

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE
REGULAR SESSION, 2019
FIFTY-FIRST DAY

Charleston, West Virginia, Thursday, February 28, 2019

The Senate met at 11:32 a.m.

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

Prayer was offered by Pastor Bill Tanzey, Emmanuel Baptist Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Randy E. Smith, a senator from the fourteenth district.

Pending the reading of the Journal of Wednesday, February 27, 2019,

At the request of Senator Hardesty, 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 passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2079—A Bill to amend and reenact §16A-4-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §16A-6-13 of said code; and to amend and reenact §16A-16-1 of said code, all relating to medical cannabis; adding requirements for practitioners to issue a certification; adding a requirement that practitioners provide an attestation; increasing the number of permits that the bureau may issue for growers, processors and dispensaries of medical cannabis; permitting a grower to be a processor and a processor to be a grower; allowing growers and processors to be dispensaries; permitting dispensaries to be growers and processors and authorizing the bureau to implement a process for pre-registration.

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 2397—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-22e, relating to requiring county school boards to provide adequate mental health evaluations, services and counseling services for pupils in the public schools; establishing minimum number of school psychologists by 2021-2022 school year; and authorizing alternative professional practitioners.

Referred to the Committee on Education; 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 2595—A Bill to amend and reenact §5-10-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §5-10D-1 of said code; to amend and reenact §7-14D-5 of said code; to amend and reenact §8-22A-6 of said code; to amend and reenact §16-5V-6 of said code; to amend and reenact §20-2B-10 of said code; and to amend said code by adding thereto a new article, designated §20-17-1, §20-17-2, §20-17-3, §20-17-4, §20-17-5, §20-17-6, §20-17-7, §20-17-8, §20-17-9, §20-17-10, §20-17-11, §20-17-12, §20-17-13, §20-17-14, §20-17-15, §20-17-16, §20-17-17, §20-17-18, §20-17-19, §20-17-20, §20-17-21, §20-17-22, §20-17-23, §20-17-24, §20-17-25, §20-17-26, §20-17-27, §20-17-28, §20-17-29, §20-17-30, §20-17-31, §20-17-32, §20-17-33, §20-17-34, §20-17-35 and §20-17-36, all relating to establishing the West Virginia Division of Natural Resources Police Officer Retirement System; increasing certain stamp fees to contribute to the new retirement system; providing for additional members of the Consolidated Public Retirement Board; and providing for criminal offense of defrauding the system and penalties therefor.

Referred to the Committee on Pensions; 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 2718—A Bill to amend the Code of West Virginia, 1931, as amended; by adding thereto a new section, designated §61-3-52a; relating to requiring commercial purchasers of roundwood to collect and maintain certain information; and establishing criminal and administrative penalties for failure to comply.

Referred to the Committee on Natural Resources; and then 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 2843—A Bill to amend and reenact §5A-3-45 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §5A-12-15, all relating to creating the Auto Auction Pilot Program; setting a beginning and ending date for the program, establishing requirements of the program; and requiring a report after completion of the pilot program.

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 2882—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18C-3-5, relating to creating health professionals' student loan programs; providing legislative findings and purpose; establishing a program known as the Nonresident Medical Student Tuition Regularization Program; providing for in-state tuition rates to out-of-state medical and osteopathic students who agree to practice for a specific time in underserved locations and fields within West Virginia; establishing the program eligibility requirements and application procedures; establishing violations and civil penalties for the failure to complete the required service; creating a special revenue account for the program management; and providing for legislative rule making.

Referred to the Committee on Education; 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 2932—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §47-20-1a; to amend and reenact §47-20-2, §47-20-3, §47-20-5a, §47-20-6, and §47-20-6a of said code; to amend said code by adding thereto a new section designated §47-21-1a; to amend and reenact §47-21-2, §47-21-4, §47-21-7, §47-21-15, §47-21-20, and §47-21-28 of said code; to amend said code by adding thereto a new section designated §47-23-1a; and to amend and reenact §47-23-2, §47-23-7, §47-23-7a, §47-23-8, and §47-23-11 of said code, all relating to transferring regulation and licensing of charitable bingo, charitable raffles, and charitable raffle boards and games from the State Tax Department to the State Lottery Commission.

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 2941—A Bill to amend and reenact §11-13X-3, §11-13X-4, §11-13X-5, §11-13X-6, §11-13X-8, §11-13X-11, §11-13X-12, and §11-13X-13 of the Code of West Virginia, 1931, as amended, all relating to the West Virginia Film Industry Investment Act; reinstating the film investment tax credit; providing the coordination and management by the West Virginia Development Office; excluding short-term depreciation from credit; raising the minimum threshold of expenditures to qualify for credit; establishing an annual limit in credits available; requiring the Development Office to develop a database of locations, music, and other resources to be made available to film production teams; and requiring state agencies to solicit bids from West Virginia vendors for film or video projects if available..

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 2951—A Bill to amend and reenact §30-1-1 of the Code of West Virginia, 1931, as amended; to repeal §30-2-1, §30-2-2, §30-2-3, §30-2-4, §30-2-5, §30-2-5a, §30-2-6, §30-2-7, §30-2-8, §30-3-9, §30-2-10, §30-2-11, §30-2-12, §30-2-13, §30-2-14, §30-2-15 and §30-2-16 of said code; to repeal §30-6-1, §30-6-2, §30-6-3, §30-6-4, §30-6-5, §30-6-6, §30-6-7, §30-6-8, §30-6-9, §30-6-10, §30-6-11, §30-6-12, §30-6-13, §30-6-14, §30-6-15, §30-6-16, §30-6-17, §30-6-16-, §30-6-19, §30-6-20, §30-6-21, §30-6-22, §30-6-23, §30-6-24, §30-6-22-

, §30-6-26, §30-6-27, §30-6-28, §30-6-29, §30-6-30, and §30-6-31 of said code; to repeal §30-9-1, §30-9-2, §30-9-3, §30-9-4, §30-9-5, §30-9-6, §30-9-7, §30-9-8, §30-9-9, §30-9-10, §30-9-11, §30-9-12, §30-9-13, §30-9-14, §30-9-15, §30-9-16, §30-9-17, §30-9-16-, §30-9-19, §30-9-20, §30-9-21, §30-9-22, §30-9-23, §30-9-24, §30-9-25, §30-9-26, §30-9-27, §30-9-28, §30-9-29, §30-9-30, §30-9-31, 30-9-33 and §30-9-34 of said code; to repeal §30-12-1, §30-12-2, §30-12-3, §30-12-4, §30-12-5, §30-12-6, §30-12-7, §30-12-8, §30-12-9, §30-12-10, §30-12-11, §30-12-11a, §30-12-12, §30-12-13, and §30-12-14 of said code; to repeal §30-13-1, §30-13-2, §30-13-3, §30-13-4, §30-13-5, §30-13-6, §30-13-7, §30-13-8, §30-13-9, §30-13-10, §30-13-11, §30-13-12, §30-13-13, §30-13-13a, §30-13-14, §30-13-15, §30-13-16, §30-13-17, §30-13-18, §30-13-19, §30-13-20, §30-13-21, §30-13-22, §30-13-23, and §30-13-24; to repeal §30-13A-1, §30-13A-2, §30-13A-3, §30-13A-4, §30-13A-5, §30-13A-6, §30-13A-7, §30-13A-8, §30-13A-9, §30-13A-10, §30-13A-11, §30-13A-12, §30-13A-13, §30-13A-14, §30-13A-15, §30-13A-16, §30-13A-17, §30-13A-18, §30-13A-19, §30-13A-20, §30-13A-21, §30-13A-22, §30-13A-23, §30-13A-24, and §30-13A-25 of said code; to repeal §30-17-1, §30-17-2, §30-17-3, §30-17-4, §30-17-5, §30-17-6, §30-17-7, §30-17-8, §30-17-9, §30-17-10, §30-17-11, §30-17-12, §30-17-13, §30-17-14, §30-17-15, §30-17-16, §30-17-17, §30-17-18, §30-17-19 of said code; to repeal §30-18-1, §30-18-2, §30-18-3, §30-18-4, §30-18-5, §30-18-6, §30-18-7, §30-18-8, §30-18-9, §30-18-10, §30-18-11, §30-18-12, and §30-18-13 of said code; to repeal §30-19-1, §30-19-2, §30-19-3, §30-19-4, §30-19-5, §30-19-6, §30-19-7, §30-19-8, §30-19-9, §30-19-10, §30-19-11, §30-19-12, §30-19-13, §30-19-14, §30-19-15, §30-19-16 and §30-19-17 of said code; to repeal §30-22-1, §30-22-2, §30-22-3, §30-22-4, §30-22-5, §30-22-6, §30-22-7, §30-22-8, §30-22-9, §30-22-10, §30-22-11, §30-22-12, §30-22-13, §30-22-14, §30-22-15, §30-22-16, §30-22-17, §30-22-18, §30-22-19, §30-22-20, §30-22-21, §30-22-22, §30-22-23, §30-22-24, §30-22-25, §30-22-26, §30-22-27, and §30-22-28 of said code; to repeal §30-25-1, §30-25-2, §30-25-3, §30-25-4, §30-25-5, §30-25-6, §30-25-7, §30-25-8, §30-25-9, §30-25-10, §30-25-11, §30-25-12, §30-25-13, §30-25-14, §30-25-15, §30-25-16, §30-25-17, and §30-25-18 of said code; to repeal §30-27-1, §30-27-2, §30-27-3, §30-27-4, §30-27-5, §30-27-6, §30-27-7, §30-27-8, §30-27-8a, §30-27-8b, §30-27-9, §30-27-10, §30-27-11, §30-27-11a, §30-27-12, §30-27-13, §30-27-14, §30-27-15, §30-27-16, §30-27-17, §30-27-18, §30-27-19, §30-27-20, §30-27-21, §30-27-22, §30-27-23, and §30-27-24 of said code; to repeal §30-29-1, §30-29-2, §30-29-3, §30-29-4, §30-29-5, §30-29-6, §30-29-7, §30-29-8, §30-29-9, §30-29-10, §30-29-11, §30-29-12, and §30-29-13 of said code; to repeal §30-38-1, §30-38-2, §30-38-3, §30-38-4, §30-38-5, §30-38-6, §30-38-7, §30-38-8, §30-38-9, §30-38-10, §30-38-11, §30-38-12, §30-38-13, §30-38-14, §30-38-15, §30-38-16, §30-38-17, §30-38-18, and §30-38-19 of said code; to repeal §30-38A-1, §30-38A-2, §30-38A-3, §30-38A-4, §30-38A-5, §30-38A-6, §30-38A-7, §30-38A-8, §30-38A-9, §30-38A-10, §30-38A-11, §30-38A-12, §30-38A-13, §30-38A-14, §30-38A-15, §30-38A-16, and §30-38A-17 of said code; to repeal §30-39-1, §30-39-2, §30-39-3, §30-39-4, §30-39-5, §30-39-6, §30-39-7, §30-39-8, §30-39-9, §30-39-10, §30-39-11, §30-39-12, §30-39-13, §30-39-14, §30-39-15, §30-39-16, §30-39-17, §30-39-18, §30-39-19, §30-39-20, and 30-39-21 of said code; to repeal §30-40-1, §30-40-2, §30-40-3, §30-40-4, §30-40-5, §30-40-6, §30-40-7, §30-40-8, §30-40-9, §30-40-10, §30-40-11, §30-40-12, §30-40-13, §30-40-14, §30-40-15, §30-40-16, §30-40-17, §30-40-18, §30-40-19, §30-40-20, §30-40-21, §30-40-22, §30-40-23, §30-40-24, §30-40-25, §30-40-26, and §30-40-27 of said code; to amend said code by adding there to a new article, designated §30A-1-1, §30A-1-2, §30A-1-3, §30A-1-4, §30A-1-5, §30A-1-6, §30A-1-7, §30a-1-8, §30A-1-9, §30A-1-10, §30A-1-11, §30A-1-12, §30A-1-13, §30A-1-14, §30A-1-15 and §30A-1-16; to amend said code by adding there to a new article, designated §30A-2-1, §30A-2-3, §30A-2-4, §30A-2-5, §30A-2A-6, §30A-2-7, §30A-2-8, §30A-2-9, §30A-2-10, §30A-2-11, §30A-2-12, §30A-2-13, §30A-2-14, §30A-2-15, §30A-2-16, §30A-2-17, §30A-2-16-, §30A-2-19, §30A-2-20, §30A-2-21, §30A-2-22, §30A-2-22a, §30A-2-23, §30A-2-24, §30A-2-25, §30A-2-26, §30A-2-27, §30A-2-28, §30A-2-29, §30A-2-30, and §30A-2-31; to amend said code by adding there to a new article, designated §30A-3-1, §30A-3-2, §30A-3-3, §30A-3-4, §30A-3-5, §30A-3-6, §30A-3-7, §30A-3-8, §30A-3-9, §30A-3-10, §30A-3-11, §30A-3-12, §30A-3-13, §30A-3-14, §30A-3-15,

§30A-3-16, §30A-3-17, §30A-3-18, §30A-3-19, §30A-3-20, §30A-3-21, §30A-3-22, §30A-3-23, §30A-3-24, §30A-3-25, §30A-3-26, §30A-3-27, §30A-3-28, §30A-3-29, §30A-3-30, §30A-3-31, §30A-3-32, and §30A-3-33; to amend said code by adding there to a new article, designated §30A-4-1, §30A-4-2, §30A-4-3, §30A-4-4, §30A-4-5, §30A-4-6, §30A-4-7, §30A-4-8, §30A-4-9, §30A-4-10, §30A-4-11, §30A-4-11a, §30A-4-12, §30A-4-13, and §30A-4-14; to amend said code by adding there to a new article, designated §30A-5-1, §30A-5-2, §30A-5-3, §30A-5-4, §30A-5-5, §30A-5-6, §30A-5-7, §30A-5-8, §30A-5-9, §30A-5-10, §30A-5-11, §30A-5-12, §30A-5-13, §30A-5-13a, §30A-5-14, §30A-5-15, §30A-5-16, §30A-5-17, §30A-5-18, §30A-5-19, §30A-5-20, §30A-5-21, §30A-5-22, §30A-5-23, and §30A-5-24; to amend said code by adding there to a new article, designated §30A-6-1, §30A-6-2, §30A-6-3, §30A-6-4, §30A-6-5, §30A-6-6, §30A-6-7, §30A-6-8, §30A-6-9, §30A-6-10, §30A-6-11, §30A-6-12, §30A-6-13, §30A-6-14, §30A-6-15, §30A-6-16, §30A-6-17, §30A-6-16, §30A-6-19, §30A-6-20, §30A-6-21, §30A-6-22, §30A-6-23, §30A-6-24, and §30A-6-25; to amend said code by adding there to a new article, designated §30A-7-1, §30A-7-2, §30A-7-3, §30A-7-4, §30A-7-5, §30A-7-6, §30A-7-7, §30A-7-8, §30A-7-9, §30A-7-10, §30A-7-11, §30A-7-12, and §30A-7-13; to amend said code by adding there to a new article, designated §30A-8-1, §30A-8-2, §30A-8-3, §30A-8-4, §30A-8-5, §30A-8-6, §30A-8-7, §30A-8-8, §30A-8-9, §30A-8-10, §30A-8-11, §30A-8-12, §30A-8-13, §30A-8-14, §30A-8-15, §30A-8-16, and §30A-8-17; to amend said code by adding there to a new article, designated §30A-9-1, §30A-9-2, §30A-9-3, §30A-9-4, §30A-9-5, §30A-9-6, §30A-9-7, §30A-9-8, §30A-9-9, §30A-9-10, §30A-9-11, §30A-9-12, §30A-9-13, §30A-9-14, §30A-9-15, §30A-9-16, §30A-9-17, §30A-9-18, §30A-9-19, §30A-9-20, §30A-9-21, §30A-9-22, §30A-9-23, §30A-9-24, §30A-9-25, §30A-9-26, §30A-9-27, and §30A-9-28; to amend said code by adding there to a new article, designated §30A-10-1, §30A-10-2, §30A-10-3, §30A-10-4, §30A-10-5, §30A-10-6, §30A-10-7, §30A-10-8, §30A-10-9, §30A-10-10, §30A-10-11, §30A-10-12, §30A-10-13, §30A-10-14, §30A-10-15, §30A-10-16, §30A-10-17, and §30A-10-18; to amend said code by adding there to a new article, designated §30A-11-1, §30A-11-2, §30A-11-3, §30A-11-4, §30A-11-5, §30A-11-6, §30A-11-7, §30A-11-8, §30A-11-8a, §30A-11-8b, §30A-11-9, §30A-11-10, §30A-11-11, §30A-11-11a, §30A-11-12, §30A-11-13, §30A-11-14, §30A-11-15, §30A-11-16, §30A-11-17, §30A-11-18, §30A-11-19, §30A-11-20, §30A-11-21, §30A-11-22, §30A-11-23, and §30A-11-24; to amend said code by adding there to a new article, designated §30A-12-1, §30A-12-2, §30A-12-3, §30A-12-4, §30A-12-5, §30A-12-6, §30A-12-7, §30A-12-8, §30A-12-9, §30A-12-10, §30A-12-11, §30A-12-12 and §30A-12-13; to amend said code by adding there to a new article, designated §30A-13-1, §30A-13-2, §30A-13-3, §30A-13-4, §30A-13-5, §30A-13-6, §30A-13-7, §30A-13-8, §30A-13-9, §30A-13-10, §30A-13-11, §30A-13-12, §30A-13-13, §30A-13-14, §30A-13-15, §30A-13-16, §30A-13-17, §30A-13-18 and §30A-13-19; to amend said code by adding there to a new article, designated §30A-14-1, §30A-14-2, §30A-14-3, §30A-14-4, §30A-14-5, §30A-14-6, §30A-14-7, §30A-14-8, §30A-14-9, §30A-14-10, §30A-14-11, §30A-14-12, §30A-14-13, §30A-14-14, §30A-14-15, §30A-14-16 and §30A-14-17; and to amend said code by adding there to a new article, designated §30A-15-1, §30A-15-2, §30A-15-3, §30A-15-4, §30A-15-5, §30A-15-6, §30A-15-7, §30A-15-8, §30A-15-9, §30A-15-10, §30A-15-11, §30A-15-12, §30A-15-13, §30A-15-14, §30A-15-15, §30A-15-16, §30A-15-17, §30A-15-18, §30A-15-19, §30A-15-20 and §30A-15-21; to amend said code by adding there to a new article, designated §30A-16-1, §30A-16-2, §30A-16-3, §30A-16-4, §30A-16-5, §30A-16-6, §30A-16-7, §30A-16-8, §30A-16-9, §30A-16-10, §30A-16-11, §30A-16-12, §30A-16-13, §30A-16-14, §30A-16-15, §30A-16-16, §30A-16-17, §30A-16-18, §30A-16-19, §30A-16-20, §30A-16-21, §30A-16-22, §30A-16-23, §30A-16-24, §30A-16-25, §30A-16-26 and §30A-16-27; and to amend said code by adding there to a new article, designated §30A-17-1, §30A-17-2, §30A-17-3, §30A-17-4, §30A-17-5, §30A-17-6, §30A-17-7, §30A-17-8, §30A-17-9, §30A-17-10, §30A-17-11, §30A-17-12, §30A-17-13, §30A-17-14, §30A-17-15, §30A-17-16, §30A-17-17, §30A-17-18 and §30A-17-19, all relating to placing the regulation of non-medical professions and occupations in a new Chapter 30A; providing that the general provisions of Chapter 30, Article 1, Article 1A, Article 1 B and Article 1D apply to all Chapter 30A boards and commissions; leaving the regulation of all medically

related professions and occupations in Chapter 30; and making no substantive changes in any of these laws.

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

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

Eng. House Bill 2966—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-23A-1, relating to creating the County Budget Flexibility Act; permitting a county to hold over unspent budgetary funds and excess revenue for future uses; requiring those funds be deposited in a county's Future Needs Fund; authorizing the use of those funds for future or unexpected needs; making findings; and setting forth an intent.

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 2967—A Bill to amend and reenact §11-22-2 of the Code of West Virginia, 1931, as amended, relating to permitting a county to retain the excise taxes for the privilege of transferring title of real estate in that county.

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 3142—A Bill to amend and reenact §11-13A-3, §11-13A-6 and §11-13A-6a of the Code of West Virginia, 1931, as amended, all relating to reducing the severance tax on thermal or steam coal to four percent, effective July 1, 2019; reducing the severance tax on thermal or steam coal to three percent, effective July 1, 2020; eliminating restrictions on counties and municipalities expending the county and municipality portion of severance taxes; eliminating certain reporting requirements; and establishing minimum amounts of distribution of portion of severance taxes on coal dedicated for use and benefit of coal-producing counties.

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 3144—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13EE-1, §11-13EE-2, §11-13EE-3, §11-13EE-4, §11-13EE-5, §11-13EE-6, §11-13EE-7, §11-13EE-8, §11-13EE-9, §11-13EE-10, §11-13EE-11, §11-13EE-12, §11-13EE-13, §11-13EE-14, §11-13EE-15, §11-13EE-16 and §11-13EE-17, all relating generally to North Central Appalachian Coal Severance Tax Rebate; providing short title, findings and purpose; defining terms; providing for rebate of severance tax when capital investment made in new machinery and equipment directly used in severance of coal, or in coal preparation and processing plants; providing rules and procedures for claiming rebate and transfer to successors; imposing recapture tax in certain circumstance; providing rules for

interpretation and construction; requiring periodic rebate reports; authorizing rulemaking; and providing for severability and effective date.

Referred to the Committee on Finance.

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 28th day of February, 2019, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for H. B. 2612), Proposing rules related to the completion or updating of source water protection plans.

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 Concurrent Resolution 48 (originating in the Committee on the Judiciary)—Requesting the Joint Committee on the Judiciary study whether the Legislature should eliminate the use of subminimum wages for people with intellectual, developmental, or other disabilities.

Whereas, Section 14(c) of the Fair Labor Standards Act authorizes the payment of subminimum wages to persons with intellectual, developmental, and other disabilities; and

Whereas, At least 264 employees with disabilities receive subminimum wages in West Virginia; and

Whereas, Members of the workforce with intellectual, developmental, or other disabilities are contributing members of society; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on the Judiciary is hereby requested to study whether the Legislature should eliminate the use of subminimum wages for people with intellectual, developmental, or other disabilities; and, be it

Further Resolved, That the Joint Committee on the Judiciary enlist the assistance of the Division of Rehabilitation Services in conducting the study; and, be it

Further Resolved, That the study include an examination of whether requiring a minimum wage to be paid to persons with intellectual, developmental, or other disabilities would have the negative consequence of reducing or eliminating jobs and employment for persons with these disabilities; and, be it

Further Resolved, That the Joint Committee on the Judiciary report to the regular session of the Legislature, 2020, on its findings, conclusions, and recommendations together with drafts of any legislation necessary to effectuate its recommendations; and, be it

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

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, and by unanimous consent, the resolution (S. C. R. 48) contained in the foregoing report from the Committee on the Judiciary was then referred to the Committee on Rules.

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

Your Committee on the Judiciary has had under consideration

Eng. Com. Sub. for House Bill 2183, Clarifying where a charge of DUI may be brought against an individual.

And has amended same.

Eng. Com. Sub. for House Bill 2362, Ardala Miller Memorial Act.

And has amended same.

Eng. Com. Sub. for House Bill 2975, Relating to imposition of sexual acts on persons incarcerated.

And has amended same.

And,

Eng. House Bill 3083, Adding temporary work during the legislative session as exclusion to the term employment for purposes of unemployment compensation.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
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

Eng. Com. Sub. for House Bill 2609, Relating to presumptions of abandonment and indication of ownership in property.

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

Respectfully submitted,

Charles S. Trump IV,
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

Eng. Com. Sub. for House Bill 2907, Requiring a form of a certified commitment order to the Division of Corrections and Rehabilitation.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

The Senate proceeded to the sixth order of business.

Senators Sypolt, Rucker, Beach, and Cline offered the following resolution:

Senate Concurrent Resolution 46—Requesting the Joint Committee on Government and Finance study and analyze the state's raw dairy milk laws relating to consumption and sales, and to study the raw dairy milk market in this state.

Whereas, The sale of safe dairy milk is important to consumers and to the public health in this state; and

Whereas, There may be a market for sales of raw dairy milk to citizens of this state and such markets should not be illegal or restricted; and

Whereas, The laws of this state may inadvertently restrict the sale of raw dairy milk to the detriment of farmers and consumers wishing to purchase such products; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance is hereby requested to study and analyze the state's raw dairy milk laws relating to consumption and sales of raw dairy milk, and to study the raw dairy milk market within this state; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2020, on its findings, conclusions, and recommendations together with any drafts of any legislation necessary to effectuate its recommendations; and, be it

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

Which, under the rules, lies over one day.

Senators Cline, Lindsay, Roberts, Beach, and Plymale offered the following resolution:

Senate Concurrent Resolution 47—Requesting the Division of Highways name bridge number 55-5-1.8 (55ss099), locally known as McGraws Short Bridge, carrying County Route 5 over Milam Fork in Wyoming County, the “John Lewis Lafferty ‘Community Volunteer’ Memorial Bridge”.

Whereas, John Lewis Lafferty was born at home in Milam, West Virginia, on February 14, 1944, to Lacey and Agnes Lafferty; and

Whereas, While Mr. Lafferty ably served his country in the U. S. Navy, he was also firmly committed to his community. He believed in the importance of clean streams, and the value of places where children could safely play and where the aged could walk, be together, and stay strong; and

Whereas, Mr. Lafferty understood the importance of partnerships that united the community to help itself and prosper. Many said it was just a dream, that drug abuse was too prevalent – anything built would be quickly destroyed. He believed differently; and

Whereas, Mr. Lafferty was responsible for the creation of the nonprofit Friends of Milam Creek (FOMC). Through his leadership, volunteers started work in 2008, and FOMC received its nonprofit 501(c)(3) status in October 2010. Mr. Lafferty worked with the Wyoming County Commission to build a park at McGraws. Cleanup of the site resulted in truckloads of trash and debris removal. A grant paid for the pavilion, erected by volunteers; and

Whereas, The exercise green was the perfect site for a fenced-in playground, with playground equipment donated by the Wyoming County Board of Education. A bridge was repaired crossing Milam Creek and an archery area constructed across the old Ritter rail track. That abandoned track area was cleared and is the start of what will eventually become the Ritter Rail Trail in Wyoming County; and

Whereas, Mr. Lafferty convinced the Wyoming County Board of Education to donate the property on the opposite and adjacent side of County Route 5 to FOMC. At that site, volunteers built a corner performance stage, farmers market shelter, and a fenced-in community garden. Not long after — with the help of numerous funding partners — he led the building of a raised boardwalk around the park. Environmental education kiosks were erected to educate the community on the importance of clean water, and a vernal pond was placed to encourage wetland conservation; and

Whereas, Next on Mr. Lafferty's agenda was to find a place where FOMC could have an office and conference space. After a house was donated, he and volunteers immediately began restoration. This too required numerous funding partners. The old firehall at Ravenclyff was donated to FOMC, and restoration there continues; and

Whereas, Mr. Lafferty's last project, before his passing on January 24, 2016, was to remember the 160 miners who, from 1921 to 1959, died in the Glen Rogers mine. His leadership resulted in the Glen Rogers Memorial Park which is dedicated to those miners; and

Whereas, The work of FOMC is a model for other communities, and the Saulsville, Milam Creek, McGraws, Ravenclyff, and Glen Rogers communities have been strengthened through Mr. Lafferty's efforts. His vision, which continues today, was to foster a safe and healthy space where families could live, learn, and grow; and

Whereas, It is fitting that an enduring memorial be established to commemorate John Lewis Lafferty and his contributions to his community and state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 55-5-1.8 (55ss099), locally known as McGraws Short Bridge, carrying County Route 5 over Milam Fork in Wyoming County, the "John Lewis Lafferty 'Community Volunteer' Memorial Bridge"; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge the "John Lewis Lafferty 'Community Volunteer' 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 Takubo, Rucker, Stollings, Beach, Lindsay, Hardesty, Cline, and Plymale offered the following resolution:

Senate Resolution 64—Designating February 28, 2019, as Rare Disease Day at the Capitol.

Whereas, There are nearly 7,000 diseases and conditions considered rare (each affecting fewer than 200,000 Americans) in the United States, according to the National Institutes of Health; and

Whereas, Many rare diseases are serious and debilitating conditions that have a significant impact on the lives of those affected; and

Whereas, While more than 450 drugs and biologics have been approved for the treatment of rare diseases according to the Food and Drug Administration, millions of Americans still have rare diseases for which there is no approved treatment; and

Whereas Individuals and families affected by rare diseases often experience problems such as diagnosis delay, difficulty finding a medical expert, and lack of access to treatments or ancillary services; and

Whereas, While the public is familiar with some rare diseases, many patients and families affected by less widely known rare diseases bear a large share of the burden of funding research and raising public awareness to support the search for treatments; and

Whereas, Residents of West Virginia are among those affected by rare diseases because nearly one in 10 Americans have rare diseases; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 28, 2019, as Rare Disease Day at the Capitol; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Rare Disease Day.

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

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 17, Sardis District Veterans Memorial Bridge.

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

The question being on the adoption of the resolution, the same was put and prevailed.

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

Com. Sub. for Senate Concurrent Resolution 24, Hazel Dickens Memorial Bridge.

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

The question being on the adoption of the resolution, the same was put and prevailed.

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

Com. Sub. for Senate Concurrent Resolution 27, Requesting study supply or shortage of drivers with CDLs.

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.

Com. Sub. for Senate Concurrent Resolution 28, US Army SP5 James Henry Caruthers Memorial Road.

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.

Com. Sub. for Senate Concurrent Resolution 34, US Army SPC Julian Lee Berisford Memorial Bridge.

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

The question being on the adoption of the resolution, the same was put and prevailed.

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

Com. Sub. for Senate Concurrent Resolution 36, US Army CPL Cory M. Hewitt Memorial Bridge.

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

The question being on the adoption of the resolution, the same was put and prevailed.

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

Senate Concurrent Resolution 39, Requesting creation of Joint Select Committee on Requirements Governing Water Quality Standards.

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.

Com. Sub. for Senate Concurrent Resolution 40, US Army CPL Roy E. Clark Memorial Bridge.

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

The question being on the adoption of the resolution, the same was put and prevailed.

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

House Concurrent Resolution 19, U. S. Marine Sgt. Stephen E. Drummond Memorial Bridge.

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

The question being on the adoption of the resolution, the same was put and prevailed.

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for House Bill 2690, Relating to guaranty associations.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, 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: Mann—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. 2690) passed with its title.

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

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 Trump, unanimous consent was granted to offer an amendment to the bill on third reading.

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

On page six, section twelve, by striking out the section caption and substituting therefor a new section caption, to read as follows:

§42-1-12. When a child may inherit from a parent who has been barred from inheritance.

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 2740), as just amended, 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, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, 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: Mann—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. 2740) passed with its title.

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

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

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, 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: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2746) passed with its title.

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

Eng. House Bill 2827, Removing the residency requirements for hiring deputy assessors.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, 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: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2827) passed with its title.

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

The Senate proceeded to the ninth order of business.

Eng. House Bill 3140, Relating to the Division of Natural Resources Infrastructure.

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

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

The Senate proceeded to the tenth order of business.

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

Eng. Com. Sub. for House Bill 2193, Providing a specific escheat of US savings bonds.

Eng. Com. Sub. for House Bill 2204, Prohibiting state licensing boards from hiring lobbyists.

Eng. Com. Sub. for House Bill 2359, Relating to exemptions to the commercial driver's license requirements.

Eng. Com. Sub. for House Bill 2476, Relating to the valuation of a motor vehicle involved in an insurance claim.

Eng. House Bill 2510, Relating to special funds of boards of examination or registration.

Eng. House Bill 2525, Tobacco Cessation Therapy Access Act.

Eng. House Bill 2530, Creating a voluntary certification for recovery residences.

Eng. Com. Sub. for House Bill 2531, Permitting trained nurses to provide mental health services in a medication-assisted treatment program.

Eng. House Bill 2547, Relating to the election prohibition zone.

Eng. House Bill 2608, Repealing the requirement of printing the date a consumer deposit account was opened on paper checks.

Eng. House Bill 2691, Providing that a license to carry a concealed deadly weapon expires on the holder's birthday.

Eng. Com. Sub. for House Bill 2737, Relating to training of State Tax Division employees.

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.

Eng. Com. Sub. for House Bill 2813, Relating generally to collection of use tax.

Eng. House Bill 2829, Relating to the termination of severance taxes on limestone and sandstone.

Eng. Com. Sub. for House Bill 2848, Relating to the West Virginia ABLE Act.

Eng. Com. Sub. for House Bill 2854, Exempting sales from the consumers sales and service tax and use tax by not for profit volunteer school support groups raising funds for schools.

Eng. Com. Sub. for House Bill 3007, Authorizing the Commissioner of Agriculture to require background checks.

And,

Eng. House Bill 3093, Relating to standards for factory-built homes.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Clements and Palumbo.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:11 p.m., the Senate adjourned until tomorrow, Friday, March 1, 2019, at 11 a.m.

SENATE CALENDAR

**Friday, March 01, 2019
11:00 AM**

UNFINISHED BUSINESS

S. C. R. 46 - Requesting study of state's raw dairy milk laws

S. C. R. 47 - John Lewis Lafferty "Community Volunteer" Memorial Bridge

SECOND READING

Eng. Com. Sub. for H. B. 2193 - Providing a specific escheat of US savings bonds - (Com. amend. pending)

Eng. Com. Sub. for H. B. 2204 - Prohibiting state licensing boards from hiring lobbyists

Eng. Com. Sub. for H. B. 2359 - Relating to exemptions to the commercial driver's license requirements - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 2476 - Relating to the valuation of a motor vehicle involved in an insurance claim - (Com. amend. pending)

Eng. H. B. 2510 - Relating to special funds of boards of examination or registration

Eng. H. B. 2525 - Tobacco Cessation Therapy Access Act - (Com. amends. pending)

Eng. H. B. 2530 - Creating a voluntary certification for recovery residences - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 2531 - Permitting trained nurses to provide mental health services in a medication-assisted treatment program - (Com. amends. pending)

Eng. H. B. 2547 - Relating to the election prohibition zone - (Com. amend. and title amend. pending)

Eng. H. B. 2608 - Repealing the requirement of printing the date a consumer deposit account was opened on paper checks

Eng. H. B. 2691 - Providing that a license to carry a concealed deadly weapon expires on the holder's birthday - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 2737 - Relating to training of State Tax Division employees (original similar to SB476)

Eng. H. B. 2743 - Eliminating reference to municipal policemen's pension and relief funds and firemen's pension and relief funds in section restricting investment

Eng. Com. Sub. for H. B. 2813 - Relating generally to collection of use tax - (Com. amends. pending)

Eng. H. B. 2829 - Relating to the termination of severance taxes on limestone and sandstone

Eng. Com. Sub. for H. B. 2848 - Relating to the West Virginia ABLE Act

Eng. Com. Sub. for H. B. 2854 - Exempting sales from the consumers sales and service tax and use tax by not for profit volunteer school support groups raising funds for schools

Eng. Com. Sub. for H. B. 3007 - Authorizing the Commissioner of Agriculture to require background checks - (Com. title amend. pending)

Eng. H. B. 3093 - Relating to standards for factory-built homes

Eng. H. B. 3140 - Relating to the Division of Natural Resources Infrastructure

FIRST READING

Eng. Com. Sub. for H. B. 2183 - Clarifying where a charge of DUI may be brought against an individual - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 2362 - Ardala Miller Memorial Act - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 2609 - Relating to presumptions of abandonment and indication of ownership in property (original similar to SB407)

Eng. Com. Sub. for H. B. 2907 - Requiring a form of a certified commitment order to the Division of Corrections and Rehabilitation - (Com. amend. and title amend. pending)

Eng. Com. Sub. for H. B. 2975 - Relating to imposition of sexual acts on persons incarcerated - (Com. amend. and title amend. pending)

Eng. H. B. 3083 - Adding temporary work during the legislative session as exclusion to the term employment for purposes of unemployment compensation - (Com. amend. pending)

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2019

Friday, March 1, 2019

9:30 a.m.	Finance	(Room 451M)
9:30 a.m.	Judiciary	(Room 208W)