

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE
REGULAR SESSION, 2020
FORTY-EIGHTH DAY

Charleston, West Virginia, Monday, February 24, 2020

The Senate met at 11:12 a.m.

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

Prayer was offered by Pastor Paul Coon, Hernshaw United Methodist Church, Hernshaw, West Virginia, and Coal Fork United Methodist Church, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Patricia Puertas Rucker, a senator from the sixteenth district.

Pending the reading of the Journal of Friday, February 21, 2020,

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

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

At the request of Senator Baldwin, unanimous consent being granted, the Senate stood in observance of a moment of silence in recognition of the passing of Katherine Johnson, a West Virginia native and Presidential Medal of Freedom recipient.

Thereafter, at the request of Senator Plymale, and by unanimous consent, the remarks by Senator Baldwin were ordered printed in the Appendix to the Journal.

The Senate proceeded to the third order of business.

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

Eng. Senate Bill 573, Supplementing, amending, and increasing appropriations of public moneys for claims against state.

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

Eng. Com. Sub. for Senate Bill 623, Allowing noncitizen of US be eligible for teaching certificate.

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 2321—A Bill to amend and reenact §23-4-1f of the Code of West Virginia, 1931, as amended, all relating to allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder resulting from an event that occurred during their employment; providing for diagnosis; noting that treatment can be conducted by other licensed mental health professionals once the initial diagnosis has been made by a psychiatrist; providing that continuing benefits are contingent upon continued treatment; and, requiring the Joint Committee on Volunteer Fire Departments and Emergency Medical Services to study the implementation of this provision and report to the Legislature with modifications or additions to this section.

Referred to the Committee on Health and Human Resources; 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 3098—A Bill to amend and reenact §11-16-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §60-4-2 of said code, all relating to permitting the issuance of multiple licenses manufacturing alcoholic liquors and nonintoxicating beer; and requiring full payment of all fees.

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. Com. Sub. for House Bill 4001—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-6E-1, §12-6E-2, §12-6E-3, §12-6E-4, §12-6E-5, §12-6E-6, §12-6E-7, §12-6E-8, §12-6E-9, §12-6E-10 and §12-6E-11, all relating to creating West Virginia Impact Fund, Investment Committee and Mountaineer Impact Office to invest funds in certain projects with the goal of furthering economic development, infrastructure development and job creation in the State of West Virginia, generally; providing definitions; creating West Virginia Impact Fund; providing for the transfer of funds to Investment Committee and the purposes for the expenditure of the funds; providing for availability of funds for appropriation of the Legislature; providing purpose and goal and investment standards; providing limitations on investments; creating Investment Committee and providing for its membership, appointments; terms; removals; vacancies and quorums; providing for powers and duties of Investment Committee; requiring disclosures of interest; establishing standard of care; creating Mountaineer Impact Office and providing for powers, duties, staffing, management and processes for proposing and administering investments in projects approved by Investment Committee; providing for audits and reports; providing opportunity for consultation with West Virginia Investment Management Board; providing for immunities and exemptions; prohibiting political activities; and providing for confidentiality of information.

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 4155—A Bill to amend and reenact §21-14-2 and §21-14-3 of the Code of West Virginia, 1931, as amended, all relating generally to the regulation of plumbers; exempting individuals who perform plumbing work under \$5,000 from being a licensed plumber; requiring the Commissioner of Labor to credit military related experience towards hours requirements; exempting employees of a small business; defining terms; requiring drug testing of licensees; and reducing the number of hours of plumbing work experience.

Referred to the Committee on Government Organization.

A message from the Clerk of the House of Delegates announced that that body had agreed to the appointment of a committee of conference of three from each house on the disagreeing votes of the two houses, as to

Eng. Com. Sub. for House Bill 4275, Authorizing Department of Military Affairs and Public Safety promulgate legislative rules relating to the Fire Commission.

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

Delegates Foster, Steele, and N. Brown.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect July 1, 2020, and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 4363—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; and to amend said code by adding thereto a new article, designated §20-18-1, §20-18-2, §20-18-3, §20-18-4, §20-18-5, §20-18-6, §20-18-7, §20-18-8, §20-18-9, §20-18-10, §20-18-11, §20-18-12, §20-18-13, §20-18-14, §20-18-15, §20-18-16, §20-18-17, §20-18-18, §20-18-19, §20-18-20, §20-18-21, §20-18-22, §20-18-23, §20-18-24, §20-18-25, §20-18-26, §20-18-27, §20-18-28, §20-18-29, §20-18-30, §20-18-31, §20-18-32, §20-18-33, §20-18-34, §20-18-35 and §20-18-36, all relating to establishing the West Virginia Division of Natural Resources Police Officer 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 4408—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-43, relating to requiring the State Board of Education to develop and implement an online database for the employment of school principals, other administrators and central office personnel.

Referred to the Committee on Education.

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 4452—A Bill to amend and reenact §11A-3-18, §11A-3-22, §11A-3-52, and §11A-3-55 of the Code of West Virginia, 1931, as amended, all relating generally to notice requirements on tax collections conducted by the State Auditor.

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 4474—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17A-6F-1, §17A-6F-2, §17A-6F-3a, §17A-6F-3b, §17A-6F-3c, §17A-6F-3d, §17A-6F-3e, §17A-6F-3f, §17A-6F-3g, §17A-6F-4, §17A-6F-5, §17A-6F-6, §17A-6F-7, §17A-6F-8, §17A-6F-9, and §17A-6F-10, all relating to peer-to-peer car sharing programs; defining the scope of this article and providing for other definitions; imposing insurance requirements; providing for certain exclusions from motor vehicle insurance policies; requiring peer-to-peer car sharing programs to obtain a limited lines insurance license for automobile rental coverage; establishing certain consumer protection and record-keeping requirements; establishing requirements for data collection and retention; establishing benchmarks for safety for automobiles used in peer-to-peer car sharing programs; providing for the collection of sales and use tax by a peer-to-peer car sharing program; establishing the authority to regulate peer-to-peer car sharing programs at airports; establishing controlled authority and other requirements for peer-to-peer car sharing programs in this state; and providing for an effective date.

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 4522—A Bill to amend and reenact §17B-2-8 of the Code of West Virginia, 1931, as amended, relating to the Federal Real ID Act and allowing division to accept documents compliant with Real ID Act for proof of identity, residency, and lawful presence.

Referred to the Committee on Transportation and Infrastructure.

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 4523—A Bill to amend and reenact §20-2-42y of the Code of West Virginia, 1931, as amended, relating to Class AH, AHJ, AAH, AAHJ apprentice hunting and trapping licenses; and removing the limitation of number of apprentice hunting and trapping licenses a person may purchase.

Referred to the Committee on Natural 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 4557—A Bill to amend and reenact §27-9-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §27-17-3 of said code, all relating to behavioral health centers and group residential facilities; to include the ability to impose civil money penalties against such centers and facilities for good cause; to update obsolete terminology; and requiring legislative rule making.

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 4634—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-1B-1, §5B-1B-2, §5B-1B-3 and §5B-1B-4, all relating to establishing the Southern West Virginia Lake Development Study Commission; providing legislative findings; establishing the commission and designating its membership; defining components of commission study; authorizing the commission to create committees and utilize university and other state government resources; providing for expense reimbursement for certain commission members; and requiring reports to the Legislature.

Referred to the Committee on Natural 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 4645—A Bill to amend and reenact §4-2-1 and §4-2-4 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §4-2-6a; and to amend and reenact §4-3-3c of said code, all relating to the establishment of the Office of Regulatory and Fiscal Affairs under the Joint Committee on Government and Finance; clarifying the duties of the Legislative Auditor; creating the Office of Regulatory and Fiscal Affairs as an advisory body to the Legislature; establishing processes for the conduct of fiscal notes and economic impact analysis; requiring state agencies to provide information to the Office of Regulatory and Fiscal Affairs upon request; authorizing certain members of the Legislature to request an economic impact analysis of the rules of the state; permitting the Chairs of the Joint Committee on Government and Finance to request certain performance reviews and analysis of existing statutes; and clarifying the organization of joint legislative agencies.

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, to take effect from passage, and requested the concurrence of the Senate in the passage of

Eng. House Bill 4737—A Bill to amend and reenact §18C-1-1 of the Code of West Virginia, 1931, as amended, relating to the qualifications for state financial aid.

Referred to the Committee on Education.

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

House Concurrent Resolution 102—Requiring the development of funding formulas for West Virginia’s public institutions of higher education, both baccalaureate institutions and community and technical colleges, by the start of the Regular Session of the 2021 Legislature.

Referred to the Committee on Education.

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 24th day of February, 2020, 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. 2086), Uniform Real Property Electronic Recording Act.

(Com. Sub. for H. B. 2497), Relating to the whistle-blower law.

And,

(Com. Sub. for H. B. 4058), Relating to pharmacy benefit managers.

Respectfully submitted,

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

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

Your Committee on the Judiciary has had under consideration

Senate Bill 28, Allowing WV Board of Medicine investigators to carry concealed weapons.

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

Com. Sub. for Senate Bill 28 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §30-3-19, relating to permitting West Virginia Board of Medicine investigators to carry a concealed weapon; establishing procedures and criteria for allowing investigators to carry a concealed weapon; limiting liability for good faith acts or omissions.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 28) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Government Organization has had under consideration

Senate Bill 66, Requiring State Police to follow towing services policies of county of location.

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

Com. Sub. for Senate Bill 66 (originating in the Committee on Government Organization)—A Bill to amend and reenact §24-6-12 and §24A-2-2b of the Code of West Virginia, 1931, as amended, all relating to emergency towing services; requiring county commissions to create districts whereby towing services within a district may be dispatched or implement a policy whereby all available towing services within an area currently served by an organization are dispatched on a rotating basis; defining a term; and eliminating sunset and legislative review provisions.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 66) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Government Organization has had under consideration

Senate Bill 119, Creating online voters' guide.

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

Com. Sub. for Senate Bill 119 (originating in the Committee on Government Organization)—A Bill to amend and reenact §3-5-7 of the Code of West Virginia, 1931, as amended, relating to creating an online voters' guide; requiring all information in the certificate of announcement; and permitting candidates running for legislative or statewide office to submit a personal statement.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 119) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, ordered to second reading, and, under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 160 (originating in the Committee on Natural Resources), Creating Voluntary WVU Rifle Team Check-Off Program on hunting and fishing licenses.

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

Com. Sub. for Com. Sub. for Senate Bill 160 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-33c, relating to West Virginia University Rifle Team electronic application donation program; including solicitation for voluntary donation to West Virginia University Rifle Team on application for hunting or fishing electronic license; providing opportunity to designate donation in any amount; creating special account; establishing funding sources; specifying terms for expenditures; authorizing disbursements and administrative fee; and requiring annual reports.

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

Respectfully submitted,

Craig Blair,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. 160) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Senate Bill 732, Authorizing fee payment and expense reimbursement for attorneys who participate on court teams established by Supreme Court of Appeals.

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

Respectfully submitted,

Craig Blair,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 732) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 278, Providing various methods to deal with defendant who becomes incompetent during trial.

And,

Senate Bill 765, Modifying "Habitual Offender" status.

And reports the same back without recommendation as to passage; but with the recommendation that they both be rereferred to the Committee on the Judiciary.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bills (S. B. 278 and 765) contained in the preceding report from the Committee on the Judiciary were each taken up for immediate consideration, read a first time, and ordered to second reading.

At the request of Senator Trump, unanimous consent being granted, the bills were rereferred to the Committee on the Judiciary.

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

Your Committee on Rules has had under consideration

Eng. Com. Sub. for Senate Bill 511, Regulating pawnbrokers.

Now on third reading, having been referred to the Committee on Rules on February 4, 2020;

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

Respectfully submitted,

Mitch Carmichael,
Chair ex officio.

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

Your Committee on Government Organization has had under consideration

Com. Sub. for Senate Bill 521 (originating in the Committee on Economic Development), Relating to job creation and economic incentives.

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

Com. Sub. for Com. Sub. for Senate Bill 521 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-9A-1, §5-9A-2, §5-9A-3, and §5-9A-4, all relating to job creation and economic incentives; requiring Secretary of Commerce to review all tax and economic incentives; establishing guidelines for review of incentives; requiring annual report; providing confidentiality provisions, and defining terms.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. 521) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Judiciary has had under consideration

Com. Sub. for Senate Bill 616 (originating in the Committee on Government Organization), Relating to employment grievance procedure for public employees.

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

Com. Sub. for Com. Sub. for Senate Bill 616 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §6C-2-3 and §6C-2-6 of the Code of West Virginia, 1931, as amended, all relating generally to the employment grievance procedure for public employees; limiting the number of grievances in which an employee representative may participate per year; clarifying the amount of time an employee may spend during work hours for grievance preparation; providing that employees and employee representatives may not use state vehicles to travel to and from grievance proceedings or grievance preparation activities; and eliminating provisions authorizing a grievant to recover court costs and attorney's fees for certain grievance proceedings.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for Com. Sub. for S. B. 616) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 653, Increasing number of magistrates in Putnam County.

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

Respectfully submitted,

Craig Blair,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 653) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

Senator Rucker, from the Committee on Education, submitted the following report, which was received:

Your Committee on Education has had under consideration

Senate Bill 661, Replacing minimum minutes of instructional time required per day.

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

Com. Sub. for Senate Bill 661 (originating in the Committee on Education)—A Bill to amend and reenact §18-5-45 of the Code of West Virginia, 1931, as amended, relating to replacing minimum minutes of instructional time required per day with a requirement for an average of five hours per day throughout the instructional term; and requiring county boards of education to provide public notice of public hearings for discussing the school calendar by publishing prominently on the board's website in addition to publishing in a local newspaper of general circulation in the area.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 661) contained in the preceding report from the Committee on Education was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Government Organization has had under consideration

Senate Bill 687, Increasing compensation of elected county officials.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 687) contained in the preceding report from the Committee on Government Organization was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Government Organization has had under consideration

Senate Bill 690, Relating to overland recreation.

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

Com. Sub. for Senate Bill 690 (originating in the Committee on Government Organization)—
A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated 17A-13-1, relating to the operation of street-legal special purpose vehicles; permitting the operation of street-legal special purpose vehicles on highways; providing for registration of street-legal special purpose vehicles; establishing licensing and equipment requirements for street-legal special purpose vehicles; defining terms; and requiring rulemaking.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

At the request of Senator Blair, as chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Government Organization.

At the request of Senator Takubo, and by unanimous consent, the bill (Com. Sub. for S. B. 690) was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Senate Bill 745, Creating exemption to state sales and use tax for rental and leasing of equipment.

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

Com. Sub. for Senate Bill 745 (originating in the Committee on Finance)—A Bill to amend and reenact §11-15-9 of the Code of West Virginia, 1931, as amended, relating to the creation of an exemption to the State Sales and Use Tax for the rental of equipment among corporations with a minimum of 50 percent common ownership.

And,

Senate Bill 829, Establishing Overland Recreation Fund.

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

Com. Sub. for Senate Bill 829 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2I-9, relating to establishing the Overland Recreation Fund as a special fund; specifying the purposes for which the fund may be used; and defining terms.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Craig Blair,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bills (Com. Sub. for S. B. 745 and 829) contained in the preceding report from the Committee on Finance were each taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 762, Creating Preserving Patient Stability Act of 2020.

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

Com. Sub. for Senate Bill 762 (originating in the Committee on Health and Human Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7g; to amend said code by adding thereto a new section, designated §33-15-4u; to amend said code by adding thereto a new section, designated §33-16-3ff; to amend said code by adding thereto a new section, designated §33-24-7u; to amend said code by adding thereto a new section, designated §33-25-8r; and to amend said code by adding thereto a new section, designated §33-25A-8u, all relating to creating the Preserving Patient Stability Act of 2020; setting forth definitions; prohibiting non-medical switching of biological products; recognizing exemptions; providing effective date; and providing for enforcement.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael J. Maroney,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 762) contained in the preceding report from the Committee on Health and Human Resources was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Senate Bill 832, Permitting retailers assume sales or use tax assessed on tangible personal property.

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

Respectfully submitted,

Craig Blair,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 832) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

The Senate proceeded to the sixth order of business.

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

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 843—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2020, to the Department of Health and Human Resources, Division of Human Services, Energy Assistance, fund 8755, fiscal year 2020, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020.

Referred to the Committee on Finance.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 844—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2020, to the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund, fund 5214, fiscal year 2020, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020.

Referred to the Committee on Finance.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 845—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2020, to the Department of Health and Human Resources, Division of Human Services,

fund 8722, fiscal year 2020, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020.

Referred to the Committee on Finance.

Senator Beach offered the following resolution:

Senate Concurrent Resolution 47—Requesting the Joint Committee on Government and Finance study the effectiveness of current West Virginia State laws relating to maintaining private roads.

Whereas, Roads are important, not only for access to homes, but also to provide access in an emergency; and

Whereas, Private roads have become increasingly common across the country and the state in the last 20 years, in developments large and small, in rural, suburban, and urban areas; and

Whereas, Municipalities have resisted taking on the financial burden of new roads, which most often are not built to local department of transportation standards, particularly in areas where growth has fueled residential building booms; and

Whereas, Residents prefer a private road because it connotes exclusivity or, at least, provides a certain amount of seclusion. Sometimes the reasons are simply aesthetic; and

Whereas, In most cases, private homeowners have an easement or legal right-of-way that allows for the establishment of a shared private road. The scope of an easement defines who has access to the road and who is responsible for maintaining it; and

Whereas, In some cases, homeowners who share an easement have entered into a shared road maintenance agreement—the most common means for stipulating the details of the means for maintaining the road; and

Whereas, However, in many other cases there is no agreement for the care and maintenance of a shared easement, no homeowner's association, and no details to guide the owners who are responsible for the road; and

Whereas, It is often difficult, not surprisingly, to get a group of homeowners to agree how a road should be maintained when there is no guiding, legally binding document to dictate the terms; and

Whereas, Currently, state law does not provide a framework for homeowners who do not have a homeowner's association or road maintenance agreement to understand their rights and obligation to maintain the private road; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study the effectiveness of current West Virginia State laws relating to maintaining private roads; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2021, 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 draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Which, under the rules, lies over one day.

Senator Baldwin offered the following resolution:

Senate Concurrent Resolution 48—Requesting the Division of Highways name bridge number 13-060/29-000.01 (13A271), locally known as Reese Bridge, carrying CR 60/29 over Meadow River in Greenbrier County, the “U.S. Army PFC Ronald Lee Berry Memorial Bridge”.

Whereas, Ronald Lee Berry was born on March 26, 1950, in Rainelle, Greenbrier County. He was drafted into the U.S. Army, beginning his tour of duty during the Vietnam War. He held the rank of Private First Class and was a Combat Engineer, serving with the 1st Infantry Division, 1st Engineer Battalion; and

Whereas, PFC Ronald Lee Berry died on August 10, 1969, as a result of nonhostile action in South Vietnam, Binh Duong Province. He is honored on the Vietnam Veteran’s Memorial in Washington, D.C., with his name inscribed at VVM Wall, Panel 20w, Line 121; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army PFC Ronald Lee Berry and his contributions and sacrifice for 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 13-060/29-000.01 (13A271), locally known as Reese Bridge, carrying CR 60/29 over Meadow River in Greenbrier County, the “U.S. Army PFC Ronald Lee Berry 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 PFC Ronald Lee Berry 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 Prezioso and Beach offered the following resolution:

Senate Resolution 50—Designating February 25, 2020, as Fairmont State University Day at the Legislature.

Whereas, The State of West Virginia is committed to supporting higher education; and

Whereas, West Virginia's colleges and universities open the doors of opportunity for West Virginia's students; and

Whereas, Fairmont State University helps West Virginians achieve their education and career goals, and meets the workforce needs of the State of West Virginia; and

Whereas, Fairmont State University contributes significantly to the state and local economies of West Virginia; and

Whereas, Fairmont State University's student body is comprised of nearly 90 percent of native West Virginians and over 60 percent first-generation students; and

Whereas, Fairmont State University educates students from every county in West Virginia; and

Whereas, Through the commitment of outstanding students, faculty, staff, administration, and leadership, Fairmont State University fulfills student-centered missions which benefit the entire state; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 25, 2020 as Fairmont State University Day at the Legislature; and, be it

Further Resolved, That the Senate extends its sincere gratitude and appreciation to Fairmont State University for its contributions to the state of West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to President of Fairmont State University, Dr. Mirta M. Martin.

Which, under the rules, lies over one day.

Senators Romano and Facemire offered the following resolution:

Senate Resolution 51—Recognizing the Shinnston Fire Department on its 90th anniversary.

Whereas, The Shinnston Fire Department, known locally as Ten House, was chartered on June 9, 1930; and

Whereas, The Shinnston Fire Department has always served its community with a dedicated group of volunteers, equally dedicated family members, and overwhelming community support; and

Whereas, These multiple generations of volunteers have served the firefighting demands of the City of Shinnston, and the entirety of Harrison County, whenever and wherever needed, during local and mutual-aid fires for nine decades from its first Fire Chief, Harry Carter, to Joe McIntire, to Bob Harrison, to David J. Harmer, who served for 33-years, to Bob Burnett, to Jim Spadafore, to Doug Gregory, and to current Fire Chief, Dylan Oliveto; and

Whereas, The Shinnston Fire Department's history includes heroic rescue and recovery efforts after the 1944 tornado, which killed over 100 people and injured more than 400, and

destroyed multiple structures, during which its firefighters joined the Red Cross and military personnel to care for the injured and search for the lost; and

Whereas, The Shinnston Fire Department orchestrated a large-scale donation collection and distribution center in 2016 to assist flood victims in southern West Virginia, collecting more than \$2 million in cash, foodstuffs, tents, and supplies comprising more than two dozen tractor trailer loads; and

Whereas, The Shinnston Fire Department continues its life-saving efforts by helping needy families get smoke detectors and by speaking to school children and families about developing an “escape plan” so they can safely get out of their homes during a fire; and

Whereas, The number of emergency calls responded to by the Shinnston Fire Department has surged from approximately 35 each year during the early years of the department to approximately 900 calls each year at the present time; and

Whereas, The Shinnston Fire Department was one of the pioneering departments that launched a central dispatch system and mutual aid agreements between all fire departments to handle the increased and complex demand for fire and emergency services in Harrison County creating efficiency, avoiding the duplication of services, and preserving resources; and

Whereas, Shinnston firefighters often must work full-time jobs in addition to their duties at to the fire station where they selflessly and heroically volunteer to cover the demanding 24/7 rotation of all firefighters, so the Shinnston Fire Department stands ready to respond to every call; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the Shinnston Fire Department on its 90th anniversary; and, be it

Further Resolved, That the Senate extends its sincere gratitude and appreciation to the Shinnston Fire Department for its heroic contribution to preserve life and property; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Shinnston Fire Department Chief, Dylan Oliveto.

Which, under the rules, lies over one day.

Senator Beach moved that the Senate Committee on the Workforce be discharged from further consideration of

Senate Bill 62, Creating Katherine Johnson Fair Pay Act of 2020.

Following discussion,

Senator Trump moved the previous question.

The question being on the adoption of Senator Trump’s motion for the previous question, and on this question, Senator Beach demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Blair, Boley, Clements, Cline, Hamilton, Maroney, Maynard, Pitsenbarger, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, and Carmichael (Mr. President)—19.

The nays were: Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—14.

Absent: Mann—1.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Trump's motion for the previous question had prevailed.

The question now being on the adoption of Senator Beach's motion that the Committee on the Workforce be discharged from further consideration of Senate Bill 62, and on this question, Senator Beach demanded the yeas and nays.

The roll being taken, the yeas were: Baldwin, Beach, Facemire, Ihlenfeld, Jeffries, Lindsay, Palumbo, Plymale, Romano, Stollings, Unger, and Woelfel—12.

The nays were: Azinger, Blair, Boley, Clements, Cline, Hamilton, Hardesty, Maroney, Maynard, Pitsenbarger, Prezioso, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, and Carmichael (Mr. President)—21.

Absent: Mann—1.

So, a majority of those present and voting not having voted in the affirmative, the President declared Senator Beach's discharge motion had not prevailed.

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

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

Your Committee on Health and Human Resources has had under consideration

Senate Bill 846 (originating in the Committee on Health and Human Resources)—A Bill to amend and reenact §16-5B-16 of the Code of West Virginia, 1931, as amended, relating to requiring a hospital to publish notification prior to facility closure regarding patient medical records, including films; requiring publication to take place upon closure; requiring publication to take place upon change in location of patient medical records; providing timeframe to respond to patient request for medical records; providing penalty; and providing effective date.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 846) contained in the preceding report from the Committee on Health and Human Resources was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 847 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §60A-2-204 and §60A-2-212 of the Code of West Virginia, 1931, as amended, relating to updating the controlled substance lists in schedules one and five.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 847) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 848 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §62-16-5 of the Code of West Virginia, 1931, as amended, relating to providing that persons charged with certain offenses related to driving under the influence of alcohol or drugs are not eligible to participate in the Military Service Members Court.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 848) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 43, US Army 1LT Fred Omar Pratt Memorial Bridge.

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

Senate Concurrent Resolution 44, Naming portion of road in Wayne County “In Memory of Tootsie Hensley, Please Keep Buffalo Creek Litter Free”.

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

Senate Concurrent Resolution 45, Requesting study of benefits of creating WV State Bank to facilitate access to capital for returning veterans.

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

Senate Concurrent Resolution 46, Requesting DEP and DHHR propose public source-water supply study plan.

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

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

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 528, Creating Uniform Worker Classification Act.

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

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 528 pass?”

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Clements, Cline, Maroney, Maynard, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, and Carmichael (Mr. President)—17.

The nays were: Baldwin, Beach, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—16.

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 S. B. 528) 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 528—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-5I-1, §21-5I-2, §21-5I-3, §21-5I-4, §21-5I-5, §21-5I-6, and §21-5I-7, all relating to the Uniform Worker Classification Act; and clarifying definition of “independent contractor”.

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 578, Recalculating tax on generating, producing, or selling electricity from solar energy facilities.

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 578 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, 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 S. B. 578) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2020.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, 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, 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. 578) takes effect July 1, 2020.

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

Eng. Com. Sub. for Com. Sub. for Senate Bill 579, Changing and adding fees to wireless enhanced 911 fee.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, 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 Com. Sub. for S. B. 579) 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 586, Reorganizing and re-designating Department of Military Affairs and Public Safety as Department of Homeland Security.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, 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 S. B. 586) 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 651, Relating to definition of “mortgage loan originator”.

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

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 this bill addresses the responsibilities of financial institutions and he serves as a director of a community bank.

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, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, 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. S. B. 651) 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 689, Enacting Requiring Accountable Pharmaceutical Transparency, Oversight, and Reporting 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, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, 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 S. B. 689) 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 691, Limiting programs adopted by State Board of Education.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, 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. S. B. 691) 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 705, Allowing military veterans with certain experience qualify for examination as electrician or plumber.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, 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 S. B. 705) 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 707, Relating to nursing career pathways.

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 707 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, 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 S. B. 707) 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, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, 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, 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. 707) takes effect from passage.

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

Eng. Senate Bill 723, Requiring Department of Education develop plan based on analyzed data on school discipline.

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 723 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, 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. S. B. 723) 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, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, 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, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 723) takes effect from passage.

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

Eng. Senate Bill 727, Relating to disbursement of funds for highway road repair.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, 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. S. B. 727) 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 728, Exempting all property used for agricultural purposes from county property maintenance codes or ordinances.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, 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 S. B. 728) 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 734, Clarifying powers and duties of DOH in acquiring property for state road purposes.

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 734 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Roberts, Romano, Rucker, Stollings, Swope, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: Smith and Sypolt—2.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 734) 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 751, Removing certain requirements of municipality annexing property within urban growth boundary.

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

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

Pitsenbarger, 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 S. B. 751) 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 755, Relating to High-Wage Growth Business Tax Credit 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, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, 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. S. B. 755) 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 770, Revising requirements for post-doctoral training.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, 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 S. B. 770) 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 782, Relating to fees assessed by Health Care Authority on certain hospitals.

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

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

The nays were: Tarr—1.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 782) 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 787, Providing benefits to pharmacists for rendered care.

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 787 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, 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 S. B. 787) 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 803, Supplemental appropriation of money out of General Revenue Fund to DHHR.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, 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 elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 803) 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, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, 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, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 803) takes effect from passage.

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

On motion of Senator Takubo, at 1:04 p.m., the Senate recessed for 30 minutes.

The Senate reconvened at 2:01 p.m. and resumed business under the eighth order, the next bill coming up in numerical sequence being

Eng. Senate Bill 837, Providing exemptions from ad valorem taxes for certain types of personal property.

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

Pending extended discussion,

The question being “Shall Engrossed Senate Bill 837 pass?”

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Clements, Cline, Maroney, Maynard, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, and Carmichael (Mr. President)—17.

The nays were: Baldwin, Beach, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—16.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 837) 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 Beach, and by unanimous consent, the remarks by Senators Romano, Lindsay, Hardesty, Baldwin, Ihlenfeld, Stollings, Prezioso, and Facemire regarding the passage of Engrossed Senate Bill 837 were ordered printed in the Appendix to the Journal.

At the request of Senator Takubo, unanimous consent being granted, the remarks by Senators Blair, Swope, Tarr, Maroney, Trump, and Roberts regarding the passage of Engrossed Senate Bill 837 were ordered printed in the Appendix to the Journal.

At the request of Senator Maroney, and by unanimous consent, the remarks by Senator Takubo regarding the passage of Engrossed Senate Bill 837 were ordered printed in the Appendix to the Journal.

Eng. Senate Bill 838, Directing state police establish referral program for substance abuse treatment.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, 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. S. B. 838) 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, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Maroney, Maynard, Palumbo, Pitsenbarger, 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, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 838) 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 Joint Resolution 9, Amendment Authorizing Legislature to Eliminate or Lower Ad Valorem Tax on Motor Vehicles and Any Other Tangible Personal Property.

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

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

Eng. Com. Sub. for House Bill 2338, Allowing the owner of an antique military vehicle to display alternate registration insignia.

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 4411, Relating to the West Virginia Residential Mortgage Lender, Broker and Servicer Act.

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 4477, West Virginia Mutual to Mutual Insurance Holding Company Act.

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 4661, Relating to the powers of the Public Service Commission and the regulation of natural gas utilities.

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.

The Senate proceeded to the ninth order of business.

Com. Sub. for Com. Sub. for Senate Bill 38, Requiring schools provide elective course on Hebrew Scriptures or Bible.

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.

Com. Sub. for Senate Bill 213, Relating to administration of trusts.

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 246, Including family court judges in retirement system for judges.

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 284, Creating WV Health Care Continuity Act.

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

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

On page nine, section ten, line thirty-three, after the word “vary” by inserting the words “by a rate exceeding three to one. In addition, premium rates may vary”.

Following discussion,

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

The bill (Com. Sub. for Com. Sub. for S. B. 284) was then ordered to engrossment and third reading.

(Senator Weld in the Chair.)

Com. Sub. for Senate Bill 514, Creating WV FinTech Regulatory Sandbox 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 530, Relating to taxation of aircraft.

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 614, Changing method of allocating funding from Safe School Funds.

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 635, Allowing administration of small estates.

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 668, Enacting Uniform Trust Decanting 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 739, Authorizing PSC protect consumers of distressed and failing water and wastewater utilities.

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.

Com. Sub. for Senate Bill 760, Allowing state college or university apply to HEPC for designation as administratively or financially exempt school.

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 772, Clarifying American Law Institute's Restatements of Law.

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 793, Relating to B&O taxes imposed on certain coal-fired electric generating units.

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

Senate Bill 800, Authorizing electric utilities construct and operate project within electric utility distribution system.

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

Senate Bill 816, Updating North American Industry Classification System code references.

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 819, Relating to DOH management of Coal Resource Transportation roads.

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

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

On page eleven, section twelve, line sixty-nine, after the word "meeting" by inserting the words "in the county wherein the public road, highway, or bridge is located: *Provided*, That, where a public road, highway, or bridge is located in more than one county, the public meeting shall be conducted in the county containing the longest mileage under designation".

The bill (Com. Sub. for S. B. 819), as amended, was then ordered to engrossment and third reading.

Senate Bill 828, Clarifying municipal B&O taxation where business activity occurs.

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

Senate Bill 831, Clarifying Economic Development Authority board enter into contracts necessary to carry out duties.

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

Senate Bill 839, Creating State Advisory Council on Postsecondary Attainment Goals.

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

Eng. Com. Sub. for House Bill 4217, Authorizing the Department of Environmental Protection to promulgate legislative rules.

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.

Eng. House Bill 4600, Relating to the definition of the term member regarding distributing premium tax proceeds.

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:

Com. Sub. for Senate Bill 106, Making daylight saving time official time year round in WV.

Com. Sub. for Senate Bill 123, Relating generally to pyramid promotional schemes.

Com. Sub. for Senate Bill 193, Setting forth timeframes for continuing purchases of commodities and services over \$1 million.

Com. Sub. for Senate Bill 259, Requiring mandatory incarceration prior to parole for certain persons convicted of distributing controlled substances near libraries.

Com. Sub. for Senate Bill 269, Establishing advisory council on rare diseases.

Com. Sub. for Com. Sub. for Senate Bill 312, Relating to provisional licensure of social workers.

Com. Sub. for Senate Bill 329, Authorizing DEP promulgate legislative rules.

Senate Bill 355, Fire Commission rule relating to State Fire Code.

Com. Sub. for Senate Bill 356, Fire Commission rule relating to State Building Code.

Com. Sub. for Senate Bill 472, Providing alternative sentencing program for work release.

Senate Bill 489, Moving provisions of licensing contractors to chapter 30 of code.

Com. Sub. for Senate Bill 513, Protecting consumers against businesses using automatic renewals without consent.

Senate Bill 569, Expiring funds from various accounts to DHHR, Medical Services Program Fund.

Com. Sub. for Senate Bill 570, Expiring funds from State Excess Lottery Revenue Fund to DHHR, Medical Services Program Fund.

Com. Sub. for Senate Bill 633, Creating Medicaid Families First Reserve Fund account.

Com. Sub. for Com. Sub. for Senate Bill 648, Providing dental coverage for adult Medicaid recipients.

Senate Bill 680, Qualifying not-for-profit private baccalaureate institutions for Advanced Career Education programs and WV Invests Grant Program.

Com. Sub. for Senate Bill 700, Exempting physicians from specified traffic laws when responding to emergencies.

Com. Sub. for Senate Bill 710, Establishing pilot program to evaluate telemedicine health services.

Com. Sub. for Senate Bill 711, Relating to juvenile jurisdiction of circuit courts.

Com. Sub. for Senate Bill 729, Relating to awards and disability under Deputy Sheriff Retirement Act.

Com. Sub. for Senate Bill 738, Creating Flatwater Trail Commission.

Com. Sub. for Senate Bill 749, Requiring Fatality and Mortality Review Team share data with CDC.

Senate Bill 750, Establishing extended learning opportunities.

Com. Sub. for Senate Bill 752, Relating generally to medical cannabis.

Senate Bill 758, Relating to authority of Emergency Medical Services Advisory Council.

Senate Bill 775, Requiring two water bottle filling stations be included in newly built or renovated schools.

Com. Sub. for Senate Bill 785, Establishing uniform electioneering prohibition area.

Com. Sub. for Senate Bill 797, Authorizing governing boards of public and private hospitals employ hospital police officers.

Com. Sub. for Senate Bill 798, Requiring dairy foods processed in state be added to list of items to be purchased by state-funded institutions.

Com. Sub. for Senate Bill 802, Relating to public utilities generally.

Senate Bill 805, Supplemental appropriation of moneys from Treasury to WV Commuter Rail Access Fund.

Senate Bill 812, Supplemental appropriation from Lottery Net Profits to Bureau of Senior Services.

Com. Sub. for Senate Bill 820, Authorizing DHHR transfer comprehensive community mental health centers and intellectual disability facilities to regional centers and facilities.

Com. Sub. for Senate Bill 821, Providing immunity from civil liability to facilities and employees providing crisis stabilization.

Senate Bill 830, Eliminating special merit-based employment system for health care professionals.

Senate Bill 840, Creating statutory fee for modifying permits issued by DEP Office of Oil and Gas.

Senate Bill 841, Requiring Governor to fix salaries of certain appointed officers after office is vacated.

And,

Senate Bill 842, Requiring Superintendent of Schools establish a Behavior Interventionist Pilot Program in two school districts for five years.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Beach and Maynard.

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

The Senate proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill:

Com. Sub. for Senate Bill 661 (*Replacing minimum minutes of instructional time required per day*): Senator Baldwin.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills:

Senate Bill 497 (*Relating to outdoor advertising regulated by Commissioner of Highways*): Senator Romano;

Senate Bill 498 (*Creating New Worker Relocation Incentive Program*): Senator Romano;

Com. Sub. for Senate Bill 710 (*Establishing pilot program to evaluate telemedicine health services*): Senator Roberts;

Com. Sub. for Senate Bill 729 (*Relating to awards and disability under Deputy Sheriff Retirement Act*): Senator Roberts;

Senate Bill 823 (*Increasing salaries for WV State Police*): Senator Beach;

And,

Senate Bill 827 (*Relating to protection and repair of damage caused by oil and gas industry to state roads*): Senator Beach.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following resolutions:

Senate Concurrent Resolution 43 (*US Army 1LT Fred Omar Pratt Memorial Bridge*): Senators Stollings and Lindsay;

Senate Concurrent Resolution 44 (*Naming portion of road in Wayne County "In Memory of Tootsie Hensley, Please Keep Buffalo Creek Litter Free"*): Senators Stollings and Lindsay;

And,

Senate Concurrent Resolution 45 (*Requesting study of benefits of creating WV State Bank to facilitate access to capital for returning veterans*): Senator Stollings.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 4:46 p.m., the Senate recessed until 6:15 p.m. today.

The Senate reconvened at 7:20 p.m. tonight and, without objection, returned to the third order of business.

Executive Communications

The Clerk then presented communications from His Excellency, the Governor, advising that on February 24, 2020, he had approved **Enr. Committee Substitute for Senate Bill 46**, **Enr. Committee Substitute for Senate Bill 364**, **Enr. Committee Substitute for Senate Bill 470**, **Enr. Committee Substitute for Senate Bill 487**, **Enr. Committee Substitute for Senate Bill 500**, **Enr. Committee Substitute for Senate Bill 501**, **Enr. Committee Substitute for House Bill 2602**, **Enr. Committee Substitute for House Bill 2924**, **Enr. Committee Substitute for House Bill 4129**, and **Enr. House Bill 4141**.

The Senate again proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 120, Establishing priorities for expenditures for plugging abandoned gas or oil wells.

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

Com. Sub. for Senate Bill 120 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §22-10-6 of the Code of West Virginia, 1931, as amended, relating to the establishment of priorities for expenditures for plugging abandoned gas or oil wells; and to require money that results from the forfeiture of an oil and gas operator's bond as a result of the operator's failure to plug a well or otherwise comply with state statutes and rules to first be applied to correct or mitigate an immediate threat to the environment on the land where the well is located or hindrance or impediment to the development of mineral resources of this state that caused the forfeiture of the bond.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 120) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 716, Requiring DHHR pay for tubal ligation without 30-day wait between consent and sterilization.

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

Respectfully submitted,

Craig Blair,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 716) contained in the preceding report from the Committee on Finance was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 810, Implementing federal Affordable Clean Energy rule.

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

Com. Sub. for Senate Bill 810 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §22-5-20 of the Code of West Virginia, 1931, as amended, relating to adoption

of a state plan implementing the federal Affordable Clean Energy rule pursuant to section 111(d) of the federal Clean Air Act.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (Com. Sub. for S. B. 810) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on Judiciary has had under consideration

Senate Bill 849 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-6-40, relating to military service as a factor in certain insurance coverage rates generally; prohibiting an insurance company from increasing premiums when reinstating an insurance contract; writing a new policy that was previously cancelled or suspended due to active duty military service of the insured; defining terms; creating presumption of continuous coverage when lapse occurs while insured is on active duty.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 849) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 850 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-11-21, relating to prohibiting racial discrimination based on certain hair textures and hairstyles.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 850) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 851 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-9-7 relating to requiring the Governor's Committee on Crime, Delinquency and Correction to propose a legislative rule in coordination with law enforcement and certain medical boards; to develop policies and protocols for law enforcement and medical professionals to create treatment referral programs for persons suffering from substance use disorder; setting forth requirements for policies and protocols; providing that existing criminal charges not affected; providing civil immunity for law enforcement officers and medical professionals; and requiring proposal of legislative and emergency rules.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

At the request of Senator Takubo, unanimous consent being granted, the bill (S. B. 851) contained in the preceding report from the Committee on the Judiciary was taken up for immediate consideration, read a first time, and ordered to second reading.

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 49 (originating in the Committee on the Judiciary)—Requesting the West Virginia Department of Transportation Division of Highways evaluate the October 1, 2018, "Updated Oil and Gas Road Policy".

Whereas, Implementation of a responsible regulatory scheme to address the road damage caused by natural gas development, transportation, and storage is in the public interest and should be done in a manner that protects our citizens, our industry, and our roads and highways for current and future generations; and

Whereas, The West Virginia Department of Transportation Division of Highways issued the "Updated Oil and Gas Road Policy" most recently on October 1, 2018; and

Whereas, It is in the public interest for West Virginia to evaluate whether changes to this policy are needed to reflect current economic and infrastructure conditions; therefore, be it resolved by the Legislature of West Virginia:

That before the summer 2020 interim session, the West Virginia Department of Transportation Division of Highways evaluate whether changes to the October 1, 2018, "Updated Oil and Gas Road Policy" are needed to reflect current economic and infrastructure conditions.

Further resolved, That specific objectives of the study plan shall include: (1) Identifying if there are gaps in the existing policy that resulted in damages to West Virginia roads without correction or reimbursement of costs; (2) Coordinating with stakeholders to resolve the issues identified; and (3) If necessary, proposing recommendations for specific amendments to the oil and gas road policy, an alternative policy, or permitting scheme.

Further resolved, That the West Virginia Department of Transportation Division of Highways report to the Joint Legislative Oversight Committee on Transportation and Infrastructure, during the summer 2020 interim session, its findings, conclusions, and recommendations.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

On motion of Senator Takubo, at 7:25 p.m., the Senate adjourned until tomorrow, Tuesday, February 25, 2020, at 11 a.m.

SENATE CALENDAR

Tuesday, February 25, 2020
11:00 AM

UNFINISHED BUSINESS

- S. C. R. 47 - Requesting study of effectiveness of current laws maintaining private roads
- S. C. R. 48 - US Army PFC Ronald Lee Berry Memorial Bridge
- S. C. R. 49 - Requesting DOT, DOH evaluate October 1, 2018, "Updated Oil and Gas Road Policy" **[ADOPT]**
- S. R. 50 - Designating February 25, 2020, as Fairmont State Day **[ADOPT]**
- S. R. 51 - Recognizing Shinnston Fire Department's 90th anniversary **[ADOPT]**

THIRD READING

- Com. Sub. for Com. Sub. for S. B. 38 - Requiring schools provide elective course on Hebrew Scriptures or Bible - (With right to amend)
- Eng. Com. Sub. for S. B. 213 - Relating to administration of trusts (original similar to HB4933)
- Eng. Com. Sub. for S. B. 246 - Including family court judges in retirement system for judges
- Eng. Com. Sub. for Com. Sub. for S. B. 284 - Creating WV Health Care Continuity Act
- Eng. Com. Sub. for S. B. 511 - Regulating pawnbrokers
- Eng. Com. Sub. for S. B. 514 - Creating WV FinTech Regulatory Sandbox Act
- Eng. Com. Sub. for S. B. 530 - Relating to taxation of aircraft
- Eng. Com. Sub. for S. B. 614 - Changing method of allocating funding from Safe School Funds
- Eng. Com. Sub. for S. B. 635 - Allowing administration of small estates
- Eng. Com. Sub. for S. B. 668 - Enacting Uniform Trust Decanting Act
- Eng. Com. Sub. for S. B. 760 - Allowing state college or university apply to HEPC for designation as administratively or financially exempt school
- Eng. Com. Sub. for S. B. 772 - Clarifying American Law Institute's Restatements of Law
- Eng. Com. Sub. for S. B. 793 - Relating to B&O taxes imposed on certain coal-fired electric generating units
- Eng. S. B. 800 - Authorizing electric utilities construct and operate project within electric utility distribution system
- Eng. S. B. 816 - Updating North American Industry Classification System code references
- Eng. Com. Sub. for S. B. 819 - Relating to DOH management of Coal Resource Transportation roads

Eng. S. B. 828 - Clarifying municipal B&O taxation where business activity occurs

Eng. S. B. 831 - Clarifying Economic Development Authority board enter into contracts necessary to carry out duties

Eng. S. B. 839 - Creating State Advisory Council on Postsecondary Attainment Goals

Eng. Com. Sub. for S. J. R. 9 - Amendment Authorizing Legislature to Eliminate or Lower Ad Valorem Tax on Motor Vehicles and Any Other Tangible Personal Property

Eng. Com. Sub. for H. B. 2338 - Allowing the owner of an antique military vehicle to display alternate registration insignia

Eng. H. B. 4411 - Relating to the West Virginia Residential Mortgage Lender, Broker and Servicer Act

Eng. H. B. 4477 - West Virginia Mutual to Mutual Insurance Holding Company Act - (Com. title amend. pending) (original similar to SB598)

Eng. H. B. 4661 - Relating to the powers of the Public Service Commission and the regulation of natural gas utilities

SECOND READING

Com. Sub. for S. B. 28 - Allowing WV Board of Medicine investigators to carry concealed weapons

Com. Sub. for S. B. 66 - Requiring State Police to follow towing services policies of county of location

Com. Sub. for S. B. 106 - Making daylight saving time official time year round in WV

Com. Sub. for S. B. 120 - Establishing priorities for expenditures for plugging abandoned gas or oil wells

Com. Sub. for S. B. 123 - Relating generally to pyramid promotional schemes

Com. Sub. for Com. Sub. for S. B. 160 - Creating Voluntary WVU Rifle Team Check-Off Program on hunting and fishing licenses

Com. Sub. for S. B. 193 - Setting forth timeframes for continuing purchases of commodities and services over \$1 million

Com. Sub. for S. B. 259 - Requiring mandatory incarceration prior to parole for certain persons convicted of distributing controlled substances near libraries

Com. Sub. for S. B. 269 - Establishing advisory council on rare diseases

Com. Sub. for Com. Sub. for S. B. 312 - Relating to provisional licensure of social workers (original similar to HB4128)

Com. Sub. for S. B. 329 - Authorizing DEP promulgate legislative rules (original similar to HB4217)

S. B. 355 - Fire Commission rule relating to State Fire Code (original similar to HB4275)

Com. Sub. for S. B. 356 - Fire Commission rule relating to State Building Code (original similar to HB4276)

Com. Sub. for S. B. 472 - Providing alternative sentencing program for work release (original similar to SB612)

S. B. 489 - Moving provisions of licensing contractors to chapter 30 of code

Com. Sub. for S. B. 513 - Protecting consumers against businesses using automatic renewals without consent

Com. Sub. for Com. Sub. for S. B. 521 - Relating to job creation and economic incentives

S. B. 569 - Expiring funds from various accounts to DHHR, Medical Services Program Fund (original similar to HB4487)

Com. Sub. for S. B. 570 - Expiring funds from State Excess Lottery Revenue Fund to DHHR, Medical Services Program Fund (original similar to HB4489)

Com. Sub. for Com. Sub. for S. B. 616 - Relating to employment grievance procedure for public employees

Com. Sub. for S. B. 633 - Creating Medicaid Families First Reserve Fund account (original similar to HB4643)

Com. Sub. for Com. Sub. for S. B. 648 - Providing dental coverage for adult Medicaid recipients

Com. Sub. for S. B. 653 - Increasing number of magistrates in Putnam County

Com. Sub. for S. B. 661 - Replacing minimum minutes of instructional time required per day

S. B. 680 - Qualifying not-for-profit private baccalaureate institutions for Advanced Career Education programs and WV Invests Grant Program

S. B. 687 - Increasing compensation of elected county officials

Com. Sub. for S. B. 690 - Permitting street-legal special purpose vehicles on highways

Com. Sub. for S. B. 700 - Exempting physicians from specified traffic laws when responding to emergencies

Com. Sub. for S. B. 710 - Establishing pilot program to evaluate telemedicine health services

Com. Sub. for S. B. 711 - Relating to juvenile jurisdiction of circuit courts

Com. Sub. for S. B. 716 - Requiring DHHR pay for tubal ligation without 30-day wait between consent and sterilization

Com. Sub. for S. B. 729 - Relating to awards and disability under Deputy Sheriff Retirement Act

S. B. 732 - Authorizing fee payment and expense reimbursement for attorneys who participate on court teams established by Supreme Court of Appeals

Com. Sub. for S. B. 738 - Creating Flatwater Trail Commission

Com. Sub. for S. B. 739 - Authorizing PSC protect consumers of distressed and failing water and wastewater utilities

Com. Sub. for S. B. 745 - Creating exemption to state sales and use tax for rental and leasing of equipment

Com. Sub. for S. B. 749 - Requiring Fatality and Mortality Review Team share data with CDC

S. B. 750 - Establishing extended learning opportunities

Com. Sub. for S. B. 752 - Relating generally to medical cannabis

S. B. 758 - Relating to authority of Emergency Medical Services Advisory Council

Com. Sub. for S. B. 762 - Creating Preserving Patient Stability Act of 2020

S. B. 775 - Requiring two water bottle filling stations be included in newly built or renovated schools

Com. Sub. for S. B. 785 - Establishing uniform electioneering prohibition area

Com. Sub. for S. B. 797 - Authorizing governing boards of public and private hospitals employ hospital police officers

Com. Sub. for S. B. 798 - Requiring dairy foods processed in state be added to list of items to be purchased by state-funded institutions

Com. Sub. for S. B. 802 - Relating to public utilities generally

S. B. 805 - Supplemental appropriation of moneys from Treasury to WV Commuter Rail Access Fund (original similar to HB4963)

Com. Sub. for S. B. 810 - Implementing federal Affordable Clean Energy rule

S. B. 812 - Supplemental appropriation from Lottery Net Profits to Bureau of Senior Services (original similar to HB4961)

Com. Sub. for S. B. 820 - Authorizing DHHR transfer comprehensive community mental health centers and intellectual disability facilities to regional centers and facilities

Com. Sub. for S. B. 821 - Providing immunity from civil liability to facilities and employees providing crisis stabilization

Com. Sub. for S. B. 829 - Establishing Overland Recreation Fund

S. B. 830 - Eliminating special merit-based employment system for health care professionals

S. B. 832 - Permitting retailers assume sales or use tax assessed on tangible personal property

S. B. 840 - Creating statutory fee for modifying permits issued by DEP Office of Oil and Gas

S. B. 841 - Requiring Governor to fix salaries of certain appointed officers after office is vacated

S. B. 842 - Requiring Superintendent of Schools establish a Behavior Interventionist Pilot Program in two school districts for five years

S. B. 846 - Requiring hospital publish notification prior to facility closure regarding patient medical records

S. B. 847 - Updating controlled substance lists in schedules I and V

S. B. 848 - Clarifying persons charged with DUI may not participate in Military Service Members Court

S. B. 849 - Relating to military service as factor in certain insurance coverage rates

S. B. 850 - Prohibiting racial discrimination based on certain hair textures and hairstyles

S. B. 851 - Requiring Governor's Committee on Crime, Delinquency, and Correction propose rule in coordination with law enforcement and certain medical boards

Eng. Com. Sub. for H. B. 4217 - Authorizing the Department of Environmental Protection to promulgate legislative rules - (Com. amend. and title amend. pending)

Eng. H. B. 4600 - Relating to the definition of the term member regarding distributing premium tax proceeds

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2020

Tuesday, February 25, 2020

10 a.m.

Banking & Insurance

(Room 451M)