

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

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

Charleston, West Virginia, Tuesday, February 26, 2019

The Senate met at 11:11 a.m.

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

Prayer was offered by the Reverend Jeffrey S. Allen, Executive Director, West Virginia Council of Churches, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Corey Palumbo, a senator from the seventeenth district.

Pending the reading of the Journal of Monday, February 25, 2019,

At the request of Senator Swope, 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 passage of

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

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

Eng. Com. Sub. for Senate Bill 489, Relating to Pharmacy Audit Integrity Act.

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

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

On page seven, section nine, lines one hundred forty-four and one hundred forty-five, by striking out all of subsection (k) and inserting in lieu thereof a new subsection, designated subsection (k), to read as follows:

(k) If the information required herein is not provided, the agency may terminate the contract with the pharmacy benefit manager and the Office of the Insurance Commission shall discipline the pharmacy benefit manager as provided in §33-51-8(e).;

And,

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

Eng. Com. Sub. for Senate Bill 489—A Bill to amend and reenact §5-16-9 of the Code of West Virginia, 1931, as amended; to amend and reenact §33-51-3, §33-51-4, §33-51-7, §33-51-8, and §33-51-9 of said code; and to amend said code by adding thereto a new section, designated §33-51-10, all relating to the regulation of pharmacy benefit managers; defining terms; requiring pharmacy benefit managers to obtain a license from the Insurance Commissioner before doing business in the state; setting forth terms of licensure of pharmacy benefit managers; establishing fees; authorizing the Insurance Commissioner to promulgate rules for legislative approval; providing network adequacy standards; prohibiting a network to be comprised only of mail-order benefits; requiring the Insurance Commissioner to enforce the licensure provisions relating to pharmacy benefit managers; providing for the applicability of provisions to pharmacy benefit managers; clarifying that requirements do not apply to certain prescription drug plans; prohibiting certain practices by an auditing entity; providing exemptions; prohibiting different treatment of a federal 340B drug discount program; requiring the reporting of certain data relating to the payment of pharmacy claims; permitting the public employees insurance agency to cancel a contract if certain conditions are not met; providing disciplinary procedures; and providing civil penalties.

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

Engrossed Committee Substitute for Senate Bill 489, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, 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. Com. Sub. for S. B. 489) passed with its House of Delegates amended 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. 489) takes effect from passage.

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 2229—A Bill to amend and reenact §5-10A-2 of the Code of West Virginia, 1931, as amended, relating generally to disqualification for public service retirement plan benefits, modifying the definition of less than honorable service, removing the exception of a misdemeanor from that aspect of less than honorable service involving impeachment and conviction, removing the requirement that the participant or former participant plead guilty or nolo contendere to felony criminal conduct to constitute less than honorable service; and providing that conviction of specified misdemeanor conduct related to the participant's term in office or participant's term of employment in public service constitutes less than honorable service.

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 2452—A Bill to repeal §5A-6-4a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §5A-6B-1, §5A-6B-2, §5A-6B-3, §5A-6B-4, §5A-6B-5 and §5A-6B-6, all relating to cybersecurity of state government; removing the requirements of the Chief Technology Officer to oversee security of government information; creating the Cybersecurity Office; defining terms; providing that the Chief Information Security Officer to oversee the Cybersecurity Office; authorizing the Chief Information Security Officer to create a cybersecurity framework, to assist and provide guidance to agencies in cyber risk strategy and setting forth other duties; providing rule-making authority; requiring agencies to undergo cyber risk assessments; establishing scope of authority; exempting certain state entities; designating reporting requirements; requiring agencies to address any cybersecurity deficiencies; exempting information related to cyber risk from public disclosure; and requiring annual reports to the Joint Committee on Government and Finance and to the Governor on the status of the cybersecurity program, including any recommended statutory changes.

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

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

Eng. Com. Sub. for House Bill 2550—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-8-1, §5B-8-2, §5B-8-3, §5B-8-4, and §5B-8-5, all relating to creating a matching program for the Small Business Innovation Research Program and the Small Business Technology Transfer Program; providing that matching funds are to be paid from the Entrepreneurship and Innovation Investment Fund; defining terms; defining eligibility; providing terms of the grant; defining the application process; and providing for legislative rule-making.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

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

Eng. House Bill 2598—A Bill to amend and reenact §29-12-5 of the Code of West Virginia, 1931, as amended, relating to a charitable or public service organization must submit a certifying statement attesting to its status as a charitable or public service organization.

Referred to the Committee on Government Organization.

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

Eng. Com. Sub. for House Bill 2690—A Bill to amend and reenact §33-26A-19 of the Code of West Virginia, 1931, as amended, relating to guaranty associations; and making revisions consistent with the National Association of Insurance Commissioners Life and Health Insurance Guaranty Association Model Act.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

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 2694—A Bill to amend and reenact §19-12E-3, §19-12E-4, §19-12E-5, §19-12E-6, §19-12E-7, §19-12E-8, and §19-12E-9 of the Code of West Virginia, 1931, as amended, and to amend said code by adding thereto two new sections, designated §19-12E-10 and §19-12E-11, all relating generally to the Industrial Hemp Development Act; adding and modifying definitions; updating code to reflect changes in federal law; clarifying that no person may grow, cultivate, possess, or process industrial hemp without a license from the Department of Agriculture; requiring certain documentation requested by the commissioner to be submitted by licensees; authorizing commissioner to submit plan for state regulation of industrial hemp to United States Department of Agriculture; requiring plan to comply with federal law; providing for continued legality of hemp production in absence of submitted plan; providing for handling negligent violations; addressing handling of non-negligent violations; requiring notification of attorney general and law enforcement under certain circumstances; and making technical corrections.

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 2770—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-4s; and to amend said code by adding thereto a new section, designated §33-16-3dd; and to amend said code by adding thereto a new section, designated §33-24-7s; and to amend said code by adding thereto a new section, designated §33-25-8p; and to amend said code by adding thereto a new section, designated §33-25A-8s, all relating to establishing the Fairness in Cost-Sharing Calculation Act; providing for definitions; establishing health plan cost sharing calculations; establishing pharmacy benefits cost sharing calculations; and providing for rule-making authority.

Referred to the Committee on Health and Human Resources.

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

Eng. House Bill 2816—A Bill to amend and reenact §5-14-1, §5-14-2, §5-14-3, §5-14-5, and §5-14-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §8-13-5a of said code; to amend and reenact §16-22A-4 of said code; to amend and reenact §16-35-2 of said code; to amend and reenact §18-20-1a and §18-20-1b of said code; to amend and reenact §29-3-16a of said code; to amend and reenact §52-1-8 of said code; and to amend and reenact §57-5-7 of said code, all relating to removing the terms “hearing impaired,” “hearing impairment,” and “deaf mute” from the West Virginia Code and substituting the terms “deaf or hard of hearing,” “hard of hearing,” “hearing difficulties,” or “difficulties in hearing” according to context.

Referred to the Committee on Health and Human Resources.

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

Eng. House Bill 2827—A Bill to amend and reenact §11-2-3 of the Code of West Virginia, 1931, as amended, relating to removing the residency requirements for hiring deputy assessors.

At the request of Senator Takubo, and by unanimous consent, reference of the bill to a committee was dispensed with, and it was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Eng. House Bill 2828—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j; and to amend said code by adding thereto a new section, designated §11-24-6b, all relating to promoting investment in a Qualified Opportunity Zone by providing a mechanism to exempt taxable income from corporate net income tax and personal income tax during the first ten (10) years of a Qualified Opportunity Zone Business’s operation within one or more Qualified Opportunity Zones located in West Virginia; providing an effective date; and authorizing rulemaking authority for the Tax Commissioner.

Referred to the Committee on Finance.

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

Eng. Com. Sub. for House Bill 2830—A Bill to amend and reenact §24-6-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section designated §24-6-15; all relating to establishing Next Generation 911 services in this state; providing for expanded definitions; establishing a commission to study Next Generation 911 services; providing for commission membership; providing for travel expense reimbursement under certain conditions; establishing the commission's duties; requiring a preliminary report to the Joint Committee on Government and Finance; requiring a final report to the Joint Committee on Government and Finance and to the Governor; and establishing an effective date and termination date of the commission.

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

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

Eng. House Bill 2837—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-23-12e, relating to the licensing of advance deposit wagering; defining terms; providing for source market fees; providing for certain distribution of source market fees derived from wagers of account holders; providing that advance deposit account wagers are authorized; providing exception from certain provisions of code; conferring jurisdiction to the Racing Commission; providing for the assessment and imposition of licensing and annual renewal fees; providing that applicants may bear certain costs; prohibiting advance deposit wagering in West Virginia unless conducted through an advance deposit wagering licensee; exempting advance deposit wagering from certain provisions of code and implementing rules; providing for criminal penalties for accepting advance deposit wagers without a license; providing authority for the Racing Commission to seek civil remedies and damages; providing for a regulatory fee; providing that all advance deposit wagers placed by residents within the state are considered to be wagering within West Virginia subject to the laws of this state and rules of the Racing Commission; providing for an investigation as to whether nonresident account holders of a licensee placed wagers while physically located in West Virginia; and authorizing rulemaking and emergency rulemaking.

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

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

Eng. House Bill 2926—A Bill to amend and reenact §9A-2-1 of the Code of West Virginia, 1931, as amended, relating to requiring the Secretary of the Department of Veterans' Affairs to study the housing needs of veterans; and requiring a report.

Referred to the Committee on Military.

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

Eng. House Bill 3045—A Bill to amend and reenact §7-18-2 of the Code of West Virginia, 1931, as amended, relating to exempting certain complimentary hotel rooms from hotel occupancy tax.

Referred to the Committee on Finance.

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

Eng. House Bill 3132—A Bill to amend and reenact §16-5Y-4 of the Code of West Virginia, 1931, as amended, relating to exempting providers that serve no more than 30 patients with office-based medication-assisted treatment from complying with the legislative rule and exempting licensed behavioral health centers providing office-based medication-assisted treatment from registration requirements but requiring them to attest and provide information to the Office of Health Facilities Licensure and Certification.

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 3133—A Bill to amend and reenact §62-12-6 and §62-12-9 of the Code of West Virginia, 1931, as amended, relating to requiring a probationer found to have suffered with addiction to participate in a support service upon release for a certain period of time.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 3134—A Bill to amend and reenact § 17C-5-3 of the Code of West Virginia, 1931, as amended, relating to establishing criminal penalties for negligent homicide, and increasing criminal penalties for reckless driving resulting in serious bodily injury.

Referred to the Committee on the Judiciary.

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

Eng. House Bill 3135—A Bill expiring funds to the balance of the Department of Commerce, Development Office – Entrepreneurship and Innovation Investment Fund, fund 3006, fiscal year 2019, organization 0307, in the amount of \$500,000, from the Auditor’s Office – Purchasing Card Administration Fund, fund 1234, fiscal year 2019, organization 1200, by supplementing and amending chapter 12, Acts of the Legislature, 2018, known as the Budget Bill.

Referred to the Committee on Finance.

The Senate proceeded to the sixth order of business.

Senators Romano, Facemire, Jeffries, and Prezioso offered the following resolution:

Senate Concurrent Resolution 45—Requesting the Division of Highways name bridge number 17A103, locally known as the Joyce Street Bridge, carrying Joyce Street over Highway U. S. 50 in Harrison County, the “U. S. Army Corporal T-5 Albert John “Engine” Arco Memorial Bridge”.

Whereas, This year being the 75th anniversary of the D-Day landing in Europe and the 75th anniversary of the beginning of the Battle of the Bulge, it is appropriate and required to honor United States Army Corporal T-5 Albert John “Engine” Arco who served his country proudly during WW II; and

Whereas, Albert John “Engine” Arco was a 19-year old enlistee in the U. S. Army when, on June 6, 1944, he jumped, in full gear, from an amphibious landing craft into the sea during the Normandy landing where the waters were covered with the bloodied bodies of his comrades. He miraculously survived the D-Day landing, during which so many of his comrades were killed, and joined the fight as a heavy machine gunner in a tank destroyer battalion, which led the battle to liberate Saint-Mere-Eglise, Carentan, Saint Lo and other French towns as they rolled toward Paris. He has described the intensity of the battle of Saint Lo where the sky was dark during the day as a result of American aircraft and the hail of shrapnel from German anti-aircraft guns, the latter of which killed his captain, who was standing next to him; and

Whereas, Albert John “Engine” Arco’s battalion was instrumental in the liberation of Paris, then humbly adjourned to a nearby park with all other Americans so French General Charles de Galle could proudly march into Paris with his troops and declare victory over German troops for the French people. His battalion joined with the 3rd Army and its commander, General George S. Patton, whom Arco described as, “. . . blood and guts, for sure”, because of the general’s aggressive battle tactics which caused Arco to wear the same uniform 10 straight months. Albert John “Engine” Arco fought in the Battle of the Bulge, manning a 50-caliber machine gun when the 3rd Army and General Patton punched through German lines to relieve the American defenders of Bastogne, Belgium, commanded by General Anthony Clement “Nuts” McAuliffe, also a West Virginia native. He told the Veterans History Project that he had many more memories of his service during WWII, most of which were too traumatic to share; and

Whereas, Albert John “Engine” Arco was a lifelong resident of Clarksburg, Harrison County, West Virginia, a graduate of Washington Irving High School, and the retired owner of the Clarksburg landmark, the Red Caboose restaurant, for over 50 years. He always celebrated the D-Day landing each year at the Red Caboose and remained a loyal and active member of VFW Post 573 and American Legion Post 13 until his death on September 14, 2018; and

Whereas, It is fitting that an enduring memorial be established to commemorate Corporal T-5 Albert John “Engine” Arco 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 name bridge number 17A103, locally known as the Joyce Street Bridge, carrying Joyce Street over Highway U. S. 50 in Harrison County, the “U. S. Army Corporal T-5 Albert John “Engine” Arco 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 “U. S. Army Corporal T-5 Albert John “Engine” Arco 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 Sypolt, Swope, Roberts, Maynard, Prezioso, Clements, Rucker, and Azinger offered the following resolution:

Senate Resolution 61—Amending Senate Rule 15 relating to bill and resolution introduction.

Resolved by the Senate:

That Senate Rule 15 be amended as follows:

Each bill or resolution for introduction shall be presented in duplicate and electronically, bearing the name of the member or members by whom it is to be introduced, and shall be filed with the Clerk not later than 12 p.m. on the legislative day next preceding its introduction: *Provided*, That the pre-filing requirement shall not apply to the first day of any session of the Legislature. A bill may be introduced by request. All bills introduced by request shall bear the words “By Request”, following the designation of the name or names of the bill sponsor or sponsors.

The Clerk shall designate one copy of a bill or resolution the official copy and it shall constitute the official bill or resolution for use of committees and for the permanent files of the Senate. One copy shall be used for printing.

Each bill or resolution shall be numbered, edited, and corrected as to form by the Clerk and reported by the Clerk to the Senate on the next legislative day, under the sixth order of business. In case of urgency, on motion for leave agreed to by a majority of the members present, a member may introduce a bill or resolution from the floor.

Any member who is a cosponsor of a bill or resolution may be removed as a sponsor of the bill or resolution by submitting a request to the Clerk prior to the bill or resolution being reported from the last committee to which it was referred: *Provided*, That the removal shall only be permitted if another member remains as a sponsor of the bill or resolution.

Any member may be added as a cosponsor of a bill or resolution by submitting a request to the Clerk prior to the bill or resolution being reported from the last committee to which it was referred and if the lead sponsor of the bill or resolution agrees to the addition.

The electronic version of a bill or resolution shall be changed to include the addition or removal of a sponsor, but the addition or removal of a sponsor shall only be included in a printed version if a subsequent printing is otherwise required.

Which, under the rules, was referred to the Committee on Rules.

Petitions

Senator Sypolt presented a petition from Beverly Shaffer and 139 West Virginia residents, supporting Senate Bill 549 (*Authorizing DNR solicit donation for WVU Rifle Team on hunting and fishing license applications*).

Referred to the Committee on Government Organization.

Senators Sypolt and Smith presented a petition from Barbara M. Mathias and 55 members and friends of Oak Grove United Methodist Church and Baker's Chapel United Methodist Church, expressing opposition to abortion.

Referred to the Committee on the Judiciary.

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 248, Creating Prosecuting Attorney's Detectives Act.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, 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. 248) passed.

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

Eng. Com. Sub. for Senate Bill 248—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-4A-1, §7-4A-2, §7-4A-3, §7-4A-4, §7-4A-5, §7-4A-6, §7-4A-7, §7-4A-8, and §7-4A-9, all relating to creating the Prosecuting Attorney's Detectives Act; providing a short title; making legislative findings; providing for law-enforcement titles; setting forth the duties and powers of prosecuting attorney's detectives; providing for compensation of prosecuting attorney's detectives; permitting prosecuting attorneys to hire detectives; establishing arrest power of prosecuting attorney's detectives; setting forth requirements; limiting off-duty employment; and providing miscellaneous provisions.

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 249, Relating to administration of estates and trusts.

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. 249) 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 329, Relating to agricultural education in high schools.

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 329 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. 329) 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 472, Exempting retirement income of certain uniformed services members from state income tax.

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. 472) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2019.

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. 472) takes effect July 1, 2019.

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 520, Requiring entities report drug overdoses.

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 520 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. 520) passed with its title.

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

Thereafter, at the request of Senator Plymale, and by unanimous consent, the remarks by Senator Ihlenfeld regarding the passage of Engrossed Committee Substitute for Senate Bill 520 were ordered printed in the Appendix to the Journal.

Eng. Com. Sub. for Com. Sub. for Senate Bill 522, Creating Special Road Repair Fund.

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. Com. Sub. for Senate Bill 537, Creating workgroup to review hospice need standards.

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 537 pass?”

Senator Trump requested a ruling from the Chair as to whether he should be excused from voting under Rule 43 of the Rules of the Senate as his wife serves as a volunteer and board member for Hospice of the Panhandle.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, 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, Woelfel, and Carmichael (Mr. President)—33.

The nays were: Weld—1.

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. 537) 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 561, Permitting Alcohol Beverage Control Administration request assistance of local law enforcement.

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. 561) 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 566, Relating to compensation for State Athletic Commission members.

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, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: Rucker—1.

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. 566) 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 600, Relating to preservation of biological evidence obtained through criminal investigations and trials.

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. 600) 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. 600) 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 615, Providing ongoing mechanism for county commissioners to allow compensation increases for elected officials every two years.

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. 615) 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 622, Relating generally to regulation and control of financing elections.

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 622 pass?”

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Mann, Maroney, Maynard, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, and Carmichael (Mr. President)—19.

The nays were: Baldwin, Beach, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—15.

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. 622) 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 640, Regulating sudden cardiac arrest prevention.

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. 640) 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 642, Providing options in living wills and combined medical powers of attorney and living wills.

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. 642) 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 651, Relating to DNR ability to enter into certain contracts.

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. 651) 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. 651) 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 653, Relating generally to practice of medical corporations.

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. 653) 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 655, Relating to conservation districts generally.

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. 655) 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 668, Relating to physician assistants collaborating with physicians in hospitals.

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 Senate Bill 668 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. S. B. 668) 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 669, Allowing appointment of commissioners to acknowledge signatures.

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. 669) 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 670, Relating to WV College Prepaid Tuition and Savings 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 present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 670) passed with its title.

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

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

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. House Bill 2746, Relating to administration of estates.

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.

On motion of Senator Takubo, at 12:36 p.m., the Senate recessed for 30 minutes.

The Senate reconvened at 1:22 p.m. and proceeded to the ninth order of business.

Com. Sub. for Senate Bill 105, Creating offense of impaired operation of motor vehicle placing nonpassengers at risk of physical injury.

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 273, Relating to Commission on Special Investigations and State Auditor duties.

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

At the request of Senator Trump, unanimous consent being granted, the bill was referred to the Committee on Rules.

Com. Sub. for Senate Bill 318, Transferring Medicaid Fraud Control Unit to Attorney General's office.

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 348, Relating to tobacco usage restrictions.

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

On motions of Senators Stollings and Palumbo, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On pages nine and ten, by striking out all of sections twelve and thirteen;

And,

By renumbering the remaining section.

Following extended discussion,

The question being on the adoption of the amendments offered by Senators Stollings and Palumbo to the bill, and on this question, Senator Trump demanded the yeas and nays.

The roll being taken, the yeas were: Baldwin, Beach, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Palumbo, Plymale, Prezioso, Romano, Stollings, Swope, Takubo, Unger, and Woelfel—19.

The nays were: Azinger, Blair, Boley, Boso, Clements, Cline, Maynard, Roberts, Rucker, Smith, Sypolt, Tarr, Trump, Weld, and Carmichael (Mr. President)—15.

Absent: None.

So, a majority of those present and voting having voted in the affirmative, the President declared the amendments offered by Senators Stollings and Palumbo to the bill adopted.

The bill (Com. Sub. for Com. Sub. for S. B. 348), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 379, Permitting county board of education to include faith-based electives in drug prevention programs.

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 396, Waiving occupational licensing fees for low-income individuals and military families.

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 412, Establishing Katherine Johnson Fair Pay Act of 2019.

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

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

On pages three and four, by striking out all of section nine-b and inserting in lieu thereof a new section, designated section nine-b, to read as follows:

§5-11-9b. The Katherine Johnson Fair Pay Act of 2019.

(a) This section may be cited as the Katherine Johnson Fair Pay Act of 2019, in honor of Katherine Coleman Johnson, an African-American mathematician born and educated in West Virginia, and later awarded the Presidential Medal of Freedom, America's highest civilian honor.

(b) It is an unlawful discriminatory practice, unless based on a bona fide occupational qualification, or except where based on applicable security regulations established by the United States or the State of West Virginia or its agencies or political subdivisions, for any employer to:

(1) Require, as a condition of employment, that an employee refrains from disclosing, discussing, or sharing information about the amount of his or her wages, benefits or other compensation, or from inquiring, discussing, or sharing information with a co-worker about the employee's or co-worker's wages, benefits or other compensation;

(2) Require an employee to sign a waiver or other document that denies the employee the right to disclose the amount of his or her wages, benefits, or other compensation or to inquire about, discuss, or share information with a co-worker about the employee's or co-worker's wages, benefits or other compensation; or

(3) Inquire, or direct a third party to inquire, as to a job applicant's wage and salary history from the applicant or a current or former employer. If an applicant voluntarily and without prompting discloses information about his or her compensation, the employer may seek to confirm that information after extending an offer of employment with compensation to that person.

Following discussion,

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

The bill (Com. Sub. for S. B. 412) was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 414, Creating Protect Our Right to Unite Act.

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 464, Modifying licensing requirements for telemedicine and surgery or podiatry.

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 467, Clarifying PSC jurisdiction over water and sewer utilities.

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

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

On page thirty-one, section one, line one hundred forty-nine, by striking out the word "state".

The bill (Com. Sub. for S. B. 467), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 487, Relating to admissibility of health care staffing requirements in litigation.

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 530, Relating to state employee merit system.

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

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

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

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

Senate Bill 555, Relating to authority of Higher Education Policy Commission.

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

Com. Sub. for Senate Bill 564, Expanding comprehensive coverage for pregnant women through Medicaid.

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 574, Permitting authorized physician order involuntary hospitalization of individual if physician believes addicted or mentally ill.

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

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

On page two, section two-a, lines thirty-five and thirty-six, by striking out the words "accepted professional practices" and inserting in lieu thereof the words "standard of care".

Following discussion,

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

The bill (Com. Sub. for Com. Sub. for S. B. 574), as amended, was then ordered to engrossment and third reading.

Senate Bill 605, Permitting Secondary Schools Athletic Commission discipline schools for not following protocol for concussions and head injuries.

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

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

On page three, section twenty-five-a, lines sixty-six through sixty-eight, by striking out the words "Secondary Schools Athletics Commission: *Provided*, That the West Virginia Secondary Schools Athletics Commission" and inserting in lieu thereof the words "West Virginia Secondary

School Activities Commission: *Provided*, That the West Virginia Secondary School Activities Commission”;

On page four, section twenty-five-b, line one, by striking out the words “Schools Athletics” and inserting in lieu thereof the words “School Activities”;

On page four, section twenty-five-b, line ten, by striking out the words “Schools Athletics” and inserting in lieu thereof the words “School Activities”;

And,

On page five, section twenty-five-b, lines thirty-one through thirty-three, by striking out the words “Secondary Schools Athletics Commission: *Provided*, That the West Virginia Secondary Schools Athletics Commission” and inserting in lieu thereof the words “West Virginia Secondary School Activities Commission: *Provided*, That the West Virginia Secondary School Activities Commission”.

On motion of Senator Tarr, the following amendments to the bill (S. B. 605) were next reported by the Clerk and considered simultaneously:

On page three, section twenty-five-a, line forty-four, after the words “coach or” by inserting the words “licensed or registered”;

On page three, section twenty-five-a, line fifty, after the word “professionals” by inserting the words “including, but not limited to, licensed physical therapists and licensed or registered athletic trainers”;

And,

On page three, section twenty-five-a, line sixty-four, after the word “accordingly.” by inserting the following: The West Virginia School Activities Commission also shall submit the reports to the Legislative Oversight Commission on Health and Human Resources Accountability.

Following discussion,

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

The bill (S. B. 605), as amended, was then ordered to engrossment and third reading.

Senate Bill 625, Clarifying and defining authority of State Athletic Commission.

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 632, Improving student safety.

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

Senate Bill 633, Authorizing Board of Physical Therapy conduct criminal background checks on applicants for licenses.

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 637, Relating to revocation, cancellation, or suspension of business registration certificates.

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 650, Protecting consumers from price gouging after state of emergency.

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

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to the Committee on Rules.

Com. Sub. for Senate Bill 657, Providing consumer protection regarding self-propelled farm equipment.

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

Senate Bill 658, Relating to motor vehicle salesperson licenses.

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

Senate Bill 671, Eliminating State Fire Marshal report on transfer of authority and responsibility of providing fire service to counties.

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

Senate Bill 672, Authorizing School Building Authority to promulgate legislative rules.

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

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

Senate Bill 673, Relating to public higher education accountability and planning.

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

Senate Bill 674, Supplemental appropriation to Division of Human Services.

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

Senate Bill 675, Requiring DEP create and implement Adopt-A-Stream Program.

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

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

On page four, section three, line sixty-seven, by striking out the word "fifty".

Following discussion,

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

At the request of Senator Takubo, and by unanimous consent, the bill (S. B. 675) was advanced to third reading with the right for other amendments to be considered on that reading.

Senate Bill 676, Relating to off-road vehicle recreation.

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

On motions of Senators Beach and Hardesty, the following amendment to the bill was reported by the Clerk:

On page two, section eleven, after line fifteen, by striking out the remainder of the bill.

Following discussion,

The question being on the adoption of the amendment offered by Senators Beach and Hardesty to the bill, the same was put.

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

A standing vote being taken, there were 18 Ayeas@ and 15 Anays@.

Whereupon, the President declared the amendment offered by Senators Beach and Hardesty to the bill adopted.

The bill (S. B. 676), as amended, was then ordered to engrossment and third reading.

Pending announcement of a meeting of the Committee on Rules,

On motion of Senator Takubo, at 2:41 p.m., the Senate recessed for 10 minutes.

The Senate reconvened at 3 p.m. and, at the request of Senator Takubo, unanimous consent being granted, returned 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 26th 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:

(Com. Sub. for H. B. 2324), Authorizing the acupuncture board to issue certificates to perform auricular acudetox therapy.

(H. B. 2351), Relating to regulating prior authorizations.

(Com. Sub. for H. B. 2607), Relating to the licensure of nursing homes.

(H. B. 2666), Supplemental appropriation to the Department of Veterans' Assistance.

And,

(H. B. 2668), Supplemental appropriation to the Department of Administration, Public Defender Services.

Respectfully submitted,

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

Senator Carmichael (Mr. President), from the Committee on Rules, submitted the following report, which was received:

Your Committee on Rules has had under consideration

Com. Sub. for Senate Bill 326, Reorganizing state agencies involved in emergency and disaster planning.

Now on second reading, having been referred to the Committee on Rules on February 19, 2019;

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

Respectfully submitted,

Mitch Carmichael,
Chairman ex officio.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 326) contained in the preceding report from the Committee on Rules was taken up for immediate consideration and read a second time.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Romano.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 3:05 p.m., the Senate adjourned until tomorrow, Wednesday, February 27, 2019, at 11 a.m.

SENATE CALENDAR

**Wednesday, February 27, 2019
11:00 AM**

UNFINISHED BUSINESS

S. C. R. 45 - US Army Corporal T-5 Albert John "Engine" Arco Memorial Bridge

THIRD READING

Eng. Com. Sub. for S. B. 105 - Creating offense of impaired operation of motor vehicle placing nonpassengers at risk of physical injury (original similar to HB2822)

Eng. Com. Sub. for S. B. 318 - Transferring Medicaid Fraud Control Unit to Attorney General's office (original similar to HB2867)

Com. Sub. for S. B. 326 - Reorganizing state agencies involved in emergency and disaster planning - (With right to amend) (original similar to HB2482)

Eng. Com. Sub. for Com. Sub. for S. B. 348 - Relating to tobacco usage restrictions

Eng. Com. Sub. for S. B. 379 - Permitting county board of education to include faith-based electives in drug prevention programs

Eng. Com. Sub. for S. B. 396 - Waiving occupational licensing fees for low-income individuals and military families

Eng. Com. Sub. for S. B. 412 - Establishing Katherine Johnson Fair Pay Act of 2019

Eng. Com. Sub. for S. B. 414 - Creating Protect Our Right to Unite Act

Eng. Com. Sub. for S. B. 464 - Modifying licensing requirements for telemedicine and surgery or podiatry (original similar to HB3089)

Eng. Com. Sub. for S. B. 467 - Clarifying PSC jurisdiction over water and sewer utilities (original similar to HB2946)

Eng. Com. Sub. for S. B. 487 - Relating to admissibility of health care staffing requirements in litigation

Eng. Com. Sub. for Com. Sub. for S. B. 522 - Creating Special Road Repair Fund

Com. Sub. for S. B. 530 - Relating to state employee merit system - (With right to amend)

Eng. Com. Sub. for Com. Sub. for S. B. 543 - Relating generally to automobile warranties and inspections

Eng. S. B. 555 - Relating to authority of Higher Education Policy Commission

Eng. Com. Sub. for S. B. 564 - Expanding comprehensive coverage for pregnant women through Medicaid

Eng. Com. Sub. for Com. Sub. for S. B. 574 - Permitting authorized physician order involuntary hospitalization of individual if physician believes addicted or mentally ill

Eng. S. B. 605 - Permitting Secondary Schools Athletic Commission discipline schools for not following protocol for concussions and head injuries

Eng. S. B. 625 - Clarifying and defining authority of State Athletic Commission (original similar to SB644)

Eng. Com. Sub. for Com. Sub. for S. B. 632 - Improving student safety

Eng. S. B. 633 - Authorizing Board of Physical Therapy conduct criminal background checks on applicants for licenses

Eng. Com. Sub. for S. B. 637 - Relating to revocation, cancellation, or suspension of business registration certificates

Eng. Com. Sub. for S. B. 657 - Providing consumer protection regarding self-propelled farm equipment

Eng. S. B. 658 - Relating to motor vehicle salesperson licenses

Eng. S. B. 671 - Eliminating State Fire Marshal report on transfer of authority and responsibility of providing fire service to counties

S. B. 672 - Authorizing School Building Authority to promulgate legislative rules - (With right to amend)

Eng. S. B. 673 - Relating to public higher education accountability and planning

Eng. S. B. 674 - Supplemental appropriation to Division of Human Services

S. B. 675 - Requiring DEP create and implement Adopt-A-Stream Program - (With right to amend)

Eng. S. B. 676 - Relating to off-road vehicle recreation

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)

SECOND READING

Eng. Com. Sub. for H. B. 2690 - Relating to guaranty associations (original similar to SB506)

Eng. H. B. 2827 - Removing the residency requirements for hiring deputy assessors (original similar to SB565)