

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

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

Charleston, West Virginia, Thursday, February 21, 2019

The Senate met at 11:13 a.m.

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

Prayer was offered by Dr. D. W. Cummings, Senior Pastor, Bethlehem Apostolic Temple, Wheeling, West Virginia.

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

Pending the reading of the Journal of Wednesday, February 20, 2019,

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

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

The Senate then proceeded to the third order of business.

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

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

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 2486—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-1-22; and to amend and reenact §30-5-11, §30-5-11a, §30-10-8, §30-10-10, §30-13A-9, §30-13A-12, §30-14-11, §30-20-8, §30-20-10, §30-20A-5, §30-21-7, §30-22-10, §30-23-9, §30-23-15, §30-23-17, §30-23-20, §30-25-8, §30-26-5, §30-26-13, §30-30-8, §30-30-10, §30-30-12, §30-30-14, §30-30-26, §30-31-8, §30-31-9, §30-38-12 and §30-39-6 of said code, all relating to using records of criminal conviction to disqualify

a person from receiving a license for a profession or occupation; requiring criminal offenses that can be used as a basis for disqualifying a person from initially applying for a license, certification or registration to bear a rational nexus to the occupation requiring licensure, limiting the time of disqualification for criminal offense; providing exceptions; providing petition process for individual with a criminal record to obtain determination of effect of a criminal record on ability to obtain a license; and requiring boards and licensing authorities to update legislative rules.

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 2975—A Bill to amend and reenact §61-8B-10 of the Code of West Virginia, 1931, as amended, relating to imposition of sexual acts on persons incarcerated or under supervision; providing for prohibition against sexual acts for any person working at an alternative sentence program who has supervisory duties; and providing that employees working at an alternative sentence program who engage in sexual acts with a person said employee is charged as part of his or her employment with supervising, is guilty of a felony.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 21st day of February, 2019, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(S. B. 27), Removing restrictions on where certain traditional lottery games may be played.

(S. B. 268), Updating meaning of federal taxable income in WV Corporation Net Income Tax Act.

And,

(S. B. 269), Updating terms used in WV Personal Income Tax Act.

Respectfully submitted,

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

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

Your Committee on the Judiciary has had under consideration

Senate Bill 238, Increasing fines for passing stopped school bus.

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

Com. Sub. for Senate Bill 238 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §17C-12-7 of the Code of West Virginia, 1931, as amended, relating to increasing certain penalties for illegally passing a stopped school bus; increasing driver's license suspension periods for violators; requiring forward and rear-facing exterior cameras on all county school buses purchased after July 1, 2019.

And,

Senate Bill 547, Limiting landowner liability for recreational use of lands.

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

Com. Sub. for Senate Bill 547 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §19-25-2, §19-25-3, §19-25-4, §19-25-5, and §19-25-6 of the Code of West Virginia, 1931, as amended, all relating generally to limiting landowner liability for injuries to or caused by persons entering or going upon land for noncommercial recreational purposes, wildlife propagation purposes, military training purposes, law-enforcement training purposes, or homeland-defense training purposes; clarifying that limitation on liability and duty to warn applies only to landowner permitting the general public to enter or go upon such land for recreational or wildlife propagation purposes; providing that a landowner is not liable for, and has no duty to warn of, dangerous or hazardous wild animals on the land; deleting obsolete language providing that a landowner does not confer invitee or licensee status on persons invited or permitted upon land; substituting the term "fee" for the term "charge"; defining the term "fee"; providing that for the purposes of limiting landowner liability, a fee does not include a fee for an annual event or occurrence, if the total of such fees in a year do not exceed \$25 per individual; providing that for the purposes of limiting landowner liability, a fee does not include voluntary donations to certain charitable entities; amending the term "land" to include premises; amending the definition of the term "owner of land" to specifically include any person holding legal possession, ownership, or partial ownership of an interest in land or a person sponsoring land or premises for volunteer improvement or maintenance purposes; amending the definition of the term "recreational purposes" to specifically include parking on or traversing land to engage in recreational activities and maintaining, or making improvements to, land for the purpose of making recreational activities accessible; specifically naming the activities of rock climbing, bouldering, and kayaking as being activities within the definition of "recreational purposes"; and making numerous technical corrections.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Government Organization has had under consideration

Senate Bill 400, Allowing Board of Dentistry create specialty licenses.

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

Com. Sub. for Senate Bill 400 (originating in the Committee on Government Organization)—
A Bill to amend and reenact §30-4-3, §30-4-8, and §30-4-10 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-4-8a, all relating generally to dentistry; permitting the West Virginia Board of Dentistry to create specialty licenses; setting forth those specialty licenses; changing the specific examination an applicant must pass before being issued a license to practice dentistry; changing the type of exam an applicant must pass before being issued a license to practice dental hygiene; and defining terms.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Gregory L. Boso,
Chair.

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

Your Committee on Government Organization has had under consideration

Senate Bill 432, Enacting Recognition of Emergency Medical Services Personnel Licensure Interstate Compact.

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

Respectfully submitted,

Gregory L. Boso,
Chair.

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

Your Committee on Pensions has had under consideration

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

And,

Eng. House Bill 2743, Eliminating reference to municipal policemen's pension and relief funds and firemen's pension and relief funds in section restricting investment.

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

Respectfully submitted,

Michael T. Azinger,
Chair.

The bills, under the original double committee references, were then referred to the Committee on Finance.

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

Senate Bill 544, Increasing salaries for members of WV State Police over three-year period.

And,

Senate Bill 656, Relating to electronic filing of tax returns.

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

Respectfully submitted,

Craig Blair,
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 602, Creating matching program for Small Business Innovation and Research Program and Small Business Technology Transfer Program.

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.

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

Senator Sypolt, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

Senate Bill 627, Relating generally to Rural Rehabilitation Loan Program.

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

Respectfully submitted,

Dave Sypolt,
Chair.

Senator Sypolt, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

Senate Bill 629, Regulating to hemp production.

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 the Judiciary.

Respectfully submitted,

Dave Sypolt,
Chair.

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

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

Senate Bill 665 (originating in the Committee on Energy, Industry, and Mining)—A Bill to amend and reenact §22-6A-7 of the Code of West Virginia, 1931, as amended; to amend said code to allow for expedited oil and gas well permitting and expedited oil and gas well permit modifications upon the payment of applicable expedited fees, the designation of the proceeds of such expedited fees, and the daily pro rata refund of the expedited fees if the permit is not approved between day 45 and day 60 after the submission of a permit application, and daily pro rata refund of one-half of the modification fees between day 10 and day 20 after the submission of a permit modification application; all generally related to horizontal well oil and gas permitting; and renumbering existing subsections accordingly.

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

Respectfully submitted,

Randy E. Smith,
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 666 (originating in the Committee on Economic Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-28-1, §11-28-2, §11-28-3, §11-28-4, and §11-28-5, all relating to creating the West Virginia Motorsports Entertainment Complex Investment Act.

And reports the same back with the recommendation that it do pass; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Mark R. Maynard,
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 667 (originating in the Committee on Economic Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-17, relating to creating the West Virginia Motorsport Committee; setting forth who serves on the committee; setting forth its duties; requiring meetings and hearings; and requiring reports.

And reports the same back with the recommendation that it do pass; but with the further recommendation that it first be referred to the Committee on Government Organization.

Respectfully submitted,

Mark R. Maynard,
Chair.

The Senate proceeded to the sixth order of business.

Senators Maynard, Baldwin, Palumbo, Beach, Stollings, Jeffries, and Plymale offered the following resolution:

Senate Concurrent Resolution 42—Requesting the Division of Highways name bridge number 30-2/5-14.73, (30A137), locally known as Kirk Thru Truss, carrying County Route 3/5 over the West Fork of Twelvepole Creek in Mingo County, the “Tom and Cindy Mae Marcum Memorial Bridge”.

Whereas, Tom Marcum was born January 26, 1928, and died September 4, 2014; and

Whereas, Tom Marcum was a veteran of the U. S. Army, where he honorably served from November 13, 1950, until July 4, 1953; and

Whereas, Tom Marcum had served as the Mingo County DOH Supervisor, the Mingo County Highways Superintendent (when he had lights put in the Dingess Tunnel), and also as an assistant to the DOH Commissioner; and

Whereas, Tom Marcum also served as a Mingo County Constable and a member of the Mingo County Board of Education; and

Whereas, Tom Marcum was a retired coal miner of the Princess Coal Company at Man, West Virginia; and

Whereas, Cindy Mae Marcum was born on March 19, 1917, and died on November 26, 2013; and

Whereas, Cindy Mae Marcum was a cook for the Mingo County Board of Education for several years at the Dingess Grade School; and

Whereas, She was the mother of seven children, and had fourteen grandchildren, great-grandchildren, and great-great grandchildren; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 30-2/5-14.73, (30A137), locally known as Kirk Thru Truss, carrying County Route 3/5 over the West Fork of Twelvepole Creek in Mingo County, the "Tom and Cindy Mae Marcum Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "Tom and Cindy Mae Marcum Memorial Bridge"; 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 Clements, Baldwin, Plymale, Stollings, Beach, Jeffries, Palumbo, and Sypolt offered the following resolution:

Senate Resolution 55—Recognizing Mike Webb for more than 50 years of dedicated public service as a teacher, coach, administrator, and contest official.

Whereas, Mike Webb is a graduate of St. Mary's High School in St. Mary's, West Virginia, and was a teacher, coach, and administrator at St. Mary's High School, Bruceton Mills, and Parkersburg High for 30 years; and

Whereas, Mike Webb has been a contest official in the sports of football, basketball, and baseball since 1955 in West Virginia and Ohio. He officiated baseball for 15 years, basketball for 23 years, and football for 48 years; and

Whereas, Since 1978, Mike Webb has served the West Virginia Secondary School Activities Commission (WVSSAC) as a clinician and rules interpreter and has been directly responsible for the education and training component for new officials; and

Whereas, Mike Webb currently assists in assigning officials for all 45 football playoff games and is continually developing guidelines for such topics as recruiting new officials, evaluations of game officials, and training; and

Whereas, On the national level, Mike Webb has served as West Virginia's voting representative and as an advisory committee member on the National Federation of High School Football Rules Committee since 1977; and

Whereas, Mike Webb has been a member of both the National Federation of High School Football Manual Committee and National Federation of High School Football Editorial Committee. He was a charter member (1982) of the National Federation Interscholastic Officials Association (now NFHS Officials Association) and served one term (1988-1992) on the association's board of directors; and

Whereas, Mike Webb has been a football clinician in the state of New Mexico. He is vice-president of the WVSSAC Officials Advisory Committee. He is a member of the Ohio-West Virginia Football Officials Association. In addition to his duties with the WVSSAC, Mike Webb has served in a similar capacity at the college level. From 1967 to 1993, he was an official, interpreter, and observer for the West Virginia Intercollegiate Athletic Conference; and

Whereas, For his dedicated service, Mike Webb received the 1982 Dale McKensie Award for Active Officials from the Ohio-West Virginia Officials Association and the Little Kanawha Conference Distinguished Service Award. He also received the Distinguished Service Award from the NFHS Officials Association (then NFIOA) in 1993. He was inducted into the National Federation High School Hall of Fame on July 5, 2004. In 2005, he was inducted into the Mid-Ohio Valley Sports Hall of Fame; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes Mike Webb for more than 50 years of dedicated public service as a teacher, coach, administrator, and contest official; and, be it

Further Resolved, That the Senate extends its most sincere gratitude and appreciation to Mike Webb for his dedicated public service; and, be it

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

At the request of Senator Clements, 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 Takubo, and by unanimous consent, the remarks by Senator Clements regarding the adoption of Senate Resolution 55 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 11:30 a.m., the Senate recessed to present Senate Resolution 55.

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

Senators Blair, Takubo, Baldwin, Prezioso, Plymale, Stollings, Unger, Romano, Beach, Hamilton, Jeffries, Rucker, Tarr, Palumbo, Maynard, Swope, Lindsay, Roberts, Trump, Cline, and Sypolt offered the following resolution:

Senate Resolution 56—Reaffirming the sister-state relationship between the State of West Virginia and Taiwan.

Whereas, The Republic of China (Taiwan) and the United States have enjoyed a long-standing partnership and share the common values of freedom, democracy, and human rights. In 2019, Taiwan ranked as the second-freest country in Asia by Freedom House, and ranked 10th among 180 world economies in terms of economic freedom by the Heritage Foundation, demonstrating the strength and vitality of its democratic system and showcasing Taiwan as a beacon of democracy in the world; and

Whereas, The Taiwan Relations Act (TRA) was signed into law on April 10, 1979, codifying the historically close relations with Taiwan that had existed prior to January 1, 1979, and which serves as the foundation to preserve and promote continued bilateral bonds; and

Whereas, In 1982, President Ronald Reagan further clarified the importance and resilience of the U.S.-Taiwan relationship with the issuance of the Six Assurances, which together with the TRA, are the cornerstones of U.S. policy with respect to Taiwan; and

Whereas, The United States and Taiwan have forged ever closer economic and security relations over the last four decades based on their shared commitment to democracy, the rule of law, and free market principles; with the United States now Taiwan's second-largest trading partner and second-largest destination of Taiwanese outward investment; and with Taiwan the 11th-largest trading partner of the United States and a key destination for United States agricultural exports; and

Whereas, The State of West Virginia is proud of the sister-state relationship it has enjoyed with Taiwan since August 4, 1980, marked by strong bilateral trade, education, and cultural exchange. In 2017, the bilateral trade between West Virginia and Taiwan amounted to nearly \$64 million, making Taiwan our seventh-largest Asian trading partner, demonstrating that Taiwan is not only a friendly sister-state of West Virginia but also an important trading partner; and

Whereas, In the 2017-2018 academic year, 22,454 students from Taiwan studied in the U.S., making Taiwan the seventh-leading place of origin for students coming to the U.S. and contributed more than \$824 million to the U.S. economy, through their spending on tuition, accommodation, and living expenses; and

Whereas, West Virginia welcomes all opportunities for an even closer economic partnership to increase the trade and investment and endorses Taiwan's effort to secure the signing of a U.S.-Taiwan Bilateral Trade Agreement, to boost greater West Virginia exports to Taiwan, and to bring in more Taiwanese investments, such as the \$34 million project which Far Eastern New Century Corporation introduced in 2018; and

Whereas, Taiwan has been proven to be a very valuable contributor in a broad range of global issues, and it is necessary to be granted access to meaningfully participate in various international organizations including the World Health Organization (WHO), International Civil Aviation Organization (ICAO), United Nation Framework Convention on Climate Change (UNFCCC), and International Criminal Police Organization (INTERPOL); therefore, be it

Resolved by the Senate:

That the Senate hereby reaffirms the sister-state relationship between the State of West Virginia and Taiwan; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Mr. Stanley Kao, Representative of the Taipei Economic and Cultural Representative Office in the United States.

At the request of Senator Trump, 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 56, and on this question, Senator Blair demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, 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)—33.

The nays were: None.

Absent: Cline—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 56) adopted.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 35, Designating days for displaying Honor and Remember Flag at WV Veterans Memorial.

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 340, Repealing obsolete provisions of code relating to WV Physicians Mutual Insurance Company.

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, 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)—33.

The nays were: None.

Absent: Cline—1.

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. 340) 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 344, Relating to operation of state-owned farms.

Having been read a third time on yesterday, Wednesday, February 20, 2019, and now coming up in regular order, was reported by the Clerk.

The question being “Shall Engrossed Committee Substitute for Senate Bill 344 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, 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)—33.

The nays were: None.

Absent: Cline—1.

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. 344) 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, 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)—33.

The nays were: None.

Absent: Cline—1.

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. 344) 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 Com. Sub. for Senate Bill 402, Authorizing Division of Forestry investigate and enforce timber theft violations.

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, 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)—33.

The nays were: None.

Absent: Cline—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 402) passed with its title.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 510, Relating to medical professional liability.

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, Beach, Blair, Boley, Boso, Clements, Hamilton, Hardesty, Ihlenfeld, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, and Carmichael (Mr. President)—27.

The nays were: Baldwin, Facemire, Jeffries, Lindsay, Romano, and Unger—6.

Absent: Cline—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for Com. Sub. for S. B. 510) passed with its title.

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

Senate Bill 635, Relating generally to coal mining activities.

On third reading, coming up in regular order, with the right having been granted on yesterday, Wednesday, February 20, 2019, for amendments to be received on third reading, was reported by the Clerk.

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

On page thirty-two, section thirty-five, after line one hundred twenty-five, by inserting two new sections, designated sections forty-three and forty-four, to read as follows:

§22A-1-43. Hold harmless clause; decision to enter mine

(a) If any injury or death shall occur to any person who has entered any mine, whether active workings or abandoned workings, without permission, neither

(1) The owner of that mine or property; nor

(2) The State of West Virginia or any of its political subdivisions, or any agency operating under color of law thereunder; nor

(3) Any person, organization, or entity involved in any rescue or attempted rescue of such person who has committed an entry without permission, shall be held liable in any court or other forum for such injury or death.

(b) The Director is authorized to make the decision on whether a mine is too dangerous, and this decision is not subject to review by a court of this state.

(c) A company shall not be required or ordered to conduct rescue operations.

§22A-1-44. Temporary exemption for environmental regulations.

In the event of an unauthorized entry by any person or persons into any mine whether active workings or abandoned workings, neither the owner of that mine or property, nor any other person, organization, or entity involved in any rescue or attempted rescue of such person, may be held liable for any violation of any environmental regulation, if such violation occurred as part of any rescue efforts.;

And,

On page forty-two, section five, after line twenty-one, by striking out the remainder of the bill and inserting in lieu thereof the following:

§22A-8-10. Loss of certification for unlawful trespass.

Upon a conviction under the provisions of §61-3B-6 of this code, the certification of any person certified under the provision of §22A-8-1 et seq. of this code, including a safety sensitive certification issued pursuant to 56 CSR 19, shall be deemed revoked and person shall be permanently barred from holding a certification under the provisions of §22A-8-1 et seq. of this code.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 3. CRIMES AGAINST PROPERTY.

§61-3-12. Entry of building other than dwelling; entry of railroad, traction or motorcar, steamboat or other vessel; penalties; counts in indictment.

If any person shall, at any time, break and enter, or shall enter without breaking, any office, shop, ~~underground coal mine,~~ storehouse, warehouse, banking house, or any house or building, other than a dwelling house or outhouse adjoining thereto or occupied therewith, any railroad or traction car, propelled by steam, electricity or otherwise, any steamboat or other boat or vessel, or any commercial, industrial or public utility property enclosed by a fence, wall or other structure erected with the intent of the property owner of protecting or securing the area within and its contents from unauthorized persons, within the jurisdiction of any county in this state, with intent to commit a felony or any larceny, he or she shall be deemed guilty of a felony and, upon conviction, shall be confined in a state correctional facility not less than one nor more than ten years. And if any person shall, at any time, break and enter, or shall enter without breaking, any automobile, motorcar or bus, with like intent, within the jurisdiction of any county in this state, he

or she shall be guilty of a misdemeanor and, upon conviction, shall be confined in jail not less than two nor more than twelve months and be fined not exceeding \$100.

An indictment for burglary may contain one or more counts for breaking and entering, or for entering without breaking, the house or building mentioned in the count for burglary under the provisions of this section and section eleven of this article.

ARTICLE 3B. TRESPASS.

§61-3B-6. Mine trespass; penalties.

(a) A person who willfully enters an underground coal mine, whether active workings or abandoned workings, without permission, and the underground mine is either: (1) Sealed; or (2) Clearly identified by signage at some conspicuous place near the entrance of the mine that includes a notice that the unauthorized entry into the mine is a felony criminal offense, is guilty of a felony and, upon conviction thereof shall be imprisoned in a correctional facility not less than one year and nor more than ten years and shall be fined not less than \$5,000 nor more than \$10,000.

(b) A person who willfully enters a surface coal mine, whether active workings or abandoned workings, without permission, and with the intent to commit a felony or any larceny, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail not less than one week and not more than one month and shall be fined not less than \$1,000 nor more than \$5,000. For a second conviction the person shall be guilty of a felony and shall be confined in a correctional facility not less than one year and not more than five years and shall be fined not less than \$5,000 nor more than \$10,000. For a third or subsequent conviction, the person is guilty of a felony and shall be confined in a correctional facility not less than five year and not more than ten years and shall be fined not less than \$10,000, nor more than \$25,000.

(c) A person who violates subsections (a) or (b), and during any rescue efforts for any such person, there occurs an injury that causes substantial physical pain, illness or any impairment of physical condition to any person other than himself or herself, is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than one week and not more than one year and shall be fined not less than \$1,000 nor more than \$5,000: *Provided*, That such jail term shall include actual confinement of not less than seven days.

(d) A person who violates subsections (a) or (b), and during any rescue efforts for any such person, there occurs an injury that creates a substantial risk of death, causes serious or prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ to any person other than himself or herself, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a correctional facility for not less than two nor more than 10 years and shall be fined not less than \$5,000 nor more than \$10,000.

(e) A person who violates subsections (a) or (b), and during any rescue efforts of such person, the death of any person occurs, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a correctional facility for not less than three nor more than 15 years and shall be fined not less than \$10,000 nor more than \$25,000.

(f) Notwithstanding and in addition to any other penalties provided by law, any person who performs or causes damage to property in the course of a willful trespass in violation of this section is liable to the property owner in the amount of twice the amount of such damage.

(g) The terms “mine”, “active workings”, and “abandoned workings” have the same meaning ascribed to such terms as set forth in §22A-1-2 of this code.

(h) Nothing in this section shall be construed to prevent lawful assembly and petition for the lawful redress of grievances, including, but not limited to, activities protected by the West Virginia Constitution or the United States Constitution or any statute of this state or the United States.

Following discussion,

The question being on the adoption of Senator Ihlenfeld’s amendments to the bill, the same was put and prevailed.

There being no further amendments offered,

The bill, as just amended, was ordered to engrossment.

Engrossed Senate Bill 635 was then read a third time and put upon its passage.

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

The nays were: Lindsay—1.

Absent: Cline—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 635) passed.

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

Eng. Senate Bill 635—A Bill to amend and reenact §5B-2A-5, §5B-2A-6, §5B-2A-8, and §5B-2A-9 of the Code of West Virginia, 1931, as amended; to amend and reenact §22-3-14 of said code; to amend and reenact §22-11-10 of said code; to amend and reenact §22-30-3 and §22-30-24 of said code; to amend and reenact §22A-1-21 and §22A-1-35 of said code; to amend said code by adding thereto two new sections, designated §22A-1-43 and §22A-1-44; to amend and reenact §22A-1A-1 and §22A-1A-2 of said code; to amend and reenact §22A-2-2, §22A-2-12, and §22A-2-13 of said code; to amend said code by adding thereto a new section, designated, §22A-2-80; to amend and reenact §22A-2A-405 of said code; to amend and reenact §22A-8-5 of said code; to amend said code by adding thereto a new section, designated §22A-8-10; to amend and reenact §61-3-12 of said code; and to amend said code by adding thereto a new section, designated §61-3B-6, all relating generally to coal mining activities; eliminating the requirement for submission of the community impact statement; requiring review of new mining activity for submission to the Office of Coalfield Community Development; eliminating requirements for submission of certain additional information; requiring the submission of certain information related to land and infrastructure needs upon request of the Office of Coalfield Community Development; requiring and authorizing the Secretary of the Department of Environmental Protection to promulgate rules relating to mine subsidence protection for dwelling owners; authorizing the Secretary of the Department of Environmental Protection to promulgate rules for

permit modification and renewal fees for surface mining operations pursuant to the Water Pollution Control Act; authorizing the Secretary of the Department of Environmental Protection to promulgate rules relating to exemptions pursuant to the Aboveground Storage Tank Act; requiring a miner who was issued an assessment to either pay the fine or appeal a violation within 30 days; requiring the Office of Miners' Health, Safety, and Training Mine Rescue Team be provided to a coal operation where the operation has no mine rescue team available within one hour's drive; permitting employers to drug test an employee involved in an accident that results in physical injuries or damage to equipment or property; requiring miners testing positive for drug use to undergo a mandatory minimum six-month suspension; eliminating timing requirements for submission of a detailed mine ventilation plan to the Director of the Office of Miners' Health, Safety, and Training; authorizing the Director of the Office of Miners' Health, Safety, and Training to promulgate emergency rules for establishing a course of instruction for apprentice miners; requiring apprentice miners to work 90 days in a mine within sight and sound of a mine foreman or assistant foreman; permitting the Director of the Office of Miners' Health, Safety, and Training to decertify miners who fail to perform daily examinations; allowing the Director of the Office of Miners' Health, Safety, and Training to use the employer's tracking data of the designated daily examiner; authorizing the Director of the Office of Miners' Health, Safety, and Training to promulgate rules generally; amending standards for controlling and monitoring exhaust gases for diesel-powered underground coal mining equipment; allowing certified competent miners to supervise up to two apprentice miners; holding mine owners, the state, and person or entities engaged in rescue operations harmless for injury or death; authorizing a temporary exemption from environmental regulations during rescue operations; revoking certifications of persons convicted of mine trespass; removing underground coal mines from those places subject to the crime of unlawful entry of building other than a dwelling; creating the new criminal misdemeanor and felony offenses of mine trespass; establishing penalties for mine trespass including enhanced penalties for bodily injury or death during rescue operations; authorizing increased liability for damages caused during a mine trespass; and exempting lawful activities under the West Virginia and United States Constitutions, and state and federal law from the operation of the mine trespass criminal statute.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: Lindsay—1.

Absent: Cline—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 635) 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 2324, Authorizing the acupuncture board to issue certificates to perform auricular acudetox therapy.

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, 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)—33.

The nays were: None.

Absent: Cline—1.

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. 2324) passed with its title.

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

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 613, Requiring DNR include election of organ donation on hunting licenses.

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.

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

Senate Bill 11, Relating to retirement and pension benefits of certain PERS and Teachers Retirement System members who serve in Legislature.

Com. Sub. for Com. Sub. for Senate Bill 86, Requiring county boards provide free feminine hygiene products in grades six to 12.

Com. Sub. for Senate Bill 330, Requiring contact information be listed on agency's online directory and website.

Com. Sub. for Com. Sub. for Senate Bill 383, Creating WV Healthy Food Crop Block Grant Program.

Com. Sub. for Senate Bill 404, Relating generally to sediment control during commercial timber harvesting operations.

Com. Sub. for Senate Bill 415, Creating Timber Cotenancy Modernization and Majority Protection Act and Unknown and Unlocatable Timber Interest Owners Act.

Com. Sub. for Senate Bill 485, Clarifying notification requirements for property insurance purposes.

Senate Bill 493, Correcting terminology referring to racing vehicles illegally on street.

Com. Sub. for Senate Bill 506, Relating to guaranty associations.

Com. Sub. for Senate Bill 529, Clarifying provisions of Nonintoxicating Beer Act.

Senate Bill 531, Relating generally to workers' compensation claims.

Com. Sub. for Senate Bill 546, Relating to health care provider taxes.

Com. Sub. for Senate Bill 585, Relating to criminal offenses of stalking and harassment generally.

Senate Bill 593, Permitting critical access hospital become community outpatient medical center.

Senate Bill 596, Adjusting voluntary contribution amounts on certain DMV forms.

Com. Sub. for Senate Bill 624, Allowing county boards of education use alternative assessment provided in Every Student Succeeds Act.

Com. Sub. for Senate Bill 641, Relating to Primary Care Support Program.

Senate Bill 664, Authorizing certain members of federal judiciary perform marriages.

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

Eng. Com. Sub. for House Bill 2612, Proposing rules related to the completion or updating of source water protection plans.

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

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

Eng. House Bill 2759, Providing for the ancillary administration of West Virginia real estate owned by nonresidents by affidavit and without administration.

And,

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

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:13 p.m., the Senate recessed until 6 p.m. today. The Senate reconvened at 6:30 p.m. and, at the request of Senator Takubo, unanimous consent being granted, returned 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

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

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

Com. Sub. for Senate Bill 316 (originating in the Committee on Finance)—A Bill to amend and reenact §8-22-27a of the Code of West Virginia, 1931, as amended, relating to municipal options to recalculate or preserve previously approved pensions awarded through the state Municipal Policemen's or Municipal Firemen's Pension and Relief Funds prior to effective date of §8-22-27a as enacted during the regular legislative session of 2017.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
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 421, Relating to annual legislative review of economic development tax credit.

Senate Bill 535, Allowing City of Buckhannon begin collecting sales and service and use tax on July 1, 2019.

And,

Senate Bill 592, Providing for collection of hotel occupancy tax by marketplace facilitators.

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

Respectfully submitted,

Craig Blair,
Chair.

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

Your Committee on Government Organization has had under consideration

Senate Bill 441, Relating to higher education campus police officers.

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

Com. Sub. for Senate Bill 441 (originating in the Committee on Government Organization)—A Bill to amend and reenact §18B-4-5 of the Code of West Virginia, 1931, as amended, relating

to campus police officers of state institutions of higher learning; and allowing governing boards of state institutions of higher learning to appoint all qualified individuals to serve as campus police officers.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Gregory L. Boso,
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 511, Creating alternating wine proprietorships.

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

Com. Sub. for Senate Bill 511 (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 §60-1-5c; to amend and reenact §60-4-3b of said code; to amend and reenact §60-8-3 and §60-8-17 of said code; and to amend said code by adding thereto two new sections designated §60-8-3a and §60-8-6b, all relating to wine production and wine sales generally; creating alternating wine proprietorships for wineries and farm wineries and setting forth requirements for the proprietorships; authorizing farm entities in proprietorships to manufacture and sell wine; authorizing certain groceries to sell wine through mobile applications and web-based internet sales with at-store pickup; clarifying tasting, sampling, and sale procedures and requirements for wineries and farm wineries; permitting wineries or farm wineries to sell wine for on-premises and off-premises consumption at festivals and fairs; establishing a wine club license for festivals and fairs and setting forth requirements; permitting certain charitable events to auction wine bottles for off-premises consumption; defining terms; limiting number of charitable auction licenses; permitting the sale of wine in Division II and III college stadiums; authorizing wine specialty shops to obtain an additional license privilege to deliver wine with gift baskets and setting forth requirements; providing a 30-day requirement to issue or deny a completed license application; creating a re-activation fee for licensees that fail to timely file their renewal applications and pay their license fees and authorizing the commissioner to propose rules for promulgation.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 538, Relating to WV Highway Design-Build Pilot Program.

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

Com. Sub. for Senate Bill 538 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17-2D-2 of the Code of West Virginia, 1931, as amended, relating generally to the West Virginia Highway Design-Build Pilot Program; modifying monetary project limits of the program and terminology; and allowing use of program with limits for projects financed with bonds.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles H. Clements,
Chair.

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

Senate Bill 541, Establishing priorities for expenditures for plugging abandoned gas or oil wells.

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

Com. Sub. for Senate Bill 541 (originating in the Committee on Energy, Industry, and Mining)—A Bill to amend and reenact §22-6-26 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §22-6-26a; and to amend and reenact §22-10-6 of said code; all relating to the plugging of orphaned oil and gas wells; providing plugging assurance upon transfer of a well; providing exemptions from plugging assurance where a well is providing free gas and not causing pollution; requiring money that results from the forfeiture of an oil and gas operator's bond as a result of the operator's failure to plug a well or otherwise comply with state statutes and rules to first be applied to correct or mitigate an immediate threat to the environment or hindrance or impediment to the development of mineral resources of this state that caused the forfeiture of the bond.

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

Respectfully submitted,

Randy E. Smith,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 541) contained in the preceding report from the Committee on Energy, Industry, and Mining was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 543, Relating generally to automobile warranties and inspections.

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

Com. Sub. for Senate Bill 543 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17A-10-3a of the Code of West Virginia, 1931, as amended; to amend and reenact §17C-16-4, §17C-16-5, and §17C-16-6 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; changing annual mandatory state inspections of motor vehicles to inspections every two years; adjusting inspection sticker fee and charge for vehicle inspections; providing that a used motor vehicle may 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 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.

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,

Charles H. Clements,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 543) contained in the preceding report from the Committee on Transportation and Infrastructure was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration

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

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

Respectfully submitted,

Gregory L. Boso,
Chair.

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

Your Committee on Government Organization has had under consideration

Senate Bill 597, Conforming state law to federal law for registration of appraisal management companies.

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

Com. Sub. for Senate Bill 597 (originating in the Committee on Government Organization)—A Bill to amend and reenact §30-38A-7, §30-38A-12, and §30-38A-17 of the Code of West Virginia, 1931, as amended, all relating to conforming the state law to the federal law for appraisal management companies' registration; expanding certification requirements; changing requirements for removing appraiser from panel; and imposing disciplinary action reporting requirement.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Gregory L. Boso,
Chair.

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

Your Committee on Banking and Insurance has had under consideration

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

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

Com. Sub. for Senate Bill 603 (originating in the Committee on Banking and Insurance)—A Bill to amend and reenact §32A-2-3 of the Code of West Virginia, 1931, as amended, relating to persons engaged in the business of currency exchange, transportation, or transmission; and adding exemptions.

And,

Senate Bill 654, Amending definition of "mortgage loan originator".

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

Com. Sub. for Senate Bill 654 (originating in the Committee on Banking and Insurance)—A Bill to amend and reenact §31-17A-2 of the Code of West Virginia, 1931, as amended, relating to amending an exception under the definition of "mortgage loan originator" related to retailers of manufactured or modular homes.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Michael T. Azinger,
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

Senate Bill 668 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §30-3E-1, §30-3E-3, §30-3E-9, §30-3E-11, and §30-3E-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-3E-10a, all relating to physician assistants collaborating with physicians in hospitals; requiring written notice to the appropriate licensing board; requiring rule-making; and specifying practice requirements.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution 6, US Army SP4 Darrell Gregory Triplett Memorial Bridge.

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

Respectfully submitted,

Charles H. Clements,
Chair.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 6:37 p.m., the Senate adjourned until tomorrow, Friday, February 22, 2019, at 11 a.m.

SENATE CALENDAR

**Friday, February 22, 2019
11:00 AM**

UNFINISHED BUSINESS

S. C. R. 6 - US Army SP4 Darrell Gregory Triplett Memorial Bridge

S. C. R. 42 - Tom and Cindy Mae Marcum Memorial Bridge

THIRD READING

Eng. Com. Sub. for S. B. 613 - Requiring DNR include election of organ donation on hunting licenses

SECOND READING

S. B. 11 - Relating to retirement and pension benefits of certain PERS and Teachers Retirement System members who serve in Legislature

Com. Sub. for Com. Sub. for S. B. 86 - Requiring county boards provide free feminine hygiene products in grades six to 12 (original similar to HB2464)

Com. Sub. for S. B. 330 - Requiring contact information be listed on agency's online directory and website

Com. Sub. for Com. Sub. for S. B. 383 - Creating WV Healthy Food Crop Block Grant Program

Com. Sub. for S. B. 404 - Relating generally to sediment control during commercial timber harvesting operations (original similar to HB2714)

Com. Sub. for S. B. 415 - Creating Timber Cotenancy Modernization and Majority Protection Act and Unknown and Unlocatable Timber Interest Owners Act

Com. Sub. for S. B. 485 - Clarifying notification requirements for property insurance purposes (original similar to HB2909, HB2993)

S. B. 493 - Correcting terminology referring to racing vehicles illegally on street

Com. Sub. for S. B. 506 - Relating to guaranty associations

Com. Sub. for S. B. 529 - Clarifying provisions of Nonintoxicating Beer Act (original similar to HB3100)

S. B. 531 - Relating generally to workers' compensation claims - (Com. amend. pending)

Com. Sub. for S. B. 546 - Relating to health care provider taxes

Com. Sub. for S. B. 585 - Relating to criminal offenses of stalking and harassment generally

S. B. 593 - Permitting critical access hospital become community outpatient medical center

S. B. 596 - Adjusting voluntary contribution amounts on certain DMV forms

Com. Sub. for S. B. 624 - Allowing county boards of education use alternative assessment provided in Every Student Succeeds Act

Com. Sub. for S. B. 641 - Relating to Primary Care Support Program

S. B. 664 - Authorizing certain members of federal judiciary perform marriages

Eng. H. B. 2036 - Permitting vehicles displaying disabled veterans' special registration plates to park in places where persons with mobility impairments may park

Eng. Com. Sub. for H. B. 2612 - Proposing rules related to the completion or updating of source water protection plans (original similar to SB430)

Eng. Com. Sub. for H. B. 2740 - Barring a parent from inheriting from a child in certain instances (original similar to SB482)

Eng. H. B. 2746 - Relating to administration of estates (original similar to SB480)

Eng. H. B. 2759 - Providing for the ancillary administration of West Virginia real estate owned by nonresidents by affidavit and without administration - (Com. amend. pending) (original similar to SB483)

Eng. Com. Sub. for H. B. 2821 - Updating provisions for command, clerical and other pay

FIRST READING

Com. Sub. for S. B. 238 - Increasing certain penalties for passing stopped school bus

Com. Sub. for S. B. 316 - Preserving previously approved state Municipal Policemen's or Firemen's pensions

Com. Sub. for S. B. 400 - Allowing Board of Dentistry create specialty licenses

S. B. 421 - Relating to annual legislative review of economic development tax credit

S. B. 432 - Enacting Recognition of Emergency Medical Services Personnel Licensure Interstate Compact (original similar to HB2729)

Com. Sub. for S. B. 441 - Relating to higher education campus police officers

Com. Sub. for S. B. 511 - Creating alternating wine proprietorships

S. B. 535 - Allowing City of Buckhannon begin collecting sales and service and use tax on July 1, 2019.

Com. Sub. for S. B. 538 - Relating to WV Highway Design-Build Pilot Program (original similar to HB3027)

Com. Sub. for S. B. 539 - Relating to accrued benefit of retirees in WV State Police Retirement System Plan B (original similar to HB3070)

S. B. 544 - Increasing salaries for members of WV State Police over three-year period

Com. Sub. for S. B. 547 - Limiting landowner liability for recreational use of lands

S. B. 554 - Removing salary caps for director of State Rail Authority (original similar to HB3014)

S. B. 592 - Providing for collection of hotel occupancy tax by marketplace facilitators

Com. Sub. for S. B. 597 - Conforming state law to federal law for registration of appraisal management companies

Com. Sub. for S. B. 603 - Exempting certain activities from licensing requirements for engaging in business of currency exchange

S. B. 627 - Relating generally to Rural Rehabilitation Loan Program

Com. Sub. for S. B. 654 - Amending definition of "mortgage loan originator"

S. B. 656 - Relating to electronic filing of tax returns

S. B. 665 - Allowing for expedited oil and gas well permitting

S. B. 666 - Creating WV Motorsports Entertainment Complex Investment Act

S. B. 667 - Creating WV Motorsport Committee

S. B. 668 - Relating to physician assistants collaborating with physicians in hospitals

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2019

Friday, February 22, 2019

9 a.m.	Health & Human Resources	(Room 451M)
9:30 a.m.	Finance	(Room 451M)
9:30 a.m.	Judiciary	(Room 208W)
Half Hour After Floor Session	Natural Resources	(Room 208W)