

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

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

Charleston, West Virginia, Tuesday, February 12, 2019

The Senate met at 11:11 a.m.

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

Prayer was offered by Pastor Ron McClung, Mount Vernon Baptist Church, Hurricane, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Glenn D. Jeffries, a senator from the eighth district.

Pending the reading of the Journal of Monday, February 11, 2019,

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 communications from various state agencies as required by the provisions of law:

Senior Services, Bureau of (§16-5P-14)

The Senate proceeded to the third order of business.

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

Eng. Senate Bill 267, Requiring State Board of Education adopt policy detailing level of computer science instruction.

A message from the Clerk of the House of Delegates announced that that body had refused to recede from its amendments to the Senate amendments, and requested the appointment of a

committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. House Bill 2351, Relating to regulating prior authorizations.

The message further announced the appointment of the following conferees on the part of the House of Delegates:

Delegates Ellington, Hollen, and Staggers.

On motion of Senator Takubo, the Senate agreed to the appointment of a conference committee on the bill.

Whereupon, Senator Carmichael (Mr. President) appointed the following conferees on the part of the Senate:

Senators Maroney, Takubo, and Stollings.

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 passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2365—A Bill to amend and reenact §21A-1A-16 of the Code of West Virginia, 1931, as amended; and to amend and reenact §23-2-1a of said code, relating to the definition of employee for the purposes of the unemployment compensation and workers compensation laws.

Referred to the Committee on the Judiciary.

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, of

Eng. House Bill 2462, Issuing a certificate to correctional employees to carry firearms.

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 2583—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-56-1, §16-56-2, §16-56-3, §16-56-4, §16-56-5 and §16-56-6, all relating to permitting a pharmacist to dispense a self-administered hormonal contraceptive under a standing prescription drug order; defining terms; providing certain authority to the State Health Officer; clarifying that certain federal requirements are applicable; establishing protocol to be followed; requiring the pharmacist to be trained; providing guidelines to dispensing; and clarifying that the Board of Pharmacy regulates the actions of Pharmacist acting under this article.

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 2661—A Bill to amend and reenact §24-2-4c of the Code of West Virginia, 1931, as amended; and to amend and reenact §24-3-7 of said code, all relating to the powers of the Public Service Commission and the regulation of natural gas utilities; permitting a natural gas utility to make a request for proposal for incentivized gas drilling where dependable, lower-priced supplies of natural gas are not readily available; permitting the natural gas utility to recover certain costs; and permitting a natural gas utility to recover costs reasonably necessary to convert some customers to alternate fuel sources when gas service to that customer has been or is to be abandoned.

Referred to the Committee on Energy, Industry, and Mining.

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 2809—A Bill to amend and reenact § 20-14-8 of the Code of West Virginia, 1931, as amended, relating to prohibited acts and penalties in the Hatfield-McCoy Recreation Area; increasing fines for persons who do not remain within and on a designated and marked trail within the Hatfield-McCoy Recreation Area; and increasing fines for persons who do not remain within and on a designated and marked trail within the Hatfield-McCoy Recreation Area and cause property damage to a landowner's property outside the designated and marked trails or interfere with a landowner's or lawful possessor's use of property outside the designated and marked trails within the Hatfield-McCoy Recreation Area.

Referred to the Committee on the Judiciary.

Executive Communications

The Clerk then presented a communication from His Excellency, the Governor, advising that on February 11, 2019, he had approved **Enr. Committee Substitute for Senate Bill 17**.

The Senate proceeded to the fourth order of business.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 266 (originating in the Committee on the Judiciary), Creating Intermediate Court of Appeals and WV Appellate Review Organization Act of 2019.

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

Com. Sub. for Com. Sub. for Senate Bill 266 (originating in the Committee on Finance)—A Bill to amend and reenact §3-10-3a of the Code of West Virginia, 1931, as amended; to amend and reenact §23-5-15 of said code; to amend and reenact §29A-5-4 of said code; to amend and reenact §29A-6-1 of said code; to amend and reenact §51-9-1a of said code; to amend said code by adding thereto a new article, designated §51-11-1, §51-11-2, §51-11-3, §51-11-4, §51-11-5, §51-11-6, §51-11-7, §51-11-8, §51-11-9, §51-11-10, §51-11-11, §51-11-12, and §51-11-13; and to amend and reenact §58-5-1 of said code, all relating generally to the West Virginia Appellate Reorganization Act of 2019; creating an Intermediate Court of Appeals in West Virginia; providing that the Judicial Vacancy Advisory Commission shall assist the Governor in filling judicial

vacancies in the Intermediate Court of Appeals; providing that petitions for review of final decisions of the Workers' Compensation Board of Review must be made to the Intermediate Court of Appeals and that petitioners have a right to review in such court; providing that the Supreme Court of Appeals has discretion to review final decisions of the Intermediate Court of Appeals in workers' compensation claims; providing that the Workers' Compensation Board of Review may continue to certify questions of law directly to the Supreme Court of Appeals; requiring that appeal of contested cases under State Administrative Procedures Act be made to the Intermediate Court of Appeals; placing judges of Intermediate Court of Appeals under the judicial retirement system; establishing the Intermediate Court of Appeals by a certain date; providing a short title; providing legislative findings; defining terms; requiring a three-judge panel for proceedings; authorizing jurisdiction of the Intermediate Court of Appeals over certain matters; specifically excluding certain matters from jurisdiction of the Intermediate Court of Appeals; providing eligibility criteria for judges of the Intermediate Court of Appeals; providing a process for initial appointment of judges to the Intermediate Court of Appeals to staggered judicial terms, and to 10-year terms on the expiration of terms thereafter; providing for the filling of vacancies in unexpired judicial terms by appointment; providing that the Governor's appointments are subject to Senate confirmation; providing that judges of the Intermediate Court of Appeals may not be candidates for any elected public office during judicial term; establishing certain requirements for the filing of appeals to the Intermediate Court of Appeals; clarifying that an appeal bond may be required before appeal to the Intermediate Court of Appeals may take effect; requiring the Chief Judge of the Intermediate Court of Appeals to publish and submit certain reports to the Legislature and Supreme Court of Appeals regarding pending cases; authorizing filing fees; providing for deposit of filing fees in a special revenue account to fund the State Police Forensic Laboratory; recognizing the constitutional authority of the Supreme Court of Appeals to exercise administrative authority over the Intermediate Court of Appeals; providing that procedures and operations of the Intermediate Court of Appeals shall comply with rules promulgated by the Supreme Court of Appeals; requiring that appeals to the Intermediate Court of Appeals be filed with the Clerk of the Supreme Court of Appeals; providing that Intermediate Court of Appeals proceedings shall take place in publicly available facilities as arranged by the Administrative Director of the Supreme Court of Appeals; granting the Intermediate Court of Appeals discretion to require oral argument; authorizing the Administrative Director of the Supreme Court of Appeals to employ staff for Intermediate Court of Appeals operations; providing that the budget for Intermediate Court of Appeals operations shall be included in the appropriation for the Supreme Court of Appeals; authorizing the Intermediate Court of Appeals to issue opinions as binding precedent for lower courts; providing for discretionary review of Intermediate Court of Appeals decisions by Supreme Court of Appeals; authorizing an annual salary, retirement benefits, and reimbursement of expenses for judges of the Intermediate Court of Appeals; providing for reimbursement of expenses of Intermediate Court of Appeals staff; providing that certain appeals are reviewed and a written decision issued by either the Intermediate Court of Appeals or the Supreme Court of Appeals, as a matter of right; removing obsolete language from the code; and making technical corrections to the code.

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

Respectfully submitted,

Craig Blair,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 393, Protecting right to farm.

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

Com. Sub. for Senate Bill 393 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §19-19-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §19-19-7, all relating to the right to farm; providing for an amended definition of “agriculture”; providing for protections to agriculture operations from nuisance litigation if the facility has been in operation for more than one year; providing for the exclusive compensatory damages that may be awarded to a claimant where the alleged nuisance originates from an agricultural operation; and prohibiting punitive damages being awarded to a claimant for nuisance actions originating from an agricultural operation.

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

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

Com. Sub. for Senate Bill 516 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §49-4-112 of the Code of West Virginia, 1931, as amended, relating to the payment of attorney’s fees in subsidized adoptions or guardianships directly to the attorney; requiring an attorney to submit certain documentation to the caseworker responsible for the child or children; and requiring Department of Health and Human Resources to pay invoices within 45 days, if funds are available.

Senate Bill 518, Restricting sale and trade of dextromethorphan.

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

Com. Sub. for Senate Bill 518 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60A-4-417, relating to restricting the sale and trade of dextromethorphan; defining terms; setting age limits; and providing for a misdemeanor penalty.

And,

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

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

Com. Sub. for Senate Bill 563 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-8B-11 of the Code of West Virginia, 1931, as amended, relating generally to evidence in prosecutions for sexual offenses; prohibiting an alleged victim from being required to submit to or undergo certain physical examinations in prosecutions for sexual offenses; defining sexual offenses; and providing that an alleged victim’s refusal to submit to or undergo certain physical examinations does not preclude admission of evidence regarding other relevant physical examinations.

With the recommendation that the four committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Natural Resources has had under consideration

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

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

Respectfully submitted,

Mark R. Maynard,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senators Maroney and Stollings:

Senate Bill 574—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §27-5-2a, relating to permitting an authorized physician to order the involuntary hospitalization of an individual whom the physician believes is addicted or mentally ill; setting forth a procedure; defining terms; and limiting liability.

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

By Senators Takubo and Maroney:

Senate Bill 575—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-7L-1, §55-7L-2, §55-7L-3, §55-7L-4, §55-7L-5, §55-7L-6, §55-7L-7, §55-7L-8, §55-7L-9, §55-7L-10, §55-7L-11, §55-7L-12, §55-7L-13, §55-7L-14, §55-7L-15, and §55-7L-16, all relating to the creation of long-term care medical review panels; providing definitions; requiring the West Virginia State Bar to administer the medical review panel program; specifying process for selection of medical review panel; establishing eligibility requirements for medical review panelists; clarifying circumstances in which a panelist may be removed; setting forth time limitations; allowing courts to render sanctions for noncompliance with statutory requirements; specifying evidence to be considered by medical review panel; setting forth powers and duties of the panelists; requiring panel to determine whether applicable standard of care has been violated; requiring production of a panel opinion; providing that costs and attorney's fees may be awarded if a claim is unsuccessfully pursued following the issuance of an adverse panel opinion; providing civil immunity for panel members; and allowing for payment of panelists, expenses, and fees.

Referred to the Committee on the Judiciary.

By Senators Smith, Sypolt, Boso, and Maroney:

Senate Bill 576—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-10A-1, §22-10A-2, §22-10A-3, §22-10A-4, §22-10A-5, §22-10A-6, §22-10A-7, §22-10A-8, §22-10A-9, and §22-10A-10, all relating to creating the Orphan Oil and Gas Well Prevention Act; providing for a short title; providing for legislative findings and declarations; providing for restrictions to permit oil and natural gas wells, certain prohibitions, and requiring plugging assurance requirements; providing for limitations on the transfer of wells; providing for responsibility of previous operators to plug transferred wells; providing for different methods for operators to provide plugging assurance of wells including for wells not producing in paying quantities; providing administrative and management responsibilities for the Chief of the Office of Oil and Gas and the State Treasurer regarding plugging assurance funds; providing clarifications regarding the duties of mineral and surface owners; providing for rule-making authority and severability; and providing an effective date.

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

By Senator Takubo:

Senate Bill 577—A Bill to repeal §20-2-42n, §20-2-42q, and §20-2-42r of the Code of West Virginia, 1931, as amended; and to amend and reenact §20-2-42a, §20-2-42d, §20-2-42j, §20-2-42k, §20-2-42p, §20-2-42s, §20-2-42t, §20-2-42x, and §20-2-42y of said code, all relating to repealing the Class N resident and Class NN nonresident antlerless deer hunting stamp, the Class RB resident and Class RRB nonresident archery deer hunting stamp for an additional deer, and the Class RM resident and Class RRM nonresident muzzle-loader deer hunting stamp for an additional deer; allowing one whitetail deer of either sex and three antlerless deer with a Class A resident hunting and trapping license, Class E nonresident hunting and trapping license, Class X resident hunting, fishing, and trapping license, Class XJ resident junior and Class XXJ nonresident junior hunting, fishing, and trapping license, Class XS resident senior hunting, fishing, and trapping license, and Class AH, AHJ, AAH, and AAHJ apprentice hunting and trapping licenses; modifying the cost of the licenses; and allowing an additional antlered deer with an antler point restriction of three visible tines on the main beam above the brow tine on one antler to be taken with a Class RG resident and Class RRG nonresident gun deer hunting stamp, and providing certain limitations with regard to such licenses; and decreasing fees for Class UU nonresident archery deer hunting stamp and the Class VV nonresident muzzle-loading deer hunting stamp.

Referred to the Committee on Natural Resources; and then to the Committee on Finance.

By Senator Unger:

Senate Bill 578—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-48; and to amend and reenact §18-9A-2 of said code, all relating to establishing an education employees' fund; requiring county school boards to establish a fund; specifying purpose of expenditures from the fund; and allocating a portion of revenue from county levies.

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

By Senators Stollings, Plymale, and Prezioso:

Senate Bill 579—A Bill supplementing and amending by increasing existing items of appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal

year 2019, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019.

Referred to the Committee on Finance.

By Senator Swope:

Senate Bill 580—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-28-1, relating generally to the Local Control and Accountability Act; providing counties with authority to impose a one percent county sales tax under certain circumstances; clarifying that a county sales tax does not apply in municipalities already imposing a municipal sales tax; clarifying applicability of county sales tax when a portion of the county is annexed by a municipality with an existing municipal sales tax; and requiring counties imposing a county sales tax to use the services of the Tax Commissioner to administer the tax.

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

By Senator Lindsay:

Senate Bill 581—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-30-14a, relating to social workers; and creating a litigation practice license for social workers.

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

By Senators Beach and Stollings:

Senate Bill 582—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-9q, relating to the exemption of certain hygiene products from sales tax.

Referred to the Committee on Finance.

By Senators Azinger and Boso:

Senate Bill 583—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §31A-9-1, §31A-9-2, §31A-9-3, §31A-9-4, §31A-9-5, §31A-9-6, §31A-9-7, §31A-9-8, and §31A-9-9, all relating to creating the financial technology sandbox program for the testing of financial products and services in West Virginia; defining terms; authorizing the Division of Financial Institutions to accept applications for participation and to authorize waivers of certain statutes and rules covering the regulation of financial services offered to consumers in this state; establishing standards and procedures for accepting applications, operations, and supervision by the Division of Financial Institutions; authorizing reciprocity agreements with other regulators; requiring criminal history background checks; creating an account for the deposit of funds generated under the program; requiring a consumer protection bond; specifying standards for the suspension and revocation of a participant's authorization under the program; authorizing rules and orders; creating a new unit under the Division of Financial Services for the management of the program; and providing for effective dates.

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

By Senator Azinger:

Senate Bill 584—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-11-21, relating to requiring contractors performing work for government contracts on computers use software to verify the hours the contractor worked on the computer.

Referred to the Committee on Government Organization.

By Senators Weld, Ihlenfeld, Lindsay, Woelfel, Boso, Palumbo, Romano, Plymale, Prezioso, and Tarr:

Senate Bill 585—A Bill to amend and reenact §61-2-9a of the Code of West Virginia, 1931, as amended, relating to defining the term “stalking” as a repeated course of conduct; and including stalking with existing penalties.

Referred to the Committee on the Judiciary.

By Senators Maynard and Jeffries:

Senate Bill 586—A Bill to amend and reenact §20-1-17 of the Code of West Virginia, 1931, as amended, relating to prohibiting the Natural Resources Commission from establishing a bag limit for antlered deer at three or more.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 587—A Bill to amend and reenact §5-16-8a of the Code of West Virginia, 1931, as amended, relating to the West Virginia Public Employees Insurance Agency’s reimbursement of air-ambulance providers who provide emergency transportation to individuals covered by the plan.

Referred to the Committee on Finance.

By Senators Jeffries, Lindsay, Unger, Stollings, and Plymale:

Senate Bill 588—A Bill to amend and reenact §31-15-3 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Economic Development Authority; creating a small business and minority populations economic and workforce development taskforce to assist the Director of the Economic Development Authority in developing and implementing a procedure to address employment, labor force participation, and economic development problems of small business and low income and minority populations of West Virginia; and developing a pilot project that can be used as a model to promote the growth and development of small business to increase employment and labor force participation across West Virginia.

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

By Senators Lindsay, Woelfel, and Stollings:

Senate Bill 589—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-9-101, relating to designating social workers in the Department of Health and Human Resources to promote better student school attendance and performance, and the health and well-being of students at home; describing duties; and limiting use of information obtained.

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

Senators Jeffries, Baldwin, Beach, Facemire, Ihlenfeld, Lindsay, Plymale, Prezioso, Romano, Stollings, Unger, and Hardesty offered the following resolution:

Senate Concurrent Resolution 28—Requesting the Division of Highways name a portion of U. S. Route 35 at the intersection with Interstate 64, in Putnam County, the “James Henry Caruthers Memorial Road”.

Whereas, James Henry Caruthers was born on August 11, 1945, to James Henry and Josephine Della “Teeny” Legg Caruthers. He graduated from Poca High School in 1963 and attended Concord College.

Whereas. In 1966, he was drafted into the U.S. Army and proudly and honorably served his country in Vietnam; and

Whereas, Upon his discharge, he returned to his company, Putnam Fabrication. He was also employed by Terradon Corp. and WV Steel. He was elected to three terms as Putnam County Commissioner, and also elected Mayor of Poca and councilman. In 2001, Jim was appointed by Gov. Bob Wise to serve on the WV Statewide Addressing and Mapping Board. He initiated the Putnam County Transportation Committee, which is still in function to this date. He was a member of the Central WV Regional Airport, the Putnam County Republican Executive Committee, the Nitro Moose, and a life member of the VFW, Post 9097, Hurricane, West Virginia; and

Whereas, While recognized and winning numerous awards for his public service, in 2008, Jim was selected for the PF Tucker Award by the Regional Intergovernmental Council. In 2011, he was proud to receive the Mayo Lester Community Service Award, bestowed upon him by the Putnam County Chamber of Commerce, and, in 2015, was presented with the Distinguished West Virginian Award by Governor Earl Ray Tomblin; and

Whereas, James Henry Caruthers, 72, a life-long resident of Poca, West Virginia, passed away, Wednesday, March 28, 2018, survived by his adoring wife, Kim Blair; son, Jonathan Caruthers (Warrant Officer, USMC, stationed in Beaufort, South Carolina), and his partner, Jillianne Sprague, sons, Jeffrey Blair, Esq. and his wife, Dr. Amy Schultz of Scott Depot, West Virginia, and Brian Blair and partner Desi Andrews of Parkersburg, West Virginia; and

Whereas, It is fitting that an enduring memorial be established to commemorate James Henry Caruthers and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to a name portion of U. S. Route 35 at the intersection with Interstate 64, in Putnam County, the “James Henry Caruthers Memorial Road”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs at both ends identifying the portion of the road as the “James Henry Caruthers Memorial Road”; and, be it

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

Which, under the rules, lies over one day.

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

Senate Resolution 38—Congratulating the Herbert Hoover High School softball team for winning the 2018 Class AA State Championship.

Whereas, The Herbert Hoover High School softball team had another dominant year on the diamond, recording an undefeated record of 33-0, on their way to claiming their second consecutive Class AA state softball championship; and

Whereas, The Herbert Hoover High School softball team is led by MaxPreps National Coach of the Year, Missy Smith, and assistant coach, Jamanda Rollyson; and

Whereas, The Herbert Hoover High School softball team's roster consists of players: Kirsten Belcher, Mallori Chapman, Mandy Parrish, Ava Young, Rebekah Woody, Megan Seafler, Taylor Carpenter, Jessica Canterbury, Aly Miller, Hailey Strawn, Jacey Prowse, Presley McGee, Delani Buckner (2018 Gatorade Player of the Year & MaxPreps All-American sophomore team), Rylee Nottingham, Brooke Taylor, Kailey Glover, and Cortney Fizer; and

Whereas, In addition to their undefeated record in 2018 and back-to-back state championships, the Herbert Hoover High School softball team was ranked fifth nationally by MaxPreps; and

Whereas, The Herbert Hoover High School softball team is not only dominant on the field, but in the classroom, where the team combined for a GPA of 3.84; and

Whereas, The Herbert Hoover High School softball team displayed their strong will and determination for an entire season and are a shining example of what can be accomplished with hard work, dedication, and spirit; and

Whereas, The 2018 Herbert Hoover High School softball team will be remembered as one of the greatest softball teams in the history of West Virginia sports; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates the Herbert Hoover High School softball team for winning the 2018 Class AA State Championship; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Herbert Hoover High School softball team.

At the request of Senator Palumbo, 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 Stollings, and by unanimous consent, the remarks by Senator Palumbo regarding the adoption of Senate Resolution 38 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 11:29 a.m., the Senate recessed to present Senate Resolution 38.

The Senate reconvened at 11:34 a.m. and resumed business under the sixth order.

Senators Cline, Romano, and Stollings offered the following resolution:

Senate Resolution 39—Urging the United States Congress to amend its law concerning daylight saving time and allow states to move to permanent daylight saving time.

Whereas, Daylight saving time was first implemented in Europe on April 30, 1916, during World War I; and

Whereas, Daylight saving time was first implemented in the United States by President Roosevelt in 1918 to follow the European model and conserve fuel, electricity, and other resources necessary for World War I, and again during World War II; and

Whereas, Both daylight saving acts imposed during war time were repealed or permitted to sunset after war efforts ceased and permit states to impose their own standard time; and

Whereas, In 1966, Congress imposed daylight saving time to supersede local or state times and make daylight saving time permanent for the entire nation; and

Whereas, Individual states should be permitted to return to setting their own standard time; therefore, be it

Resolved by the Senate:

That the Congress of the United States is hereby urged to amend its law concerning daylight saving time and allow states to move to permanent daylight saving time.

Further Resolved, That the Clerk of the Senate is hereby directed to forward copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representative, and the members of the West Virginia Congressional Delegation so that they may be apprised of the sense of the West Virginia Senate in this matter.

Which, under the rules, lies over one day.

Senators Beach, Jeffries, Romano, and Stollings offered the following resolution:

Senate Resolution 40—Stating the West Virginia Senate affirms its support of the protections for West Virginia consumers with preexisting conditions and other patient protections in the Affordable Care Act.

Whereas, There are 740,000 individuals living with a preexisting condition in West Virginia—including 90,600 children; and

Whereas, Nearly one out of four West Virginia adults under age 50 (181,000) have anxiety, depression, or other mental health conditions; and

Whereas, There are 26,000 West Virginia cancer survivors under age 60, including adults and children; and

Whereas, Virtually any health condition that a West Virginian had before joining a health plan could lead to a preexisting condition exclusion, denial of coverage, or price increase, including high blood pressure or cholesterol, diabetes, asthma, and obesity; and

Whereas, There were 540,000 West Virginians enrolled in Medicaid/CHIP in October 2018; and

Whereas, There are more than 410,000 West Virginians enrolled in Medicare; and

Whereas, Attorneys General from 18 states, including West Virginia, have filed suit in the United States District Court for the Northern District of Texas, arguing that the Affordable Care Act is unconstitutional; and

Whereas, This lawsuit puts protections for West Virginians with preexisting conditions at risk in the event they need to purchase their own coverage, the 154,000 West Virginians enrolled (as of December 2018) in the Medicaid Expansion could lose coverage, and threatens all West Virginians who benefit from improvements to Medicare, including reduced costs to seniors for prescription drugs; and

Whereas, On June 7, 2018, the United States Department of Justice refused to defend the constitutionality of the Affordable Care Act, despite the well-established duty of the department to defend federal statutes where reasonable arguments can be made in their defense.

Resolved by the Senate:

That the West Virginia Senate affirms its support of the protections for West Virginia consumers with preexisting conditions and other patient protections in the Affordable Care Act; and, be it

Further Resolved, That the Senate calls on Attorney General Morrisey to withdraw from the lawsuit; and, be it

Further Resolved, That the Senate calls on the West Virginia Legislature to pass state-level protections in the event these provisions are overturned at the federal level; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Speaker of the House, the House Majority Leader, the House Minority Leader, and the President of the West Virginia Senate.

Which, under the rules, lies over one day.

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

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

Your Committee on Natural Resources has had under consideration

Senate Bill 590 (originating in the Committee on Natural Resources)—A Bill to amend and reenact §20-2-22a, §20-2-23, and §20-2-26 of the Code of West Virginia, 1931, as amended,

relating to permitting guided bear hunts by licensed outfitters and guides, providing the Director of the Division of Natural Resources rule-making authority, setting license fee for outfitter and guide applications, and relating to penalties for guides and outfitters.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 27, Requesting study determining shortage of drivers with CDLs.

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

The Senate proceeded to the eighth order of business.

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

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 13) 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 26, Permitting certain employees of educational service cooperatives participate in state's teacher retirement systems.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 26) passed with its title.

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

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

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

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

Eng. Senate Bill 440, Relating to Antihazing Law.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 440) 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 442, Supplementing, amending, and decreasing appropriation to Insurance Commission.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, 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. 442) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 442) 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 443, Supplemental appropriation of federal moneys to DHHR divisions.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 443) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 443) 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 444, Supplemental appropriation to DHHR divisions.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 444) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 444) 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 452, Supplemental appropriation to Second Chance Driver's License Program.

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

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

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 452) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 452) 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 491, Extending effective date for voter registration in conjunction with driver licensing.

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 491 pass?”

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 491) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 491) 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 House Bill 2191, Relating generally to limited video lottery.

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: Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Palumbo, Plymale, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, and Carmichael (Mr. President)—27.

The nays were: Azinger, Baldwin, Mann, Maynard, Prezioso, Roberts, and Unger—7.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2191) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Palumbo, Plymale, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, and Carmichael (Mr. President)—27.

The nays were: Azinger, Baldwin, Mann, Maynard, Prezioso, Roberts, and Unger—7.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 2191) takes effect from passage.

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

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

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2459) passed.

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

Eng. House Bill 2459—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-2-3a, relating to exercising authority to exempt individuals domiciled within the state from certain restrictions contained in federal law and

exempting persons convicted of certain offenses from the prohibition against receiving supplemental nutrition assistance program benefits.

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

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

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

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

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2492) passed with its title.

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

The Senate proceeded to the ninth order of business.

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

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

Senate Bill 47, Providing wind power projects be taxed at real property rate.

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 285, Relating to sale of homemade food items.

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 291, Relating generally to survivor benefits for emergency response providers.

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

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

On page one, section two, by striking out the section caption and inserting in lieu thereof the following:

§5H-1-2. First responder survivor benefit.;

On page one, section five-h, line three, by striking out the word “death” and inserting in lieu thereof the word “survivor”;

On page three, section five-h, line fifty-seven, by striking out the word “death” and inserting in lieu thereof the word “survivor”;

And,

On page four, section five-h, line seventy-four, by striking out the word “death” and inserting in lieu thereof the word “survivor”.

The bill (Com. Sub. for S. B. 291), as amended, was then ordered to engrossment and third reading.

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

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 345, Relating to fire service equipment and training funds for VFDs.

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 405, Increasing limit on additional expenses incurred in preparing notice list for redemption.

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

Senate Bill 461, Providing for personal income tax withholding on certain lottery winnings.

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 481, Relating to Judicial Vacancy Advisory Commission.

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 2446, Blue Alert Plan.

On second reading, coming up in regular order, was read a second time and 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 60, Licensing practice of athletic training.

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

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

And,

Com. Sub. for Senate Bill 339, Allowing certain persons carry pepper spray in State Capitol Complex.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Maroney, Rucker, Beach, Baldwin, and Sypolt.

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

At the request of Senator Takubo, unanimous consent being granted, the remarks by Senators Beach, Baldwin, and Sypolt were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Cline, the name of Senator Cline was removed as a sponsor of **Senate Bill 22** (*Adopting Revised Uniform Athlete Agents Act of 2015*) and **Senate Bill 391** (*Relating to unlawful discriminatory practices in categories covered by Human Rights Act and Fair Housing Act*).

At the request of Senator Hamilton, the name of Senator Hamilton was removed as a sponsor of **Senate Bill 465** (*Exempting nonpaid volunteers at VFD or emergency services organization from Workers Compensation benefits*).

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, Wednesday, February 13, 2019, at 11 a.m.

SENATE CALENDAR

**Wednesday, February 13, 2019
11:00 AM**

UNFINISHED BUSINESS

- S. C. R. 28 - James Henry Caruthers Memorial Road
- S. R. 39 - Urging US Congress allow states to move to permanent daylight saving time
- S. R. 40 - Stating WV Senate affirms support of protections for consumers in Affordable Care Act

THIRD READING

- Eng. Com. Sub. for S. B. 40 - Establishing Military Service Members Court program
- Eng. S. B. 47 - Providing wind power projects be taxed at real property rate
- Eng. S. B. 153 - Providing greater flexibility for making infrastructure project grants
- Eng. Com. Sub. for Com. Sub. for S. B. 285 - Relating to sale of homemade food items (original similar to HB2564)
- Eng. Com. Sub. for S. B. 291 - Relating generally to survivor benefits for emergency response providers (original similar to HB2438)
- Eng. S. B. 296 - Providing 11-month window to permit members of PERS to purchase credited service
- Eng. Com. Sub. for S. B. 345 - Relating to fire service equipment and training funds for VFDs (original similar to HB2558)
- Eng. Com. Sub. for S. B. 405 - Increasing limit on additional expenses incurred in preparing notice list for redemption
- Eng. S. B. 461 - Providing for personal income tax withholding on certain lottery winnings
- Eng. Com. Sub. for S. B. 481 - Relating to Judicial Vacancy Advisory Commission
- Eng. Com. Sub. for H. B. 2446 - Blue Alert Plan

SECOND READING

- Com. Sub. for S. B. 60 - Licensing practice of athletic training (original similar to HB2401)
- Com. Sub. for S. B. 66 - Prohibiting certain misleading lawsuit advertising practices (original similar to HB2671)
- Com. Sub. for S. B. 74 - Exempting nonpaid volunteers at ski areas from workers' compensation benefits
- Com. Sub. for S. B. 339 - Allowing certain persons carry pepper spray in State Capitol Complex

FIRST READING

Com. Sub. for Com. Sub. for S. B. 266 - Creating Intermediate Court of Appeals and WV Appellate Review Organization Act of 2019 (original similar to HB2366)

Com. Sub. for S. B. 393 - Protecting right to farm (original similar to HB2774, HB2900)

Com. Sub. for S. B. 516 - Relating to attorney fees in subsidized adoptions

Com. Sub. for S. B. 518 - Restricting sale and trade of dextromethorphan

Com. Sub. for S. B. 563 - Prohibiting sexual assault victim be subjected to certain physical examinations

S. B. 590 - Permitting guided bear hunts by licensed outfitters and guides

Eng. Com. Sub. for H. B. 2521 - Relating to permitting fur-bearer parts

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2019

Wednesday, February 13, 2019

10 a.m. Energy, Industry & Mining (Room 208W)

2 p.m. Agriculture & Rural Development (Room 208W)

Thursday, February 14, 2019

9:30 a.m. Transportation & Infrastructure (Room 451M)