to Second Chance Driver's License Program.

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

Respectfully submitted,

Craig Blair,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 491, Extending effective date for voter registration in conjunction with driver licensing.

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

Com. Sub. for Senate Bill 491 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-2-11 of the Code of West Virginia, 1931, as amended, relating generally to automatic voting registration through the Division of Motor Vehicles; adding United States citizenship status to information that applicants must provide; requiring the Division of Motor Vehicles to confirm and maintain a record of an applicant's citizenship status; requiring the Division of Motor Vehicles to provide notice to the Secretary of State and the appropriate county clerk if voting registration information related to a noncitizen is released to the Secretary of State in error; requiring the Division of Motor Vehicles and the Secretary of State to cooperate to develop a process by January 1, 2020 to compare all information regarding a person's citizenship status available to the Division of Motor Vehicles with voter information released to the Secretary of State in order to detect and cancel voting registration by noncitizens; delaying the effective date for automatic voter registration in conjunction with certain Division of Motor Vehicle transactions until July 1, 2021; and requiring the Division of Motor Vehicles, the Department of Transportation, and the Secretary of State to file certain reports with and appear before the Joint Committee on Government and Finance and the Joint Standing Committee on the Judiciary during the first interim meetings occurring after September 1, 2019.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Finance has had under consideration

Senate Bill 510, Relating to medical professional liability.

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

Com. Sub. for Senate Bill 510 (originating in the Committee on Finance)—A Bill to amend and reenact §55-7B-6 of the Code of West Virginia, 1931, as amended, relating to medical professional liability; providing for requirements for notice of claim; setting out requirements for an expert who signs a certificate of merit; and providing for information to be included with the certificate of merit

With the recommendation that the committee substitute do pass; but with the further recommendation that it first be referred to the Committee on the Judiciary.

Respectfully submitted,

Craig Blair,
Chair.

On motion of Senator Blair, the bill (Com. Sub. for S. B. 510) contained in the foregoing report from the Committee on Finance was then referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration

Eng. House Bill 2459, Exercising authority to exempt individuals domiciled within the state from certain restrictions contained in federal law.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Eng. House Bill 2492, Relating to mandatory reporting procedures of abuse and neglect of adults and children.

And has amended same.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 16, US Army SP4 Wilbur Allen Smith Memorial Bridge.

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

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.

Senate Concurrent Resolution 20, US Air Force SSGT Ryan David Hammond Memorial Bridge.

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

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 Senate Bill 127, Relating to parole officers' duties to perform alcohol and drug testing of litigants.

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, Maroney, Maynard, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Boso, Mann, and Palumbo—3.

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. 127) 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 163, Authorizing DEP promulgate legislative rules.

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 163 pass?"

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Hamilton, Maroney, Maynard, Plymale, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, and Carmichael (Mr. President)—20.

The nays were: Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Prezioso, Romano, Stollings, Unger, and Woelfel—12.

Absent: Mann and Palumbo—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. 163) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Jeffries, Maroney, Maynard, Plymale, Prezioso, Roberts, Romano,

Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, and Carmichael (Mr. President)—29.

The nays were: Ihlenfeld, Lindsay, and Unger—3.

Absent: Mann and Palumbo—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. 163) 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 392, Relating to payment of invoices received by Division of Corrections and Rehabilitation for contract work.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, 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: Mann and Palumbo—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. 392) 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.

Senate Bill 16, Authorizing expenditure of surplus funds by Wyoming County Commission.

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 30, Eliminating tax on annuity considerations collected by life insurer.

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

Com. Sub. for Com. Sub. for Senate Bill 90, Transferring Safety and Treatment Program from DHHR to DMV.

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 237, Improving ability of law enforcement to locate and return missing persons.

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 263, Limiting number of days legislators may be compensated during extended and extraordinary sessions if budget bill not enacted.

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 323, Establishing revenue fund and source to support Department of Agriculture's improvement to facilities.

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

Senate Bill 343, Relating to review and approval of state property leases.

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

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

On page one, section twelve, line two, by striking out the words "state property" and inserting in lieu thereof the words "grounds, buildings, offices, or other spaces".

The bill (S. B. 343), as amended, was then ordered to engrossment and third reading.

Senate Bill 346, Changing rate which certain judges are paid for mileage when traveling within state.

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 356, Requiring MAPS provide state and federal prosecutors information.

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

Senate Bill 453, Relating to background checks of certain financial institutions.

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

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill 13, Relating to distributions from State Excess Lottery Fund.

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

Com. Sub. for Com. Sub. for Senate Bill 14, Creating WV Farm-to-School Grant Program.

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

Com. Sub. for Senate Bill 19, Relating to Senior Farmers Market Nutrition Program.

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

Com. Sub. for Com. Sub. for Senate Bill 317, Authorizing three or more adjacent counties form multicounty trail network authority.

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

Com. Sub. for Senate Bill 352, Relating to Division of Corrections and Rehabilitation acquiring and disposing of services, goods, and commodities.

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

Com. Sub. for Senate Bill 408, Determining indigency for public defender services.

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

Com. Sub. for Senate Bill 496, Transferring authority to regulate milk from DHHR to Department of Agriculture.

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

Senate Bill 499, Amending WV tax laws to conform to changes in partnerships for federal income tax purposes.

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

Senate Bill 542, Relating to registration fees for military-related special registration plates.

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

Com. Sub. for Senate Joint Resolution 5, Clarification of the Judiciary's Role in Impeachment Proceedings Amendment.

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

Eng. Com. Sub. for House Bill 2191, Relating generally to limited video lottery.

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

And,

Eng. Com. Sub. for House Bill 2307, Relating to creating a provisional license for practicing barbering and cosmetology.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Lindsay.

The Senate then proceeded to the thirteenth order of business.

At the request of Senator Prezioso, the name of Senator Prezioso was removed as a sponsor of **Senate Bill 500** (*Creating Sewer and Water Infrastructure Replacement Act*).

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:25 p.m., the Senate adjourned until tomorrow, Friday, February 8, 2019, at 11 a.m.

SENATE CALENDAR

**Friday, February 08, 2019
11:00 AM**

THIRD READING

- Eng. S. B. 16 - Authorizing expenditure of surplus funds by Wyoming County Commission
- Eng. Com. Sub. for S. B. 30 - Eliminating tax on annuity considerations collected by life insurer (original similar to HB2400)
- Eng. Com. Sub. for Com. Sub. for S. B. 90 - Transferring Safety and Treatment Program from DHHR to DMV
- Eng. Com. Sub. for S. B. 237 - Improving ability of law enforcement to locate and return missing persons
- Eng. Com. Sub. for S. B. 263 - Limiting number of days legislators may be compensated during extended and extraordinary sessions if budget bill not enacted
- Eng. Com. Sub. for S. B. 323 - Establishing revenue fund and source to support Department of Agriculture's improvement to facilities (original similar to HB2468, SB385)
- Eng. S. B. 343 - Relating to review and approval of state property leases (original similar to HB2601)
- Eng. S. B. 346 - Changing rate which certain judges are paid for mileage when traveling within state (original similar to HB2566)
- Eng. Com. Sub. for S. B. 356 - Requiring MAPS provide state and federal prosecutors information (original similar to HB2698)
- Eng. S. B. 453 - Relating to background checks of certain financial institutions

SECOND READING

- Com. Sub. for S. B. 13 - Relating to distributions from State Excess Lottery Fund
- Com. Sub. for Com. Sub. for S. B. 14 - Creating WV Farm-to-School Grant Program
- Com. Sub. for S. B. 19 - Relating to Senior Farmers Market Nutrition Program
- Com. Sub. for Com. Sub. for S. B. 317 - Authorizing three or more adjacent counties form multicounty trail network authority
- Com. Sub. for S. B. 352 - Relating to Division of Corrections and Rehabilitation acquiring and disposing of services, goods, and commodities (original similar to HB2772)
- Com. Sub. for S. B. 408 - Determining indigency for public defender services
- Com. Sub. for S. B. 496 - Transferring authority to regulate milk from DHHR to Department of Agriculture

- S. B. 499 - Amending WV tax laws to conform to changes in partnerships for federal income tax purposes
- S. B. 542 - Relating to registration fees for military-related special registration plates
- Com. Sub. for S. J. R. 5 - Clarification of the Judiciary's Role in Impeachment Proceedings Amendment
- Eng. Com. Sub. for H. B. 2191 - Relating generally to limited video lottery
- Eng. Com. Sub. for H. B. 2307 - Relating to creating a provisional license for practicing barbering and cosmetology

FIRST READING

- Com. Sub. for S. B. 26 - Permitting certain employees of educational service cooperatives participate in state's teacher retirement systems (original similar to HB2780)
- S. B. 153 - Providing greater flexibility for making infrastructure project grants
- S. B. 440 - Relating to Antihazing Law
- S. B. 442 - Supplementing, amending, and decreasing appropriation to Insurance Commission (original similar to HB2795)
- S. B. 443 - Supplemental appropriation of federal moneys to DHHR divisions (original similar to HB2782)
- S. B. 444 - Supplemental appropriation to DHHR divisions
- S. B. 452 - Supplemental appropriation to Second Chance Driver's License Program (original similar to HB2783).
- Com. Sub. for S. B. 491 - Extending effective date for voter registration in conjunction with driver licensing
- Eng. H. B. 2459 - Exercising authority to exempt individuals domiciled within the state from certain restrictions contained in federal law - (Com. title amend. pending)
- Eng. H. B. 2492 - Relating to mandatory reporting procedures of abuse and neglect of adults and children - (Com. amend. pending)

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2019

Friday, February 8, 2019

9:30 a.m.

Judiciary

(Room 208W)