

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

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

Charleston, West Virginia, Wednesday, February 6, 2019

The Senate met at 11:11 a.m.

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

Prayer was offered by the Honorable Michael T. Azinger, a senator from the third district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Paul Hardesty, a senator from the seventh district.

Pending the reading of the Journal of Tuesday, February 5, 2019,

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

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

The Senate then proceeded to the third order of business.

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

Eng. Senate Bill 268, Updating meaning of federal taxable income in WV Corporation Net Income Tax Act.

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 269, Updating terms used in WV Personal Income Tax Act.

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 2004—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §18-2-7d and §18-2-40; to amend and reenact section §18B-3C-4 of said code; to amend said code by adding thereto a new article,

designated §21-1E-1, §21-1E-2, §21-1E-3 and §21-1E-4; to amend and reenact section §29-3-9 of said code; and to amend said code by adding thereto a new article, designated §30-1E-1, §30-1E-2, §30-1E-3 and §30-1E-4, all relating to providing for a program of instruction in workforce preparedness; providing career and technical education program information to students and parents; requiring transcript of post-secondary credits earned by public school students to be provided to them; elevating priority on program integration to meet region and state labor market needs by community and technical college/career and technical education consortia; providing for joint State Board and Council for Community and Technical College Education guidelines on program administration; providing joint responsibility of State Superintendent and Chancellor for certain activities and reporting; requiring standards and procedures for recognizing career technical training acquired in public schools, apprenticeships and training programs toward occupational testing, certification and/or licensure; establishing purpose and intent; providing definitions; requiring rules providing standards and procedures be proposed by Commissioner of Labor, State Fire Commission, State Fire Marshal and the professions and occupations licensing boards and commissions.

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 2420—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-14A-1, §20-14A-2, §20-14A-3, §20-14A-4, §20-14A-5, §20-14A-6, §20-14A-7, §20-14A-8, §20-14A-9, §20-14A-10, §20-14A-11, and §20-14A-12, all relating to establishing the Mountaineer Trail Network Recreation Authority; providing a statement of legislative purpose and findings; providing definitions; establishing the Mountaineer Trail Network Recreation Authority; providing for a method of appointment to the board of the authority; prescribing the terms of appointment; describing the powers and duties of the board for the authority; creating a special revenue fund; providing for financial oversight; describing the powers and duties of the authority; establishing prohibited acts and creating a criminal penalty; limiting the liability of landowners; setting forth purchasing and bidding procedures and creating a criminal penalty; providing for conflicts of interest and creating a criminal penalty; providing civil remedies; and providing for severability.

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

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

Eng. House Bill 2666—A Bill supplementing and amending by increasing existing items of appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Veterans' Assistance, Department of Veterans' Assistance, fund 0456, fiscal year 2019, organization 0613, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019.

Referred 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 2668—A Bill supplementing and amending by increasing an existing item of appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Administration, Public Defender Services, Fund 0226, fiscal year 2019, organization 0221, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019.

Referred to the Committee on Finance.

The Senate proceeded to the fourth order of business.

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

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 5th day of February, 2019, presented to His Excellency, the Governor, for his action, the following bills, signed by the President of the Senate and the Speaker of the House of Delegates:

(Com. Sub. for S. B. 17), Relating to probation eligibility.

(S. B. 119), Specifying documents not subject to discovery in certain proceedings.

And,

(S. B. 272), Updating code relating to Commission on Special Investigations.

Respectfully submitted,

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

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

Your Committee on Finance has had under consideration

Senate Bill 13, Changing distribution of racetrack video lottery net terminal income, excess net terminal income, and excess lottery fund.

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

Com. Sub. for Senate Bill 13 (originating in the Committee on Finance)—A Bill to amend and reenact §29-22-18a of the Code of West Virginia, 1931, as amended, relating to distributions from the State Excess Lottery Fund.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

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

Your Committee on Finance has had under consideration

Com. Sub. for Senate Bill 14 (originating in the Committee on Agriculture and Rural Development), Creating WV Farm-to-School Grant Program.

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

Com. Sub. for Com. Sub. for Senate Bill 14 (originating in the Committee on Finance)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-37-1, §19-37-2, §19-37-3, and §19-37-4, all relating to creating the West Virginia Farm-to-School Grant Program; setting out findings and purpose; creating the fund; providing method for allocating grants; limiting grants; authorizing rulemaking; and requiring program review and reports

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

Respectfully submitted,

Craig Blair,
Chair.

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

Your Committee on Finance has had under consideration

Senate Bill 19, Relating to Senior Farmers Market Nutrition Program.

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

Com. Sub. for Senate Bill 19 (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 §19-1-13, relating to the Senior Farmers Market Nutrition Program; setting forth legislative findings and intent; creating special revenue account designated the Senior Farmers Market Nutrition Program Fund; identifying source of funds; providing terms for expenditures; requesting additional moneys to be added to the fund; and directing that balance funds at the end of the fiscal year remain in the fund.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
Chair.

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

Your Committee on Education has had under consideration

Senate Bill 39, Providing certain military members in-state residency tuition rates.

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

Com. Sub. for Senate Bill 39 (originating in the Committee on Education)—A Bill to amend and reenact §18B-10-1a of the Code of West Virginia, 1931, as amended, relating generally to in-state residency tuition rates; providing that nonresident members of a reserve unit in West Virginia qualify as residents for purposes of determining tuition rates; removing the requirement that members of the National Guard participate in the National Guard education services program; and providing that current members of the United States armed forces who reside in West Virginia qualify as residents for purposes of determining tuition rates.

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,

Patricia Puertas Rucker,
Chair.

The bill (Com. Sub. for S. B. 39), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration

Com. Sub. for Senate Bill 317 (originating in the Committee on Natural Resources), Authorizing three or more adjacent counties form multicounty trail network authority.

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

Com. Sub. for Com. Sub. for Senate Bill 317 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-17-1, §20-17-2, §20-17-3, §20-17-4, §20-17-5, §20-17-6, §20-17-7, §20-17-8, §20-17-9, and §20-17-10, all relating generally to authorizing three or more contiguous counties to form a multicounty trail network authority; providing legislative findings; defining terms; providing that an authority is a public corporation and joint development entity; providing that a county that is adjacent to an authority may join the authority as a participating county upon approval of the board of the authority and the county commission of the county wishing to participate; providing that two existing authorities may merge upon approval of the boards of both authorities; providing for appointment of individuals to the board of an authority and for the filling of vacancies in the board; establishing the terms of appointment to a board; requiring quarterly meetings of a board; describing how a quorum is established; authorizing a board to promulgate bylaws and rules; providing that an authority is subject to Freedom of Information Act laws; describing the powers and duties of an authority; requiring a board to appoint an executive director; describing powers and duties of an executive director; authorizing employment of authority staff; requiring creation of an annual budget; providing for payment of an authority's expenses; allowing reimbursement of board member expenses; establishing financial audit requirements; requiring reporting and oversight of state funds; prohibiting certain actions by users

of recreational area land and providing criminal penalties; limiting the liability of owners of land used by an authority; setting forth purchasing and bidding procedures for authority contracts and purchases; providing criminal penalties for violation of purchasing and bidding requirements; clarifying that certain provisions of the code prohibiting certain officers from having a pecuniary interest in contracts applies to board members, officers, personnel, and agents of an authority; providing civil remedies for participating counties challenging purchasing contracts violating certain requirements; and providing for severability.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Government Organization has had under consideration

Senate Bill 352, Relating to Division of Corrections and Rehabilitation acquiring and disposing of goods and commodities.

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

Com. Sub. for Senate Bill 352 (originating in the Committee on Government Organization)—
A Bill to amend and reenact §15A-3-14 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §15A-3-14a, all relating to the Division of Corrections and Rehabilitation acquiring and disposing of services, goods, and commodities; clarifying notice requirements; allowing the division to require surety; expanding acceptable forms of surety; allowing the division to utilize best value procurement; providing exception; establishing procedure for best value procurement; allowing for direct award procurement; establishing procedure for direct award procurement; allowing the division to run criminal background checks, financial background checks, licensing background checks, and credit checks to determine eligibility for award of contract; enumerating grounds upon which division shall disqualify vendors from being awarded a contract or having contract renewed; creating special revenue fund; and providing for methods of disposition of surplus property owned by the division.

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,

Chandler Swope,
Vice 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.

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 400, Allowing Board of Dentistry create specialty licenses.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Government Organization.

Respectfully submitted,

Michael J. Maroney,
Chair.

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

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 408, Determining indigency for public defender services.

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

Com. Sub. for Senate Bill 408 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §29-21-16 of the Code of West Virginia, 1931, as amended, relating to public defender services generally; clarifying the person to determine financial eligibility for public defender services; empowering court administrators in circuits which have one to make the eligibility determination; continuing the authority of public defender offices to make eligibility decisions in circuits with a public defender office but without a court administrator; and, authorizing circuit courts to make eligibility decisions in circuits with neither a court administrator nor a public defender office.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Government Organization has had under consideration

Senate Bill 496, Transferring authority to regulate milk from DHHR to Department of Agriculture.

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

Com. Sub. for Senate Bill 496 (originating in the Committee on Government Organization)—A Bill to repeal §16-7-5a of the Code of West Virginia, 1931, as amended; to amend and reenact §16-7-5 of said code; and to amend said code by adding thereto a new article, designated §19-11E-1, §19-11E-2, §19-11E-3, §19-11E-4, §19-11E-5, §19-11E-6, §19-11E-7, §19-11E-8, §19-11E-9, §19-11E-10, §19-11E-11, §19-11E-12, §19-11E-13, §19-11E-14, §19-11E-15, §19-11E-16, and §19-11E-17, all relating generally to transferring authority to regulate milk from the Department of Health and Human Resources to the Department of Agriculture; transferring authority to regulate milk and milk products effective July 1, 2019; explaining purpose and scope of article; defining terms; requiring milk producers and those handling or transporting milk or milk products to have and maintain permits; establishing procedure for obtaining permits; mandating certified inspectors of milk production facilities maintain valid licenses; establishing milk and milk product labeling standards; defining “adulteration”; describing authority and duties of Commissioner of Department of Agriculture regarding milk and milk products; listing prohibited acts; establishing grounds and procedure for suspension, revocation, or denial of permits or licenses; providing for right of hearing and appeal by persons aggrieved by actions taken pursuant to article; establishing criminal penalties for violation of article or rules promulgated thereunder; establishing civil penalties for violation of article or rules promulgated thereunder; allowing commissioner to promulgate rules permitting consent decrees or negotiated settlements of civil penalties; establishing that fees received pursuant to article are to be deposited into Department of Agriculture’s fees account; permitting commissioner to enter into agreements with public or private entities to carry out provisions of the article; protecting trade secrets from disclosure; providing exception; establishing orderly transition of milk regulatory operations to Department of Agriculture; and mandating that Department of Health and Human Resources’ legislative rules regulating milk remain in effect until July 1, 2020, or until earlier superseded by Department of Agriculture regulations.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Chandler Swope,
Vice Chair.

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

Your Committee on Finance has had under consideration

Senate Bill 499, Amending WV tax laws to conform to changes in partnerships for federal income tax purposes.

Eng. Com. Sub. for House Bill 2191, Relating generally to limited video lottery.

And,

Eng. Com. Sub. for House Bill 2307, Relating to creating a provisional license for practicing barbering and cosmetology.

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

Respectfully submitted,

Craig Blair,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Joint Resolution 5, Clarification of the Judiciary's Role in Impeachment Proceedings Amendment.

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

Com. Sub. for Senate Joint Resolution 5 (originating in the Committee on the Judiciary)—Proposing an amendment to the Constitution of the State of West Virginia, amending section nine, article IV thereof, relating to the impeachment of officials generally; clarifying that a separate vote in an impeachment trial is necessary to preclude a person convicted from holding a position of honor, trust, or profit under the state; clarifying that a separate vote of two thirds of the members of the Senate is necessary to disqualify a person having been impeached and convicted from an office of honor, trust, or profit under the state; providing that rules of practice and procedure for impeachment proceedings and impeachment trials are not subject to judicial review; specifying that state courts are without authority to stay or enjoin impeachment proceedings; designating and naming such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

Respectfully submitted,

Charles S. Trump IV,
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 resolution contained in the foregoing report from the Committee on the Judiciary.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution 16, US Army SP4 Wilbur Allen Smith Memorial Bridge.

And,

Senate Concurrent Resolution 20, US Air Force SSGT Ryan David Hammond Memorial Bridge.

And reports the same back with the recommendation that they each be adopted.

Respectfully submitted,

Charles H. Clements,
Chair.

The Senate proceeded to the sixth order of business.

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

By Senators Baldwin, Sypolt, Stollings, Romano, Beach, Maroney, and Cline:

Senate Bill 533—A Bill to amend and reenact §54-2-9 of the Code of West Virginia, 1931, as amended, relating to changing the determination of just compensation to be paid to the landowner when eminent domain is used for a pipeline.

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

By Senators Baldwin, Hamilton, Romano, Beach, and Lindsay:

Senate Bill 534—A Bill to amend and reenact §16-5A-2a of the Code of West Virginia, 1931, as amended, relating to requiring collection of additional information for cancer and tumor registry; and requiring seeking and recording of information on where subjects spent most of their lives.

Referred to the Committee on Health and Human Resources.

By Senator Hamilton:

Senate Bill 535—A Bill setting the date of collections of a municipal sales and service tax and use tax enacted by the City of Buckhannon pursuant to the amendment to its Municipal Home Rule Plan approved by the Municipal Home Rule Board on January 16, 2019.

Referred to the Committee on Finance.

By Senators Tarr and Cline:

Senate Bill 536—A Bill to amend and reenact §3-2-31 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-3-3 of said code, all relating to updating election law by providing language governing new election systems; and allowing voters during in-person early voting to change their address and vote the proper ballot without challenge.

Referred to the Committee on the Judiciary.

By Senators Boso and Cline:

Senate Bill 537—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-29B-31, relating to creating a workgroup to review the hospice need standards in this state.

Referred to the Committee on Health and Human Resources.

By Senators Clements, Stollings, Plymale, and Cline:

Senate Bill 538—A Bill to amend and reenact §17-2D-2 of the Code of West Virginia, 1931, as amended, relating generally to the West Virginia Highway Design-Build Pilot Program; allowing Division of Highways to contractually obligate no more than \$350 million on any one design-build project for fiscal years beginning after June 30, 2019; allowing up to \$350 million to be contractually obligated for individual projects financed with bonds under authority of the Roads to Prosperity Amendment of 2017 after June 30, 2019; providing that design-build projects financed with bonds under authority of the Roads to Prosperity Amendment of 2017 do not count toward the annual cap on the design-build program; and clarifying terminology.

Referred to the Committee on Transportation and Infrastructure.

By Senators Mann, Baldwin, Facemire, Ihlenfeld, Jeffries, Maroney, Romano, Rucker, Stollings, Takubo, Weld, Woelfel, Unger, Hamilton, Hardesty, Beach, Prezioso, Plymale, Swope, Tarr, Cline, and Lindsay:

Senate Bill 539—A Bill to amend and reenact §15-2A-6 of the Code of West Virginia, 1931, as amended, relating to the accrued benefit of retirees in the West Virginia State Police Retirement System Plan B.

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

By Senators Sypolt, Tarr, Hamilton, and Cline:

Senate Bill 540—A Bill to amend and reenact §15-12-10 of the Code of West Virginia, 1931, as amended, relating to requiring the State Police to visit the homes of registered sex offenders at regular intervals.

Referred to the Committee on the Judiciary.

By Senators Romano, Azinger, Baldwin, Beach, Boso, Clements, Facemire, Hardesty, Jeffries, Lindsay, Mann, Palumbo, Smith, Stollings, Swope, Woelfel, Plymale, Maroney, and Cline:

Senate Bill 541—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 or hindrance or impediment to the development of mineral resources of this state that caused the forfeiture of the bond.

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

Senators Weld, Palumbo, Hamilton, Stollings, Baldwin, Beach, Plymale, Sypolt, Swope, Jeffries, and Maroney offered the following resolution:

Senate Resolution 30—Recognizing the Walking Miracles Family Foundation for its commitment to supporting caregivers, families, and survivors impacted by childhood, adolescent, and young adult cancer.

Whereas, The Walking Miracles Family Foundation exists to connect caregivers, families, and survivors impacted by childhood, adolescent, and young adult cancer to resources and referral

networks and to help defray the cost of travel during the cancer journey, the primary barrier to care in West Virginia; and

Whereas, The Walking Miracles Family Foundation's Country Roads Travel Assistance Program has helped more than 200 families and has provided travel assistance to families in 33 of 55 West Virginia counties, including paying for gas, food, and lodging; and

Whereas, The Walking Miracles Family Foundation works to improve the patient experience through its Patient Navigation Program, which strives to connect families with resources and referral networks that address issues such as travel, family emotional and financial needs, long-term survivorship, and education; and

Whereas, The Walking Miracles Family Foundation has a counseling program that seeks to help patients deal with a cancer diagnosis, which often leads to one feeling frightened, confused, angry, depressed, or lonely. In addition, radiation and chemotherapy treatments may result in some memory loss, slow thinking, and other cognitive issues; and

Whereas, The Walking Miracles Family Foundation seeks to ensure our caregivers and survivors have survivorship plans and are connected to a survivorship clinic for proper follow-up. This includes education in the areas they received treatment and on the long-term side effects they might expect, which will better enable patients to seek quality care and live a high quality of life; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes the Walking Miracles Family Foundation for its commitment to supporting caregivers, families, and survivors impacted by childhood, adolescent, and young adult cancer; and, be it

Further Resolved, That the Senate extends its sincere appreciation and gratitude to the Walking Miracles Family Foundation for its work in the fight against cancer; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Walking Miracles Family Foundation.

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

On motion of Senator Takubo, at 11:29 a.m., the Senate recessed to present Senate Resolution 30.

The Senate reconvened at 11:32 a.m. and resumed business under the sixth order.

Senators Maroney, Unger, Palumbo, Hamilton, Stollings, Baldwin, Beach, Romano, Prezioso, Plymale, Sypolt, Swope, Jeffries, and Cline offered the following resolution:

Senate Resolution 31—Designating February 6, 2019, as Disability Advocacy Day at the Legislature.

Whereas, There are over 400,000 West Virginians with disabilities; and

Whereas, People with disabilities have the right to live, work, and fully participate in their communities to realize their dreams; and

Whereas, People with disabilities have the right to receive the support they need to exercise self-determination, achieve independence, and become productive employees in the workplace; and

Whereas, West Virginia cannot afford to segregate its citizens with disabilities, thereby impairing their ability to be productive members of society; and

Whereas, West Virginia's citizens with disabilities have banded together in a collective group, called the Fair Shake Network, to help bring their concerns to the forefront of public awareness; and

Whereas, The Fair Shake Network has developed a statewide network concerned with all types of disabilities and all age groups, providing opportunities for people to learn from each other and take action together; and

Whereas, The member organizations such as: Appalachian Center for Independent Living; West Virginia Developmental Disabilities Council; West Virginia Statewide Independent Living Council; West Virginia Division of Rehabilitation Services; WV Autism Training Center; West Virginian Parent Training & Information; Disability Rights of West Virginia; West Virginia University Center for Excellence in Disabilities; West Virginia State Rehabilitation Council; Open Doors, Inc.; National Association of Social Workers, WV Chapter; WV Olmstead Office; Mountain State Parents CAN; WV Association of the Deaf; Central West Virginia Action Network; Mountain State Centers for Independent Living, Job Squad; Northern West Virginia Center for Independent Living; The Arc of WV; People First of WV; and Aging and Disability Resource Network, have joined together to help increase public awareness of issues involving the many concerns of West Virginians with disabilities through the Fair Shake Network; and

Whereas, The purpose of Disability Advocacy Day is to increase the awareness and understanding of legislators, administrators, policymakers, and the public of the policy issues that are important to people with disabilities; therefore, be it

Resolved by the Senate:

That the Senate hereby designates February 6, 2019, as Disability Advocacy Day at the Legislature; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of the Fair Shake Network.

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

On motion of Senator Takubo, at 11:33 a.m., the Senate recessed to present Senate Resolution 31.

The Senate reconvened at 11:36 a.m. and resumed business under the sixth order.

Senators Plymale, Woelfel, Unger, Palumbo, Stollings, Baldwin, Beach, Sypolt, Swope, Jeffries, and Lindsay offered the following resolution:

Senate Resolution 32—Congratulating the Cabell Midland High School boys' cross-country team for winning the 2018 Class AAA State Championship.

Whereas, The Cabell Midland boys' cross-country team had an extraordinary season, culminating in them winning the 2018 Class AAA State Championship, the school's 10th state cross-country title since Cabell Midland opened its doors in 1994; and

Whereas, The Cabell Midland High School boys' cross-country team is coached by Chris Parsons, and assistant coaches Rhonda Short, Peter Starnes, and Dave Wendall; and

Whereas, The Cabell Midland High School boys' cross-country team consists of members Yousef Abdelgaber, Brett Armbruster, Steven Ball, Joshua Dauber, Nick Harmon, K. J. Helgason, Bryce Morris, Ben Norton, Zach Swanson, Josh Adkins, Jacob Ashworth, Andrew Blower, Seth Chapman, Jackson Gibson, Jack McKinney, Kaden Salmons, Will Turman, Nate Womack, Ian Hoopes, Sam LeRose, Peyton Levi, Sean Marcum, Carter McKenna, Ben Parker, Ty Watts, Justin Bailey, Cooper Gibson, Jaden Huffman, Tyler Marcum, and George Wait; and

Whereas, The Cabell Midland High School boys' cross-country team displayed their strong will and determination for an entire season and are a shining example of what can be accomplished with hard work, dedication, and spirit; and

Whereas, The Cabell Midland High School boys' cross-country team went undefeated against West Virginia competition, and will be remembered as one of the best teams ever assembled in West Virginia high school cross-country history; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates the Cabell Midland High School boys' cross-country team for winning the 2018 Class AAA State Championship; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Cabell Midland High School boys' cross-country team.

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

Thereafter, at the request of Senator Prezioso, and by unanimous consent, the remarks by Senator Plymale regarding the adoption of Senate Resolution 32 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 11:42 a.m., the Senate recessed to present Senate Resolution 32.

The Senate reconvened at 11:45 a.m. and, at the request of Senator Takubo, unanimous consent being granted, returned to the fourth order of business.

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

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 542 (originating in the Committee on Transportation and Infrastructure)—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to registration fees for military-related special registration plates.

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

Respectfully submitted,

Charles H. Clements,
Chair.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 25, US Army PFC Andrew “Bo” Martin Harper Memorial Bridge.

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

The Senate proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 154, Using school facilities for funeral and memorial services for certain community members.

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 154 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, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Boso, Mann, and Palumbo—3.

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. 154) 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 157, Authorizing Department of Administration promulgate legislative rules.

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, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Boso, Mann, and Palumbo—3.

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. 157) 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, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Boso, Mann, and Palumbo—3.

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. 157) takes effect from passage.

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

Eng. Com. Sub. for Senate Bill 175, Authorizing DHHR promulgate legislative rules.

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, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Boso, Mann, and Palumbo—3.

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. 175) 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, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Boso, Mann, and Palumbo—3.

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. 175) 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 267, Requiring State Board of Education adopt policy detailing level of computer science instruction.

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, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Boso, Mann, and Palumbo—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 267) 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 387, Relating generally to extradition.

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, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Boso, Mann, and Palumbo—3.

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. 387) 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 392, Relating to payment of invoices received by Division of Corrections and Rehabilitation for contract work.

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 2462, Issuing a certificate to correctional employees to carry firearms.

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, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Boso, Mann, and Palumbo—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 2462) passed.

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

Eng. House Bill 2462—A Bill to amend and reenact §15A-3-10 of the Code of West Virginia, 1931, as amended, relating to authorizing the carrying of firearms by correctional employees; providing that after successful completion of designated firearms training, the commissioner may issue a certificate to carry division-issued firearms to correctional employees; establishing that authorized correctional employees may carry division-issued firearms during performance of official duties and when traveling to and from work; establishing the commissioner's firearm training program must be equivalent to the firearms training requirements for deputy sheriffs; requiring that the correctional employee must successfully complete an annual designated firearms course as established by the law enforcement professional standards program to maintain the certificate; and providing the certificate bearing the commissioner's signature shall be in a form prescribed by the commissioner.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 127, Relating to parole officers' duties to perform alcohol and drug testing of litigants.

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 163, Authorizing DEP promulgate legislative rules.

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

Senate Bill 343, Relating to review and approval of state property leases.

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

Senate Bill 16, Authorizing expenditure of surplus funds by Wyoming County Commission.

Com. Sub. for Senate Bill 30, Eliminating tax on annuity considerations collected by life insurer.

Com. Sub. for Com. Sub. for Senate Bill 90, Transferring Safety and Treatment Program from DHHR to DMV.

Com. Sub. for Senate Bill 237, Improving ability of law enforcement to locate and return missing persons.

Com. Sub. for Senate Bill 263, Limiting number of days legislators may be compensated during extended and extraordinary sessions if budget bill not enacted.

Com. Sub. for Senate Bill 323, Establishing revenue fund and source to support Department of Agriculture's improvement to facilities.

Senate Bill 346, Changing rate which certain judges are paid for mileage when traveling within state.

Com. Sub. for Senate Bill 356, Requiring MAPS provide state and federal prosecutors information.

And,

Senate Bill 453, Relating to background checks of certain financial institutions.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Stollings, Woelfel, Blair, Smith, and Takubo.

The Senate proceeded to the thirteenth order of business.

Senator Trump called attention to today being the birthday of Casey Long, Analyst to the Senate President, and Richie Novak, Senate Technical Support, and on behalf of the Senate extended felicitations and good wishes to Casey Long and Richie Novak.

At the request of Senator Takubo, unanimous consent being granted, a leave of absence for the day was granted Senator Mann.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:10 p.m., the Senate adjourned until tomorrow, Thursday, February 7, 2019, at 11 a.m.

SENATE CALENDAR

**Thursday, February 07, 2019
11:00 AM**

UNFINISHED BUSINESS

S. C. R. 16 - US Army SP4 Wilbur Allen Smith Memorial Bridge

S. C. R. 20 - US Air Force SSGT Ryan David Hammond Memorial Bridge

THIRD READING

Eng. Com. Sub. for S. B. 127 - Relating to parole officers' duties to perform alcohol and drug testing of litigants

Eng. Com. Sub. for S. B. 163 - Authorizing DEP promulgate legislative rules (original similar to HB2236)

Eng. Com. Sub. for S. B. 392 - Relating to payment of invoices received by Division of Corrections and Rehabilitation for contract work

SECOND READING

S. B. 16 - Authorizing expenditure of surplus funds by Wyoming County Commission

Com. Sub. for S. B. 30 - Eliminating tax on annuity considerations collected by life insurer (original similar to HB2400)

Com. Sub. for Com. Sub. for S. B. 90 - Transferring Safety and Treatment Program from DHHR to DMV

Com. Sub. for S. B. 237 - Improving ability of law enforcement to locate and return missing persons

Com. Sub. for S. B. 263 - Limiting number of days legislators may be compensated during extended and extraordinary sessions if budget bill not enacted

Com. Sub. for S. B. 323 - Establishing revenue fund and source to support Department of Agriculture's improvement to facilities (original similar to HB2468, SB385)

S. B. 343 - Relating to review and approval of state property leases (original similar to HB2601)

S. B. 346 - Changing rate which certain judges are paid for mileage when traveling within state (original similar to HB2566)

Com. Sub. for S. B. 356 - Requiring MAPS provide state and federal prosecutors information (original similar to HB2698)

S. B. 453 - Relating to background checks of certain financial institutions

FIRST READING

- Com. Sub. for S. B. 13 - Relating to distributions from State Excess Lottery Fund
- Com. Sub. for Com. Sub. for S. B. 14 - Creating WV Farm-to-School Grant Program
- Com. Sub. for S. B. 19 - Relating to Senior Farmers Market Nutrition Program
- Com. Sub. for Com. Sub. for S. B. 317 - Authorizing three or more adjacent counties form multicounty trail network authority
- Com. Sub. for S. B. 352 - Relating to Division of Corrections and Rehabilitation acquiring and disposing of services, goods, and commodities (original similar to HB2772)
- Com. Sub. for S. B. 408 - Determining indigency for public defender services
- Com. Sub. for S. B. 496 - Transferring authority to regulate milk from DHHR to Department of Agriculture
- S. B. 499 - Amending WV tax laws to conform to changes in partnerships for federal income tax purposes
- S. B. 542 - Relating to registration fees for military-related special registration plates
- Com. Sub. for S. J. R. 5 - Clarification of the Judiciary's Role in Impeachment Proceedings Amendment
- Eng. Com. Sub. for H. B. 2307 - Relating to creating a provisional license for practicing barbering and cosmetology
- Eng. Com. Sub. for H. B. 2191 - Relating generally to limited video lottery

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2019

Thursday, February 7, 2019

9:30 a.m.	Finance	(Room 451M)
10 a.m.	Natural Resources	(Room 208W)
1 p.m.	Health & Human Resources	(Room 451M)
2 p.m.	Education	(Room 451M)