

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE
FIRST EXTRAORDINARY SESSION, 2019
ONE HUNDRED SEVENTH DAY

Charleston, West Virginia, Monday, June 24, 2019

Pursuant to the call of the President of the Senate, under the authority of House Concurrent Resolution 101, adopted March 10, 2019, the Senate reassembled in extraordinary session in its chamber in the state capitol in the City of Charleston, at 5:04 p.m., and was called to order by its President, the Honorable Mitch Carmichael.

Prayer was offered by the Honorable Charles S. Trump IV, a senator from the fifteenth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Roman W. Prezioso, Jr., a senator from the thirteenth district.

Pending the reading of the Journal of Monday, June 3, 2019,

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

The Clerk presented the following communication from a state agency as required by the provisions of law:

Protective Services, Division of (Monthly Incidence Report) (§15-2D-3)

The Senate proceeded to the third order of business.

Executive Communications

Senator Carmichael (Mr. President) laid before the Senate the following supplement to the proclamation dated March 7, 2019, from His Excellency, the Governor, which was read by the Clerk

STATE OF WEST VIRGINIA**EXECUTIVE DEPARTMENT****Charleston****A PROCLAMATION****By the Governor**

I, JIM JUSTICE, by virtue of the authority vested in the Governor by Section 7, Article VII, of the Constitution of West Virginia, do hereby **AMEND** the proclamation dated the seventh day of March, Two Thousand Nineteen, calling the West Virginia Legislature to convene in Extraordinary Session upon adjournment *sine die* of the 2019 Regular Session, and amended by subsequent Proclamation dated the seventeenth day of May, Two Thousand Nineteen, and amended by subsequent Proclamation dated the twentieth day of May, Two Thousand Nineteen, and amended by subsequent Proclamation dated the thirty-first day of May, Two Thousand Nineteen, by adding items thirty-five through forty-six, as follows:

THIRTY-FIFTH: a bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Executive, Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2019, organization 0100, by supplementing and amending by adding a new item of appropriation for the fiscal year ending June 30, 2019; and

THIRTY-SIXTH: a bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Military Affairs and Public Safety, Division of Homeland Security and Emergency Management, fund 0443, fiscal year 2019, organization 0606, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019; and

THIRTY-SEVENTH: a bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Transportation, Division of Highways, fund 0620, fiscal year 2019, organization 0803, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019; and

THIRTY-EIGHTH: a bill making a supplementary appropriation by adding a new item and increasing the expenditure of public moneys out of the Treasury from the balance of moneys

remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Revenue, State Budget Office, fund 0595, fiscal year 2019, organization 0703, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019; and

THIRTY-NINTH: a bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Executive, Governor's Office, fund 0101, fiscal year 2019, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019; and

FOURTIETH: a bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Environmental Protection, Division of Environmental Protection, fund 0273, fiscal year 2019, organization 0313, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019; and

FOURTY-FIRST: a bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Health, Central Office, fund 0407, fiscal year 2019, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019; and

FOURTY-SECOND: a bill supplementing, amending and increasing an item of existing appropriation from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2020, organization 0803, for the fiscal year ending June 30, 2020; and

FOURTY-THIRD: 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 Revenue, Office of the Secretary, Home Rule Board Operations Fund, fund 7010, fiscal year 2020, organization 0701 by supplementing and amending the appropriations for the fiscal year ending June 30, 2020; and

FOURTY-FOURTH: a bill making a supplementary appropriation of Lottery Net Profits by increasing existing items of appropriation from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits to the Department of Arts, Culture and History, Division of Culture and History, Lottery Education Fund, fund 3534, fiscal year 2020, organization 0432, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020; and

FOURTY-FIFTH: a bill relating to the procurement of construction work performed as part of disaster mitigation or recovery originating from a declared state of emergency; and

FOURTY-SIXTH: a bill relating to the Ryan Brown Fund.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



By the Governor

DONE at the Capitol in the City of Charleston, State of West Virginia, this fourteenth day of June, in the year of our Lord, Two Thousand Nineteen, and in the One Hundred Fifty-Sixth year of the State.

GOVERNOR

SECRETARY OF STATE

The following communication from His Excellency, the Governor, was next reported by the Clerk:



Jim Justice
Governor of West Virginia

June 17, 2019

SENATE EXECUTIVE MESSAGE NO. 2
2019 FIRST EXTRAORDINARY SESSION

The Honorable Mitch Carmichael
President, West Virginia Senate
Building 1, Room M-229
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear President Carmichael:

The following amends and replaces the "FY 2019 Official Estimate General Revenue – Statement of Revenues by Source" which I submitted to you on May 20, 2019 in Executive Message No. 1, 2019 First Extraordinary Session for the fiscal year ending June 30, 2019:

General Revenue Fund
Statement of Revenues by Source
(Expressed in Thousands)

<u>Source of Revenue</u>	<u>FY 2019 Official Estimate Revised</u>
Business and Occupation Tax	\$124,500
Consumer Sales & Service and Use Tax	1,368,000
Personal Income Tax	2,092,000
Liquor Profit Transfers	20,800
Beer Tax and Licenses	7,500
Tobacco Products Tax	179,700
Business Franchise Fees	670
Property Transfer Tax	13,000
Property Tax	6,900
Insurance Tax	128,500
Departmental Collections	23,600
Corporate Net Income Tax	206,038

OFFICE OF THE GOVERNOR

The Honorable Mitch Carmichael
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Miscellaneous Transfers	1,000
Interest Income	26,000
Severance Tax	451,000
Miscellaneous Receipts	10,700
HB102 – Lottery Transfers	65,000
Special Revenue Transfers	13,250
Senior Citizen Tax Credit Reimbursement	<u>10,000</u>
Total General Revenue	<u>\$4,748,158</u>

Note: The Governor's official Revenue Estimates for Fiscal Year 2019 were revised upward by \$98 million on June 17, 2019. The changes include an increase in the Consumer Sales and Use Tax, Personal Income Tax, Business and Occupation Tax, Severance Tax, Corporate Net Income Tax, Insurance Tax and Interest Income.

The following amends and replaces the "FY 2020 Official Estimate General Revenue – Statement of Revenues by Source" which I submitted to you on January 9, 2019 as part of my Budget Document for the fiscal year ending June 30, 2020:

General Revenue Fund
 Statement of Revenues by Source
 (Expressed in Thousands)

<u>Source of Revenue</u>	<u>FY 2020 Official Estimate Revised</u>
Business and Occupation Tax	\$123,000
Consumer Sales & Service and Use Tax	1,390,260
Personal Income Tax	2,154,880
Liquor Profit Transfers	21,000
Beer Tax and Licenses	7,600
Tobacco Products Tax	177,000
Business Franchise Fees	680
Property Transfer Tax	12,300
Property Tax	7,200
Insurance Tax	131,800
Departmental Collections	24,000

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Corporate Net Income Tax	136,980
Miscellaneous Receipts	1,700
Interest Income	30,000
Severance Tax	376,800
Miscellaneous Receipts	11,000
HB102 – Lottery Transfers	65,000
Liquor License Renewal	29,000
Senior Citizen Tax Credit Reimbursement	<u>10,000</u>
Total General Revenue	<u>\$4,710,200</u>

Note: The Governor's official Revenue Estimates for Fiscal Year 2020 were revised upward by \$34.38 million on June 17, 2019. The changes include an increase in the Consumer Sales and Use Tax, Personal Income Tax and a decrease in the Severance Tax estimate related to legislation passed in the 2019 Regular Session.

The following amends and replaces the "General Revenue Fund – Statement of Revenues, Expenditures, and Changes in Cash Balance" which I submitted to you on May 20, 2019 in Executive Message No. 1, 2019 First Extraordinary Session for the fiscal years ending June 30, 2019 and June 30, 2020:

General Revenue Fund
 Statement of Revenues, Expenditures, and Changes in Cash Balance
 (Nearest Dollar)

Actual Beginning Cash Balance July 1, 2018	\$377,650,037
Less: 31 Day Disbursements (July 1, 2018 - July 31, 2018)	(42,888,978)
Plus: Prior Year Reimbursements (July 1, 2018 - July 31, 2018)	27,203
Less: Prior Year Appropriations Forwarded	(297,422,832)
Less: Cash Balance - Adjustments and Accruals	<u>(1,337,913)</u>
Accumulated Surplus from FY 2018 @ July 31, 2018	\$36,027,517
Less: Transfer to Revenue Shortfall Reserve Fund (Statutory)	(18,013,759)
Less: FY 2019 Surplus Appropriation (FY 2019 Budget Bill)	(13,765,000)
Plus: FY 2019 Supplementary Expiration to Surplus Balance (2019 1st Extraordinary Session) 05/2019	4,705,000
Less: FY 2019 Supplementary Surplus Appropriation (2019 1st Extraordinary Session) 05/2019	(4,705,000)

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Less: Recommended FY 2019 Supplementary Surplus Appropriation (2019 1st Extraordinary Session)	(4,744,200)	
Plus: Prior Year Reimbursements and Adjustments (August 1, 2018 – June 7, 2019)	<u>703,433</u>	
Estimated Unappropriated Surplus Balance @ June 30, 2019		\$207,991
Plus: FY 2019 Revenue Estimate	\$4,439,920,000	
Plus: FY 2019 Revision to Revenue Estimate (2019 Regular Session) 1/9/19	142,000,000	
Plus: FY 2019 Revision to Revenue Estimate (2019 Regular Session) 3/5/2019	25,913,000	
Plus: FY 2019 Revision to Revenue Estimate (2019 1 st Extraordinary Session) 5/20/19	42,325,000	
Plus: FY 2019 Revision to Revenue Estimate (2019 1 st Extraordinary Session) 6/17/19	98,000,000	
Less: FY 2019 Appropriations (FY 2019 Budget Bill) (2018 Regular Session)	(4,381,808,884)	
Plus: FY 2019 Appropriations (FY 2019 Budget Bill) veto	0	
Less: FY 2019 Supplementary Appropriations (2019 Regular Session)	(195,723,199)	
Less: FY 2019 Supplementary Appropriations (2019 1 st Extraordinary Session)	(54,000,000)	
Less: Recommended FY 2019 Supplementary Appropriations (2019 1 st Extraordinary Session)	(116,625,917)	
Estimated Unappropriated Balance from FY 2019 Activity @ June 30, 2019		\$0
Plus: FY 2020 Revenue Estimate	\$4,675,820,000	
Plus: FY 2020 Revised Revenue Estimate as of 06/17/2019	34,380,000	
Less: FY 2020 Appropriations (FY 2020 Budget Bill) (2019 Regular Session)	(4,635,887,842)	
Plus: FY 2020 Appropriations (FY 2020 Budget Bill) veto	<u>5,372,000</u>	
Estimated Unappropriated Balance from FY 2020 Activity @ June 30, 2020		<u>\$79,684,158</u>
Total Estimated Unappropriated Balance @ June 30, 2020		<u>\$79,892,149</u>

The following amends and replaces the "FY 2019 Official Estimate" "State Road Fund – Statement of Revenues by Source" which I submitted to you on May 20, 2019 in Executive Message No. 1, 2019, First Extraordinary Session for the fiscal year ending June 30, 2019:

OFFICE OF THE GOVERNOR

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State Road Fund
 Statement of Revenues by Source
 (Expressed in Thousands)

<u>Source of Revenue</u>	<u>FY 2019 Official Estimate Revised</u>
Motor Fuel Tax	\$443,900
Registration	142,196
Sales (Privilege)	230,930
Litter	1,719
Less: Industrial Access Road Transfer	(3,000)
Miscellaneous Revenue	120,695
Federal Reimbursement	<u>471,500</u>
Total State Road	<u>\$1,407,940</u>

Note: The Governor's official Revenue Estimates for Fiscal Year 2019 were revised upward by \$50.2 million on June 17, 2019. The changes include an increase in the Miscellaneous Revenue estimate. The revision is reflected in the month of June.

State Road Fund
 Statement of Revenues, Expenditures,
 and Changes in Cash Balance
 (Nearest Dollar)

Cash and Investment Balance - July 1, 2018	\$141,408,683
Plus: Revenue Estimate-FY 2019	1,303,740,000
Plus: FY 2019 Revision to Revenue Estimate (2019 1 st Extraordinary Session) 5/20/19	54,000,000
Plus: FY 2019 Revision to Revenue Estimate (2019 1 st Extraordinary Session) 6/17/19	<u>50,200,917</u>
Total Estimated Receipts and Balance	\$1,549,349,600
Less: FY 2019 Appropriations (FY 2019 Budget Bill) – Division of Highways	(\$1,308,400,000)
Less: FY 2019 Appropriations (FY 2019 Budget Bill) – Division of Motor Vehicles	(43,478,729)
Less: FY 2019 Appropriations (FY 2019 Budget Bill) – Office of Administrative Hearings	(1,951,979)
Less: Claims Against the State Road Fund (FY 2019 Budget Bill)	<u>(408,830)</u>

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Estimated Balance @ June 30, 2019	\$195,110,062
Plus: Revenue Estimate – FY 2020	\$1,319,857,000
Less: FY 2020 Appropriations (FY 2020 Budget Bill) – Division of Highways	(1,334,315,083)
Less: FY 2020 Appropriations (FY 2020 Budget Bill) – Division of Motor Vehicles	(46,077,719)
Less: FY 2020 Appropriations (FY 2020 Budget Bill) – Office of Administrative Hearings	(2,065,530)
Less: Claims Against the State Road Fund (FY 2020 Budget Bill)	(1,703,146)
Less: FY 2020 Supplementary Appropriations (2019 1 st Extraordinary Session) Division of Highways 5/20/2019	(54,000,000)
Less: FY 2020 Supplementary Appropriations (2019 1 st Extraordinary Session) Division of Highways 6/17/2019	<u>(50,200,917)</u>
Estimated Unappropriated Balance @ June 30, 2020	<u><u>\$26,604,667</u></u>

Thank you for your cooperation in this matter.

Sincerely,

Jim Justice
 Governor

Which communication was received and referred to the Committee on Finance.

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 1015, Supplemental appropriation to Secretary of State, General Administrative Fees Account.

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 1017, Supplemental appropriation to Department of Arts, Culture, and History, Educational Broadcasting Authority.

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 1020, Supplementing and amending Chapter 31, Acts of the Legislature, 2019, known as Budget Bill.

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 1021, Decreasing existing appropriation and adding appropriation to Department of Veterans' Assistance.

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 1023, Supplementing, amending, increasing, and adding items of appropriations to Attorney General, Consolidated Federal Fund.

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 1024, Supplemental appropriation to Department of Agriculture Capital Improvements Fund.

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 1025, Supplemental appropriation to DHHR, Division of Human Services for fiscal year ending June 30, 2019.

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

Eng. Senate Bill 1027, Adding new items and increasing existing items to various accounts.

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

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

On page two, item 10, line forty-eight, after "\$300,000" by inserting the following:

Any unexpended balance remaining in the appropriation for WV Food Banks (fund 0131, appropriation 96900) at the end of the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.;

On page four, item 43, line eleven, after "\$3,500,000" by inserting the following:

Any unexpended balance remaining in the appropriation for Safe Schools (fund 0313, appropriation 14300) at the end of the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.;

On page five, item 57, line nine, after "\$200,000" by inserting the following:

Any unexpended balances remaining in the appropriations for Sexual Assault Intervention and Prevention (fund 0407, appropriation 72300) and New Born Screening and Testing (fund 0407, appropriation #####) at the end of the close of the fiscal year 2019 are hereby reappropriated for expenditure during the fiscal year 2020.;

On page six, item 90, line eight, after "\$500,000" by inserting the following:

Any unexpended balance remaining in the appropriation for Blue Ridge Community and Technical College (fund 0601, appropriation 88500) at the end of the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.;

On page six, item 91, line eight, after "\$500,000" by inserting the following:

Any unexpended balance remaining in the appropriation for West Virginia University - Parkersburg (fund 0351, appropriation 47100) at the end of the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.;

On page seven, item 94, line eight, after "\$500,000" by inserting the following:

Any unexpended balance remaining in the appropriation for Eastern West Virginia Community and Technical College (fund 0587, appropriation 41200) at the end of the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.;

On page seven, item 106, line seven, after "\$500,000" by inserting the following:

Any unexpended balance remaining in the appropriation for Glenville State College (fund 0363, appropriation 42800) at the end of the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.;

And,

On page seven, item 107, line one, after "\$500,000" by inserting the following:

Any unexpended balance remaining in the appropriation for Shepherd University (fund 0366, appropriation 43200) at the end of the close of the fiscal year 2019 is hereby reappropriated for expenditure during the fiscal year 2020.

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

Engrossed Senate Bill 1027, as amended by the House of Delegates, was then put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1027) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 1027) takes effect from passage.

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

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

Eng. Senate Bill 1038, Supplemental appropriation to DHHR, Division of Health's Central Office.

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 113—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12k; and to amend said code by adding thereto a new section, designated §11-24-6b, all relating generally to establishing tax incentive for new business activity in qualified opportunity zones; establishing eligibility requirements; defining terms; specifying duration of tax benefit; providing rulemaking authority; providing for termination of program; and specifying effective dates.

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

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

The bill was read a second time and ordered to third reading.

Having been engrossed, the bill (Eng. H. B. 113) was then read a third time and put upon its passage.

Senator Plymale 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 he is a member of two boards that own property in opportunity zones.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 113) passed with its title.

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

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

Eng. House Bill 118, Relating to the use of post-criminal conduct in professional and occupational initial licensure decision making.

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 132—A Bill supplementing and amending by increasing and decreasing existing items of appropriations of public moneys out of the Treasury in the State Fund, General Revenue, from the Department of Health and Human Resources, Division of Health, fund 0407, fiscal year 2020, organization 0506 to the Department of Agriculture, fund 0131, fiscal year 2020, organization 1400, by supplementing, amending, increasing and decreasing items of appropriation for the fiscal year ending June 30, 2020.

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

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

The bill (Eng. H. B. 132) was then read a second time.

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

That the total appropriation for the fiscal year ending June 30, 2020, to fund 0407, fiscal year 2020, organization 0506, be supplemented and amended by decreasing existing items of appropriation as follows:

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

57 – Division of Health –

Central Office

(WV Code Chapter 16)

Fund 0407 FY 2020 Org 0506

**Appro-
priation**

**General
Revenue
Fund**

1	Personal Services and Employee Benefits.....	00100	\$	251,555
3	Current Expenses	13000		406,155

And, That the total appropriation for the fiscal year ending June 30, 2020, to fund 0131, fiscal year 2020, organization 1400, be supplemented and amended by increasing existing items of appropriation as follows:

TITLE II – APPROPRIATIONS.

Section 1. Appropriations from general revenue.

EXECUTIVE

10 –Department of Agriculture

(WV Code Chapter 19)

Fund 0131 FY 2020 Org 1400

		Appropriation		General Revenue Fund
1	Personnel Services and Employee Benefits.....	00100	\$	251,555
3	Current Expenses	13000		406,155

The bill, as amended, was ordered to third reading.

Having been engrossed, the bill (Eng. H. B. 132) was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 132) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 132) takes effect from passage.

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

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 144—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-1n, relating to creating a pilot program to encourage utility infrastructure development to certain lands; declaring certain legislative findings; defining certain terms; requiring the Secretary of Commerce to consider certain applications; allowing the secretary to certify sites that do not currently have adequate public utility services from one or more public utilities regulated by the Public Service Commission as having potential for industrial development; requiring the Public Service Commission to consider certain multi-year comprehensive plans for infrastructure development to construct public utility infrastructure and provide services to industrial development sites as certified by the secretary, in lieu of a proceeding pursuant to §24-2-11 of the code; requiring the applicant to publish the anticipated rates and, if any, rate increase under the proposal, by average percentage and dollar amount for customers within a class of service, as a Class I legal advertisement; providing the Public Service Commission with the authority to allow certain public utility infrastructure projects to recover certain costs via ratemaking; providing for the expiration of certain statutory provisions; and providing for an effective date of the provisions of this section.

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

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

The bill was read a second time and ordered to third reading.

Having been engrossed, the bill (Eng. H. B. 144) was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 144) passed with its title.

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

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

Eng. House Bill 146—A Bill to amend and reenact §16-53-1 of the Code of West Virginia, 1931, as amended, relating substance use disorder; clarifying who is eligible to receive funds; providing the secretary with discretion to decide who is eligible to funds; and removing certain limitations on funding limitations.

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

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

The bill was read a second time and ordered to third reading.

Having been engrossed, the bill (Eng. H. B. 146) was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 146) passed with its title.

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

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

Eng. House Bill 148—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Executive, Governor's Office, fund 0101, fiscal year 2019, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019.

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

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

The bill was read a second time and ordered to third reading.

Having been engrossed, the bill (Eng. H. B. 148) was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: Smith—1.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 148) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard,

Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: Smith—1.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 148) takes effect from passage.

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

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

Eng. House Bill 149—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Executive, Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2019, organization 0100, by supplementing and amending by adding a new item of appropriation for the fiscal year ending June 30, 2019.

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

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

The bill was read a second time and ordered to third reading.

Having been engrossed, the bill (Eng. H. B. 149) was then read a third time and put upon its passage.

Pending discussion,

The question being "Shall Engrossed House Bill 149 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 149) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 149) takes effect from passage.

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

Thereafter, at the request of Senator Woelfel, and by unanimous consent, the remarks by Senator Plymale regarding the passage of Engrossed House Bill 149 were ordered printed in the Appendix to the Journal.

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 150—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 Revenue, Office of the Secretary, Home Rule Board Operations Fund, fund 7010, fiscal year 2020, organization 0701 by supplementing and amending the appropriations for the fiscal year ending June 30, 2020.

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

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

The bill was read a second time and ordered to third reading.

Having been engrossed, the bill (Eng. H. B. 150) was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 150) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 150) takes effect from passage.

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

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

Eng. House Bill 151—A Bill making a supplementary appropriation of Lottery Net Profits by increasing existing items of appropriation from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits to the Department of Arts, Culture and History, Division of Culture and History, Lottery Education Fund, fund 3534, fiscal year 2020, organization 0432, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020.

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

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

The bill was read a second time and ordered to third reading.

Having been engrossed, the bill (Eng. H. B. 151) was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 151) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 151) takes effect from passage.

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

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

Eng. House Bill 152—A Bill making a supplementary appropriation by adding a new item and increasing the expenditure of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Revenue, State Budget Office, fund 0595, fiscal year 2019, organization 0703, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019.

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

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

The bill was read a second time and ordered to third reading.

Having been engrossed, the bill (Eng. H. B. 152) was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 152) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 152) takes effect from passage.

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

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

Eng. House Bill 153—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Health, Central Office, fund 0407, fiscal year 2019, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019.

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

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

The bill was read a second time and ordered to third reading.

Having been engrossed, the bill (Eng. H. B. 153) was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 153) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 153) takes effect from passage.

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

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

Eng. House Bill 154—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Transportation, Division of Highways, fund 0620, fiscal year 2019, organization 0803, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019.

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

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

The bill was read a second time and ordered to third reading.

Having been engrossed, the bill (Eng. H. B. 154) was then read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed House Bill 154 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 154) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 154) takes effect from passage.

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

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

Eng. Com. Sub. for House Bill 155—A Bill supplementing, amending and increasing an item of existing appropriation from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2020, organization 0803, for the fiscal year ending June 30, 2020.

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

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

The bill was read a second time and ordered to third reading.

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 155) was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 155) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 155) takes effect from passage.

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

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

Eng. House Bill 156—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Environmental Protection, Division of Environmental Protection, fund 0273, fiscal year 2019, organization 0313, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019.

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

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

The bill was read a second time and ordered to third reading.

Having been engrossed, the bill (Eng. H. B. 156) was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 156) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 156) takes effect from passage.

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

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

Eng. House Bill 157—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Military Affairs and Public Safety, Division of Homeland Security and Emergency Management, fund 0443, fiscal year 2019, organization 0606, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019.

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

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

The bill was read a second time and ordered to third reading.

Having been engrossed, the bill (Eng. H. B. 157) was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. 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, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 157) takes effect from passage.

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

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

Eng. Com. Sub. for House Bill 158—A Bill to amend and reenact §18-2E-5 of the Code of West Virginia, 1931, as amended, relating to the process for improving education by requiring the state board to establish a rule for student accountability regarding performance on the statewide summative assessment program.

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. House Bill 159—A Bill to repeal §18-10N-1, §18-10N-2, §18-10N-3, and §18-10N-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5A-3-62, all relating to information technology access for the blind and visually impaired; providing legislative findings and policy; providing definitions; requiring the

purchasing division to develop access standards; requiring agencies to implement access planning in procurement operations; specifying parameters for application of the act; and removing superseded deadlines.

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. House Bill 160—A Bill to repeal §18-10L-1, §18-10L-2, §18-10L-3, §18-10L-4, §18-10L-5, §18-10L-6, §18-10L-7, §18-10M-1, §18-10M-2, §18-10M-3, §18-10M-4, §18-10M-5, §18-10M-6, §18-10M-7, and §18-10M-8 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new article, designated §16-59-1, §16-59-2, §16-59-3, §16-59-4, §16-59-5, §16-59-6, and §16-59-7; and to amend said code by adding thereto a new article, designated §16-60-1, §16-60-2, §16-60-3, §16-60-4, §16-60-5, §16-60-6, §16-60-7, and §16-60-8, all relating generally to moving two existing articles to a more appropriate chapter within the code, said articles concerning public health and aiding persons with disabilities to live independent lives, the Ron Yost Personal Assistance Services Act, and the West Virginia Independent Living Act; providing a short title; providing legislative findings, purposes, principles, and policies; providing for definitions; establishing programs; continuing the West Virginia Statewide Independent Living Council and defining its membership, duties, governance, and authorities; continuing the Ron Yost personal assistance services board and defining its membership, duties, and authorities; providing for a state plan for independent living; establishing program requirements, program services, and program limitations; providing eligibility requirements for programs; providing for funding for programs; authorizing the creation of grants and use of contracts; providing rulemaking authority; and providing for reporting requirements.

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. House Bill 161—A Bill to repeal §18-9D-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-9D-2, §18-9D-3, §18-9D-4, §18-9D-6, §18-9D-7, §18-9D-8, §18-9D-9, §18-9D-13, §18-9D-15 and §18-9D-19, all relating to removing or revising obsolete, outdated, antiquated, inoperative, surplus or superseded provisions relating to defining terms; providing duties and powers of school building authority; providing authority to issue revenue bonds; providing authority to offer higher education savings plans; closing certain fund; providing purposes and revenue sources for other funds; providing authority to collect rents; providing for the use of proceeds of bonds; providing for the issuance of revenue refunding bonds, use of proceeds, entry into escrow agreements and redemption of bonds; paying bonds; expending authority funds for projects; requirements for projects; and authorizing construction of comprehensive high schools.

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 162—A Bill to repeal §18-2-5d, §18-2-13b, §18-2-16, §18-2-16a, §18-2-29, and §18-2-35 of the Code of West Virginia, 1931, as amended; to repeal §18-2K-

1 and §18-2K-4 of said code, as amended; to repeal §18-3-9b of said code; to repeal §18-4-12 of said code; to repeal §18-5-18c, §18-5-18e, and §18-5-43 of said code; to repeal §18-5D-1, and §18-5D-2 of said code; to repeal §18-7A-36 of said code; to repeal §18-8A-1, §18-8A-2, §18-8A-3 and §18-8A-4 of said code; to repeal §18-9A-8a, §18-9A-17, and §18-9A-20 of said code; to repeal §18-9B-11a of said code; to repeal §18-9E-1 of said code; to repeal §18-9F-1 and §18-9F-8 of said code; to repeal §18-10J-1 of said code; and to repeal §18-20-9 of said code, and to amend and reenact §18-2K-2 and §18-2K-3 of said code; to amend and reenact §18-5D-3, §18-5D-4, and §18-5D-5 of said code; to amend said code by adding thereto a new section, designated §18-5D-6; to amend and reenact §18-9A-4, §18-9A-6a, §18-9A-7, §18-9A-16, §18-9A-18, §18-9A-21, and §18-9A-24; to amend and reenact §18-9B-1, §18-9B-2, §18-9B-3, §18-9B-4, §18-9B-5, §18-9B-6, §18-9B-6a, §18-9B-7, §18-9B-8, §18-9B-9, §18-9B-10, §18-9B-12, §18-9B-13, §18-9B-14, §18-9B-15, §18-9B-17, §18-9B-18, §18-9B-19, §18-9B-20 and §18-9B-21 of said code; to amend and reenact §18-9E-3, §18-9E-4, and §18-9E-5 of said code; to amend and reenact §18-9F-3, §18-9F-4, and §18-9F-9 of said code; to amend and reenact §18-10J-6 of said code; and to amend and reenact §18-17-3 of said code, all relating to removing antiquated, redundant, or expired provisions of the code; updating references; removing outdated report requirements; removing the requirement for the State Board of Education to consult the Department of Health and Human Services when developing guidelines for care plans; removing dates that are no longer relevant; relating to the public school support program, also known as the school aid funding formula; removing or revising obsolete, outdated, antiquated, inoperative, surplus or superseded provisions; creating the Summer Feeding for All program; specifying legislative findings and declarations for the program; requiring county public schools to conduct an annual survey of students to determine non-school eating patterns and availability of nutritious food; requiring the West Virginia Office of Child Nutrition to assist the counties with the program; requiring county boards to collect and compile information regarding availability of food resources; permitting county school board to investigate and implement programs to facilitate the Summer Feeding for All program; requiring county school boards to provide annual training to train qualified entities on operation of a feeding site; requiring the county board to provide it's survey and findings to Office of Child Nutrition; and requiring the Office of Child Nutrition to monitor program activities and share information between the counties; requiring setting foundation allowance for support personnel; deleting provisions relating to School Construction Fund and the School Building Authority; reducing the proportion of assessed value on certain classifications of property; and removing the requirement of the Legislature to appropriate the budget amount as calculated by the State Superintendent of Schools; removing references to the Division of Health and to RESA entities that no longer exist; updating references to local health departments; updating procedural language for rule-making procedures; removing redundant short titles for articles of the code; removing requirements for consultation with the Department of Health and Human Resources and local boards of health in development of rules and policies; removing references to the Division of Health and to RESA entities that no longer exist; updating references to local health departments; updating procedural language for rule-making procedures; and to repeal provisions relating to the costs providing clothing to indigent pupils attending West Virginia schools for the deaf and blind.

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. House Bill 163—A Bill to repeal §18A-1-3 of the Code of West Virginia, 1931, as amended; and to repeal §18A-4-20 of said code, relating to removing antiquated, redundant, or expired provisions of the code.

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 174—A Bill to repeal §18-5B-1, §18-5B-2, §18-5B-3, §18-5B-4, §18-5B-5, §18-5B-6, §18-5B-7, §18-5B-8, §18-5B-9, §18-5B-10, §18-5B-11, §18-5B-12, §18-5B-13, §18-5B-14, §18-5E-1, §18-5E-2, §18-5E-3, §18-5E-4, §18-5E-5, §18-5E-6, and §18-5E-7 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §18-5G-1, §18-5G-2, §18-5G-3, §18-5G-4, §18-5G-5, §18-5G-6, §18-5G-7, and §18-5G-8, all relating to school innovation; declaring purpose of Innovation Schools; defining terms; setting forth responsibilities for Innovation Schools; allowing Innovation Schools to solicit and accept gifts to use in support of Innovation School; requiring state board to promulgate rule setting forth application process to receive Innovation School; requiring an Innovation School plan; setting forth required contents of Innovation School plan; setting forth evaluation process for Innovation Schools; specifying action that may be taken following Innovation School evaluation; creating the Innovation School Fund; providing an avenue for flexibility for high performing schools; and clarifying article does not affect prior Innovation Zone or Innovation in Education designations.

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 192—A Bill to amend and reenact §18A-3-7 of the Code of West Virginia, 1931, as amended, relating to certain fees for teaching, administrative, and support certificates established by the State Board of Education; limiting certain fees for teaching, administrative, and support certificates established by the State Board of Education for out-of-state applicants with comparable out-of-state certifications, and capping fees at in-state levels for teaching, administrative, and support certificates for out-of-state applicants without comparable out-of-state certifications.

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 193—A Bill to amend and reenact §18A-2-7a of the Code of West Virginia, 1931, as amended, relating to a statewide school personnel job bank; requiring that a total compensation statement be contained within a job notice; and defining terms.

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

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

The bill (Eng. Com. Sub. for H. B. 193) was then read a second time.

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

By striking out everything after the enacting clause and inserting in lieu thereof the following:

ARTICLE 2. SCHOOL PERSONNEL.

§18A-2-7a. Statewide job bank.

(a) The state board shall establish and maintain a statewide job bank to assist the recruitment and reemployment of experienced professional personnel. ~~whose employment with county boards has been terminated because of a reduction in force.~~ The job bank shall consist of ~~two~~ parts the following for each county:

(1) A list of the names, qualifications, and contact information of all professional personnel who have been terminated because of a reduction in force, except personnel who have requested in writing that they not be listed in the job bank; ~~and~~

(2) A list of professional positions for which the county is seeking applicants; and

(3) A total compensation statement for each listed position.

(b) The job bank shall be accessible electronically to each county and to individuals on a read only basis, except that each county shall have the capability of editing information for the county and shall be responsible for maintaining current information on the county lists.

(c) The following terms are defined as follows:

(1) "Direct compensation" means base salary and incentives that are provided regularly and consistently.

(2) "Indirect compensation" means any noncash benefit provided to an employee, including, but not limited to:

(A) Health insurance;

(B) Dental insurance;

(C) Vision insurance;

(D) Life insurance;

(E) Disability income protection;

(F) Retirement benefits;

(G) Employer student loan contributions or other employee assistance programs;

(H) Educational benefits;

(I) Childcare;

(J) Relocation benefits; and

(K) Vacation leave, sick leave, and any other form of paid time-off.

(3) "Total compensation statement" means a list of direct and indirect compensation provided or offered for a position, including an itemized list of the types of compensation provided or offered and a cumulative total of the value of all compensation provided or offered.

The bill, as amended, was ordered to third reading.

Having been engrossed, the bill (Eng. Com. Sub. for H. B. 193) was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for H. B. 193) passed.

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

Eng. Com. Sub. for House Bill 193—A Bill to amend and reenact §18A-2-7a of the Code of West Virginia, 1931, as amended, relating to the statewide school personnel job bank; expanding the purpose of the statewide job bank to include the recruitment and reemployment of professional experienced personnel; requiring that a total compensation statement be contained within a job posting on the statewide job bank; and defining terms.

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 6:10 p.m., the Senate recessed for 15 minutes.

The Senate reconvened at 6:28 p.m. and resumed business under the third order.

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 206—A Bill to amend and reenact §5-16-2 and §5-16-22 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-15-9s; to amend and reenact §15-1B-24 of said code; to amend said code by adding thereto a new section, designated §18-2E-12; to amend and reenact §18-5-14, §18-5-16, §18-5-16a, §18-5-18a, §18-5-18b, and §18-5-46 of said code; to amend said code by adding thereto a new section, designated §18-5-48; to amend and reenact §18-5A-2, §18-5A-3 and §18-5A-5 of said code; to amend said code by adding thereto a new article, designated §18-5G-1, §18-5G-2, §18-5G-3, §18-5G-4, §18-5G-5, §18-5G-6, §18-5G-7, §18-5G-8, §18-5G-9, §18-5G-10, §18-5G-11 and §18-5G-12; to amend and reenact §18-7A-3 of said code; to amend and reenact §18-7B-2 of said code; to amend and reenact §18-8-4 of said code; to amend and reenact §18-9A-2, §18-9A-8 and §18-9A-9 of said code; to amend said code by adding thereto a new section, designated §18-9A-19; to amend said code by adding thereto a new section, designated §18-9B-22; to amend and reenact §18-20-5 of said code; to amend and reenact §18A-4-2, §18A-4-5, §18A-4-5a, §18A-4-7a, §18A-4-8a, and §18A-4-10 of said code; to amend and reenact §18C-4-1, §18C-4-2, §18C-4-3, §18C-4-4, and §18C-4-5 of said code; to amend and reenact §18C-4A-1, §18C-4A-2, and §18C-4A-3 of said code; and to amend and reenact §29-12-5a of said code, all relating to public education; allowing public charter schools to participate in the Public Employees Insurance Agency insurance program; exempting the purchase of certain goods from sales tax for a period of time; requiring the Governor to expand Mountaineer Challenge Academy at its existing location; permitting creation of a new Mountaineer Challenge Academy location subject to agreement required under federal law; requiring the State Board of Education to implement the Mountain State Digital Literacy Project as a pilot project; modifying requirements for policies to promote school board effectiveness and eliminating requirement for filing and refiling policies with state board; limiting meetings with improvement councils to those at low performing schools; modifying agenda for meeting with school improvement council; eliminating reporting requirement; permitting county boards to establish attendance zones; replacing existing provisions pertaining to student transfers with requirement for county boards to establish an open enrollment policy; requiring appeal process whereby a parent or guardian can appeal the refusal of a county board to accept the transfer of the student; requiring the county to which a student is transferred include the student in its net enrollment in certain instances; providing that certain transfer provisions do not supersede eligibility requirements for participation in extracurricular activities established by the Secondary School Activities Commission; modifying student-teacher ratios; requiring the West Virginia Department of Education to survey districts to determine where overcrowding is impeding student achievement and requiring considerations therefore; increasing percentage of work time school counselors are required to spend in a direct counseling relationship with pupils; providing that the teacher's recommendation is a primary consideration in determining student promotion; authorizing county board to establish by policy an exceptional needs fund from certain surpluses and listing provisions that may be included; modifying membership of improvement councils; increasing prior notice of local school improvement council meetings; removing term limits for chair of council; removing council duty for meeting on student discipline issues and reporting to countywide council on productive and safe schools; requiring at least one council meeting annually for dialogue with parents and others on school's academic performance and standing; requiring meeting of certain council members of low performing school with county board and providing minimum issues to be addressed; referencing council authority to propose alternatives and request waivers of rules, policies, interpretations and state statutes; expanding issues on which school required to cooperate with council to promote innovations and improvements; removing reporting requirements; authorizing county boards to designate innovation schools and provide funding; reorganizing and clarifying authority and procedures for

local school improvement councils to propose alternatives to the operation of school including request of waiver to rules, policies, interpretations and state statutes; preserving primary authority of county board to approve alternatives subject to grant of necessary waivers by other bodies; authorizing off-site classrooms; increasing faculty senate allotment to classroom teachers and librarians; stating legislative intent and purpose of public charter school provisions; providing for liberal interpretation; prohibiting interpretation to allow conversion of private schools to public charter school; prohibiting elected official from profit or compensation except continued employment at school converted; limiting total number of public charter school authorized and in operation under an approved contract with periodic increases following reports by the State Board to the Legislative Oversight Commission on Education Accountability; providing that the Mountain Challenge Academy does not count toward total public charter schools; defining terms; specifying required general criteria that public charter schools must meet; establishing general provisions for public charter school governing boards; enumerating laws, policies, and codes that charter schools must comply with; providing powers and duties of state board for implementation, general supervision and support for public charter schools; requiring best practices catalogue, provision of forms, and training programs; authorizing receipt and expenditure of gifts, grants and donations and application for federal funds; reporting requirements and reports to Governor and Legislature; requiring state board as authorizer in certain instances; requiring state board rules related to funding, authorizer oversight funding, and other necessary issues; authorizing state board rule for ensuring accountability; specifying local education agency status; providing for authorizer powers and duties with respect applications, contracts to oversight and authorization; requiring appropriate corrective action or sanctions in response to deficiencies; providing authorization to require reports; requiring payment of oversight fee; prohibiting attachment of civil liability to authorizer, members or employees for acts or omissions of public charter school; limiting regulation of public charter schools by state and county boards to powers and duties as authorizers; establishing public charter school governing board membership, qualifications, status as public corporate body and authorized powers; listing governing board responsibilities for operation of public charter school; authorizing participation in cocurricular and extracurricular activities; mandating compliance with freedom of information and open governmental proceedings; providing for contents of application to form public charter school; specifying items to be addressed in charter contracts, contract term and execution; providing process for contract renewal, performance report and time frame for final determination; providing that failure of authorizer to act to be deemed approval; providing for revocation of charter contracts and specifying grounds; declaring authorizer responsibilities for closure when contract not renewed or revoked; providing for closure protocol and removal of governing board members; providing for processes for student enrollment in public charter schools; requiring publication of enrollment option by school and county board; prohibiting mandated enrollment or departures of students at a public charter school; requiring designation of primary recruitment area, its effect and basis; prohibiting discrimination in enrollment with allowance for program focus on students with special needs; authorizing establishment of enrollment preferences; establishing effect of enrollment preference on enrollment, excess capacity and random lottery when capacity exceeded; providing for student transfers to noncharter schools; requiring access to electronic information system for reporting student and school performance, certification of enrollment, attendance and other student information to Department of Education; providing process for public charter school use or lease of public facilities; allowing public charter schools to elect to participate in certain state retirement systems; modifying requirements applicable after certain numbers of unexcused student absences; including professional personnel providing direct social and emotional support services to students and professional personnel addressing chronic absenteeism within the definition of "professional student support personnel"; modifying definition of net enrollment; increasing calculated net enrollment for the purposes of determining a county's basic foundation program of certain counties with an actual net enrollment of less than 1,400; decreasing the

percent of the levy rate used to calculate local share; basing the basic foundation allowance for professional student support personnel on a ratio of positions per students and providing that nothing in section precludes public-private partnerships or contracts to provide services; providing one year hold-harmless on number of positions funded; increasing the percentage used to calculate each county's allowance for current expense; increasing allotment for academic materials, supplies and equipment; requiring that each county board receive its allocated state aid share of the county's basic foundation program in the form of block grants; requiring the State Superintendent to provide the State Auditor with the required data for use by the searchable budget data website; including public charter schools in the provisions pertaining to an appropriation to serve certain exceptional children; increasing teacher salaries; providing that certain math and special education teachers be considered to have three additional years of experience for the purposes of the salary schedule; providing equivalent amount in teacher's experience exceeds salary schedule maximum years; removing definition of salary equity among the counties; removing requirement that Department of Education include in its budget request a request for funding sufficient to meet the objective of salary equity; adding to exceptions to requirement that county salary schedules be uniform; providing for determination of seniority by random lottery within thirty days of employment for teachers employed on same date; requiring county board to base all decisions on reductions in force and reemployment on seniority, certification, licensure and performance evaluations; listing criteria county board must consider; requiring consideration of performance evaluations; modifying provisions pertaining to the preferred recall list and posting of position openings; removing requirement for county board to annually make available a list of all professional personnel employed, their areas of certification, and their seniority; providing that all personnel in a public charter school accrue seniority for the purpose of employment in noncharter public schools; increasing monthly pay for service personnel; increasing leave without cause days from three to four; requiring a bonus for classroom teachers who have not used more than four days of personal leave during the employment term; renaming the Underwood-Smith Teacher Scholarship and Loan Assistance programs the Underwood-Smith Teaching Scholars Program and the Teacher Education Loan Repayment Program; modifying requirements for Higher Education Policy Commission rules providing for administration of the programs; requiring that Underwood-Smith Teaching Scholars award recipients receive additional academic support and training from mentors in their academic field; continuing the Underwood-Smith Teacher Scholarship and Loan Assistance Fund as the Underwood-Smith Teaching Scholars Program Fund; requiring each award recipient to be distinguished as an Underwood-Smith Teaching Scholar; establishing uses for moneys in the Underwood-Smith Teaching Scholars Program Fund; providing for continuation of certain terms, conditions, requirements, and agreements; requiring the Vice Chancellor for Administration to appoint a selection panel to select Underwood-Smith Teaching Scholars; modifying eligibility criteria for Underwood-Smith Teaching Scholars; modifying Underwood-Smith Teaching Scholars award agreement requirements; modifying renewal requirements for an Underwood-Smith Teaching Scholars award; modifying conditions under which a recipient is not in violation of the agreement; requiring Underwood-Smith Teaching Scholars award to be used in preparation for becoming a teacher in a critical shortage field in the public schools of this state; increasing the amount of the annual award; requiring as a condition of loan repayment award eligibility an applicant to be currently employed in a public school in this state in a critical teacher shortage field or as a school counselor in a school or geographic area of the state identified as an area of critical need for such field; requiring as a condition of eligibility an applicant to agree to be employed full time for two school years in a critical teacher shortage field or as a school counselor in a school or geographic area of critical need for such field for each year for which a loan repayment assistance award is received; modifying provisions pertaining to the amount of loan assistance and the requirements for eligibility; modifying eligibility requirements for renewal of scholarship award and loan repayment assistance award; removing accumulated limit on loan

repayment awards; increasing minimum Board of Risk and Insurance Management coverage; requiring at least annual written notice of Board of Risk and Insurance Management insurance coverages by county boards to employee insureds; allowing public charter schools to obtain insurance coverage from the Board of Risk and Insurance Management; providing effective dates and making technical changes.

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

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

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

The nays were: Unger—1.

Absent: Smith—1.

The bill (Eng. H. B. 206) was then read a second time.

On motions of Senators Prezioso, Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Plymale, Palumbo, Romano, Stollings, Unger, and Woelfel, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On pages seven through thirteen, by striking out all of article sixteen;

On pages forty-eight through eighty-one, by striking out all of article five-g;

On pages eighty-one through eighty-six, by striking out all of article seven-a;

On pages eighty-six through eighty-nine, by striking out all of article seven-b;

On page one hundred four, section five, lines seventeen and eighteen, by striking out the words “and public charter schools authorized pursuant to §18-18 5G-1 *et seq.* of this code”;

On page one hundred four, section five, line twenty, by striking out the words “and public charter school”;

On page one hundred four, section five, line twenty-five, by striking out the words “and public charter schools”;

On page one hundred four, section five, line twenty-eight, by striking out the words “and public charter schools”;

On page one hundred four, section five, line thirty, by striking out the words “and public charter schools”;

On page one hundred twenty-four, section seven-a, lines two hundred forty through two hundred forty-two, by striking out all of subsection (v);

On pages one hundred fifty-two and one hundred fifty-three, section five-a, lines forty-seven through fifty-nine, by striking out all of subsection (g);

And,

By relettering the remaining subsection.

Following discussion,

The question being on the adoption of the amendments offered by Senators Prezioso, Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Plymale, Palumbo, Romano, Stollings, Unger, and Woelfel to the bill, and on this question, Senator Lindsay demanded the yeas and nays.

The roll being taken, the yeas were: Baldwin, Beach, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Palumbo, Plymale, Prezioso, Romano, Stollings, and Unger—15.

The nays were: Azinger, Blair, Boley, Boso, Clements, Cline, Maroney, Maynard, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, and Carmichael (Mr. President)—19.

Absent: None.

So, a majority of those present and voting not having voted in the affirmative, the President declared the amendments offered by Senators Prezioso, Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Plymale, Palumbo, Romano, Stollings, Unger, and Woelfel to the bill rejected.

On motions of Senators Prezioso, Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Plymale, Palumbo, Romano, Stollings, Unger, and Woelfel, the following amendment to the bill (Eng. H. B. 206) was next reported by the Clerk:

On page fifty, section one, after line forty-one, by inserting a new subsection, designated subsection (h), to read as follows:

(h) A public charter school may only be authorized in a county that contains a school or schools that are currently designated as a federal Title I eligible school or is currently identified as underachieving by the state board pursuant to §18-2E-5(i) of this code.

The question being on the adoption of the amendment offered by Senators Prezioso, Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Plymale, Palumbo, Romano, Stollings, Unger, and Woelfel to the bill, the same was put and did not prevail.

On motions of Senators Prezioso, Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Plymale, Palumbo, Romano, Stollings, Unger, and Woelfel, the following amendments to the bill (Eng. H. B. 206) were next reported by the Clerk and considered simultaneously:

On page fifty-one, section two, line twenty-two, after the word “system” by inserting the words “pursuant to §18-2E-5(n) of this code”;

And,

On page seventy-seven, section ten, lines eighty-one and eighty-two, after the word “transition” by striking out the comma and the words “following exhaustion of any appeal allowed under §18-5G-13 of this code”.

The question being on the adoption of the amendments offered by Senators Prezioso, Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Plymale, Palumbo, Romano, Stollings, Unger, and Woelfel to the bill, the same was put and did not prevail.

On motions of Senators Prezioso, Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Plymale, Palumbo, Romano, Stollings, Unger, and Woelfel, the following amendments to the bill (Eng. H. B. 206) were next reported by the Clerk and considered simultaneously:

On page one hundred thirty-seven, section ten, line eighty, by striking out the words “classroom teacher” and inserting in lieu thereof the words “full-time employee of the county board”;

On page one hundred thirty-seven, section ten, line eighty-one, by striking out the word “200-day”;

On page one hundred thirty-seven, section ten, line eighty-three, by striking out the words “classroom teachers” and inserting in lieu thereof the words “full-time employees of the county board”;

And,

On page one hundred thirty-seven, section ten, lines eighty-four and eighty-five, by striking out the words “classroom teacher” and inserting in lieu thereof the words “full-time employees of the county board”.

The question being on the adoption of the amendments offered by Senators Prezioso, Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Plymale, Palumbo, Romano, Stollings, Unger, and Woelfel to the bill, and on this question, Senator Ihlenfeld demanded the yeas and nays.

The roll being taken, the yeas were: Baldwin, Beach, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—16.

The nays were: Azinger, Blair, Boley, Boso, Clements, Cline, Maroney, Maynard, Roberts, Rucker, Smith, Swope, Sybolt, Takubo, Tarr, Trump, Weld, and Carmichael (Mr. President)—18.

Absent: None.

So, a majority of those present and voting not having voted in the affirmative, the President declared the amendments offered by Senators Prezioso, Baldwin, Beach, Facemire, Hardesty,

Ihlenfeld, Jeffries, Lindsay, Plymale, Palumbo, Romano, Stollings, Unger, and Woelfel to the bill rejected.

On motion of Senators Prezioso, Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Plymale, Palumbo, Romano, Stollings, Unger, and Woelfel, the following amendments to the bill (Eng. H. B. 206) were next reported by the Clerk and considered simultaneously:

On page eighteen, section fourteen, lines twelve through twenty-four, by striking out all of paragraph (A) and inserting in lieu thereof a new paragraph, designated paragraph (A), to read as follows:

“(A) Meet at least annually with a quorum of members from each local school improvement council in the district, at a time and in a manner to be determined by the county board, except, in order to facilitate scheduling, the county board may adopt an alternate procedure allowing it to conduct the required annual meeting with each council in the absence of a quorum of council members if the alternate procedure has received prior approval from the state board and if the school district serves more than twenty thousand students or has more than twelve public schools.

Nothing in this section prohibits a county board from meeting with representatives of a local school improvement council, but at least one annual meeting shall be held, as specified in this section.

At any time and with reasonable advance notice, county boards may schedule additional meetings with the council for any low performing school in the district;”;

On page thirty-two, section two, line eight, by striking out the word “Three” and inserting in lieu thereof the word “Four”;

On page thirty-two, section two, line eight, after the word “school” by inserting a comma and the words “one of whom must be the parent of a special-needs student,”;

On page thirty-three, section two, after line seventeen, by inserting a new subdivision, designated subdivision (6), to read as follows:

“(6) A mental health professional;”;

And by renumbering the remaining subdivisions;

On page thirty-three, section two, line thirty, after the word “held” by inserting the following: Notice of the election must be posted on a bulletin board at the school and on a public website maintained by the school, if the school has one.;

On page thirty-five, section two, line sixty-six, after the word “meeting” by inserting the following: An agenda for regularly scheduled meetings must be posted on a bulletin board in a publicly accessible place at the school and on a public website maintained by the school, if the school has one, at least 24 hours prior to the meeting.;

And,

On page thirty-five, section two, lines eighty-two through ninety-three, by striking out all of subsection (i) and inserting in lieu thereof a new subsection, designated subsection (i), to read as follows:

(i) The local school improvement council shall meet at least annually with the county board, in accordance with the provisions in section fourteen, article five of this chapter. At this annual meeting, the local school improvement council chair, or another member designated by the chair, shall be prepared to address any matters as may be requested by the county board as specified in the meeting agenda provided to the council and may further provide any other information, comments or suggestions the local school improvement council wishes to bring to the county board's attention. Anything presented under this subsection shall be submitted to the county board in writing.

Senator Mann 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 he is a member of two local school improvement councils.

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

The question being on the adoption of the amendments offered by Senators Prezioso, Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Plymale, Palumbo, Romano, Stollings, Unger, and Woelfel to the bill, the same was put and did not prevail.

On motions of Senators Prezioso, Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Plymale, Palumbo, Romano, Stollings, Unger, and Woelfel, the following amendment to the bill (Eng. H. B. 206) was next reported by the Clerk:

On pages ninety-four through one hundred, by striking out all of section two and inserting in lieu thereof a new section, designated section two, to read as follows:

§18-9A-2. Definitions.

(a) For the purpose of this article:

~~(a) "State board" means the West Virginia Board of Education~~

~~(b) "County board" or "board" means a county board of education.~~

~~(c) "Professional salaries" means the state legally mandated salaries of the professional educators as provided in article four, chapter eighteen-a of this code~~

"High-density county" means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to subdivision (5), subsection (i) of this section, of the definition of "net enrollment", to the square miles of the county is equal to or greater than 20.

"Levies for general current expense purposes" means 85 percent of the levy rate for county boards of education calculated or set by the Legislature pursuant to §11-8-6f of this code.

"Low-density county" means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to subdivision (5), subsection (i) of this section, of the

definition of “net enrollment”, to the square miles of the county is equal to or greater than five but less than 10.

“Medium-density county” means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to subdivision (5), subsection (i) of this section, of the definition of “net enrollment”, to the square miles of the county is equal to or greater than 10 but less than 20.

“Net enrollment” means the number of pupils enrolled in special education programs, kindergarten programs and grades one to 12, inclusive, of the public schools of the county. Net enrollment further shall include:

(1) Adults enrolled in regular secondary vocational programs existing as of the effective date of this section, subject to the following:

(A) Net enrollment includes no more than 2,500 of those adults counted on the basis of full-time equivalency and apportioned annually to each county to support Advanced Career Education programs as provided in §18-2E-11 of this code, in proportion to the adults participating in regular secondary vocational programs in the prior year counted on the basis of full-time equivalency; Provided that, beginning with the 2021 fiscal year and every year thereafter, a career technical education center may only receive the funding for enrollment as authorized by this paragraph if the center has satisfied the requirements of §18-2E-11 of this code ; and

(B) Net enrollment does not include any adult charged tuition or special fees beyond that required of the regular secondary vocational student;

(2) Students enrolled in early childhood education programs as provided in §18-5-44 of this code, counted on the basis of full-time equivalency;

(3) A pupil may not be counted more than once by reason of transfer within the county or from another county within the state, and a pupil may not be counted who attends school in this state from another state;

(4) The enrollment shall be modified to the equivalent of the instructional term and in accordance with the eligibility requirements and rules established by the state board; and

(5) For the purposes of determining the county’s basic foundation program only, for any county whose net enrollment as determined under all other provisions of this definition is less than 1,400, the net enrollment of the county shall be increased by an amount to be determined in accordance with the following:

(A) Divide the state’s lowest county student population density by the county’s actual student population density;

(B) Multiply the amount derived from the calculation in paragraph (A) of this subdivision by the difference between 1,400 and the county’s actual net enrollment;

(C) Add the amount derived from the calculation in paragraph (B) of this subdivision to the county’s actual net enrollment and increase that total amount by 10 percent;

(D) If the net enrollment as determined under this subdivision is greater than 1,400, the calculated net enrollment shall be reduced to 1,400; and

(E) During the 2008-2009 interim period and every three interim periods thereafter, the Legislative Oversight Commission on Education Accountability shall review this subdivision to determine whether these provisions properly address the needs of counties with low enrollment and a sparse population density.

(d) "Professional educator" shall be synonymous with and shall have the same meaning as "teacher" as defined in §18-1-1 of this code, and includes technology integration specialists.

(e) "Professional instructional personnel" means a professional educator whose regular duty is as that of a classroom teacher, librarian, attendance director or school psychologist. A professional educator having both instructional and administrative or other duties shall be included as professional instructional personnel for that ratio of the school day for which he or she is assigned and serves on a regular full-time basis in appropriate instruction, library, attendance or psychologist duties.

"Professional salaries" means the state legally mandated salaries of the professional educators as provided in §18A-4-1 et seq. of this code.

(f) "Professional student support personnel" means a "teacher" as defined in §18-1-1 of this code who is assigned and serves on a regular full-time basis as a counselor or as a school nurse with a bachelor's degree and who is licensed by the West Virginia Board of Examiners for Registered Professional Nurses. Professional student support personnel shall also include professional personnel providing direct social and emotional support services to students, including, but not limited to, social workers and psychologists. For all purposes except for the determination of the allowance for professional educators pursuant to §18-9A-4 of this code, professional student support personnel are professional educators.

~~(g) "Service personnel salaries" means the state legally mandated salaries for service personnel as provided in section eight-a, article four, chapter eighteen-a of this code~~

~~(h) "Service personnel" means all personnel as provided in §18A-4-8 of this code. For the purpose of computations under this article of ratios of service personnel to net enrollment, a service employee shall be counted as that number found by dividing his or her number of employment days in a fiscal year by 200: *Provided*, That the computation for any service person employed for three and one-half hours or less per day as provided in §18A-4-8 of this code shall be calculated as one half an employment day.~~

"Service personnel salaries" means the state legally mandated salaries for service personnel as provided in §18A-4-8a of this code.

~~(i) "Net enrollment" means the number of pupils enrolled in special education programs, kindergarten programs and grades one to twelve, inclusive, of the public schools of the county. Net enrollment further shall include:~~

~~(1) Adults enrolled in regular secondary vocational programs existing as of the effective date of this section, subject to the following:~~

~~(A) Net enrollment includes no more than one thousand of those adults counted on the basis of full-time equivalency and apportioned annually to each county in proportion to the adults participating in regular secondary vocational programs in the prior year counted on the basis of full-time equivalency; and~~

~~(B) Net enrollment does not include any adult charged tuition or special fees beyond that required of the regular secondary vocational student;~~

~~(2) Students enrolled in early childhood education programs as provided in section forty-four, article five of this chapter, counted on the basis of full-time equivalency;~~

~~(3) No pupil shall be counted more than once by reason of transfer within the county or from another county within the state, and no pupil shall be counted who attends school in this state from another state;~~

~~(4) The enrollment shall be modified to the equivalent of the instructional term and in accordance with the eligibility requirements and rules established by the state board; and~~

~~(5) For the purposes of determining the county's basic foundation program only, for any county whose net enrollment as determined under all other provisions of this definition is less than one thousand four hundred, the net enrollment of the county shall be increased by an amount to be determined in accordance with the following:~~

~~(A) Divide the state's lowest county student population density by the county's actual student population density;~~

~~(B) Multiply the amount derived from the calculation in paragraph (A) of this subdivision by the difference between one thousand four hundred and the county's actual net enrollment;~~

~~(C) If the increase in net enrollment as determined under this subdivision plus the county's net enrollment as determined under all other provisions of this subsection is greater than one thousand four hundred, the increase in net enrollment shall be reduced so that the total does not exceed one thousand four hundred; and~~

~~(D) During the 2008-2009 interim period and every three interim periods thereafter, the Legislative Oversight Commission on Education Accountability shall review this subdivision to determine whether or not these provisions properly address the needs of counties with low enrollment and a sparse population density~~

~~(j) "Sparse-density county" means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to subdivision (5), subsection (i) of this section, of the definition of "net enrollment", to the square miles of the county is less than five.~~

"State board" means the West Virginia Board of Education.

"State aid eligible personnel" means all professional educators and service personnel employed by a county board in positions that are eligible to be funded under this article and whose salaries are not funded by a specific funding source such as a federal or state grant, donation, contribution or other specific funding source not listed.

~~(k) “Low-density county” means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to subdivision (5), subsection (i) of this section, of the definition of “net enrollment”, to the square miles of the county is equal to or greater than five but less than ten.~~

~~(l) “Medium-density county” means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to subdivision (5), subsection (i) of this section, of the definition of “net enrollment”, to the square miles of the county is equal to or greater than ten but less than twenty.~~

~~(m) “High-density county” means a county whose ratio of net enrollment, excluding any increase in the net enrollment of counties, pursuant to subdivision (5), subsection (i) of this section, of the definition of “net enrollment”, to the square miles of the county is equal to or greater than twenty.~~

~~(n) “Levies for general current expense purposes” means ninety percent of the levy rate for county boards of education calculated or set by the Legislature pursuant to section six-f, article eight, chapter eleven of this code~~

~~(o) “Technology integration specialist” means a professional educator who has expertise in the technology field and is assigned as a resource teacher to provide information and guidance to classroom teachers on the integration of technology into the curriculum.~~

~~(p) “State aid eligible personnel” means all professional educators and service personnel employed by a county board in positions that are eligible to be funded under this article and whose salaries are not funded by a specific funding source such as a federal or state grant, donation, contribution or other specific funding source not listed~~

(b) The amendments to this section during the 2019 First Extraordinary Session of the Legislature shall be effective for the 2019-2020 funding year, and the provisions of this section existing immediately prior to the 2019 First Extraordinary Session of the Legislature remain in effect for funding years prior to the 2019-2020 funding year.

Following discussion,

The question being on the adoption of the amendment offered by Senators Prezioso, Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Plymale, Palumbo, Romano, Stollings, Unger, and Woelfel to the bill, and on this question, Senator Baldwin demanded the yeas and nays.

The roll being taken, the yeas were: Baldwin, Beach, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—16.

The nays were: Azinger, Blair, Boley, Boso, Clements, Cline, Maroney, Maynard, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, and Carmichael (Mr. President)—18.

Absent: None.

So, a majority of those present and voting not having voted in the affirmative, the President declared the amendment offered by Senators Prezioso, Baldwin, Beach, Facemire, Hardesty,

Ihlenfeld, Jeffries, Lindsay, Plymale, Palumbo, Romano, Stollings, Unger, and Woelfel to the bill rejected.

On motions of Senators Hamilton, Prezioso, Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Plymale, Palumbo, Romano, Stollings, Unger, and Woelfel, the following amendments to the bill (Eng. H. B. 206) were next reported by the Clerk and considered simultaneously:

On page forty-eight, section one, line four, after the word “members” by inserting the words “in accordance with Article XII, §10 of the West Virginia Constitution”;

On page fifty, section one, after line forty-one, by inserting a new subsection, designated subsection (h), to read as follows:

(h) A public charter school may not be authorized under this article until a local option election is held in the county in which the public charter school will be located and a majority of the voters of that county voting on the question approve authorization of the public charter school.

(1) A local option election shall be held in conjunction with the next primary or general election scheduled more than 90 days following receipt by the county commission of a written notice from an authorizer requesting that the question be placed on the ballot.

(2) The county commission of the county in which the public charter school will be located shall give notice to the public of the election by publication of the notice as a Class II-0 legal advertisement in compliance with the provisions of §59-3-1 et seq. of this code and the publication area for the publication shall be the county in which the election is to be held. The date of the last publication of the notice shall fall on a date at least 30 days preceding the day of the election.

(3) On the local option election ballot shall be printed the following:

Shall a public charter school be permitted in [Name of County] County?

[] Yes [] No (Place a cross mark in the square next to your choice.);

On page sixty-two, section six, after line three, by inserting a new subdivision, designated subdivision (1), to read as follows:

“(1) Hold a local option election in accordance with §18-5G-1(h) of this code;”;

And,

By renumbering the remaining subdivisions.

The question being on the adoption of the amendments offered by Senators Hamilton, Prezioso, Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Plymale, Palumbo, Romano, Stollings, Unger, and Woelfel to the bill, and on this question, Senator Unger demanded the yeas and nays.

The roll being taken, the yeas were: Baldwin, Beach, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, and Woelfel—
16.

The nays were: Azinger, Blair, Boley, Boso, Clements, Cline, Maroney, Maynard, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, and Carmichael (Mr. President)—18.

Absent: None.

So, a majority of those present and voting not having voted in the affirmative, the President declared the amendments offered by Senators Hamilton, Prezioso, Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Plymale, Palumbo, Romano, Stollings, Unger, and Woelfel to the bill rejected.

The bill was ordered to third reading.

Having been engrossed, the bill (Eng. H. B. 206) was then read a third time and put upon its passage.

On motion of Senator Takubo, at 7:03 p.m., the Senate recessed for 10 minutes.

The Senate reconvened at 7:27 p.m. and resumed consideration of

Eng. House Bill 206, Relating to public education.

The question being “Shall Engrossed House Bill 206 pass?”

Pending extended discussion,

The question being “Shall Engrossed House Bill 206 pass?”

Senators Palumbo, Ihlenfeld, and Mann, respectively, requested rulings from the Chair as to whether they should be excused from voting under Rule 43 of the Rules of the Senate.

The Chair replied that any impact on Senators Palumbo, Ihlenfeld, and Mann would be as members of a class of persons and that they would be required to vote.

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Clements, Cline, Maroney, Maynard, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, and Carmichael (Mr. President)—18.

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

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 206) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 206) takes effect from passage.

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

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

House Concurrent Resolution 102—Requesting the Joint Committee on Government and Finance to conduct an interim study on the desired vision and future for public education in West Virginia.

Referred to the Committee on Rules.

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 103—Requesting the Joint Committee on Government and Finance to conduct an interim study on the desired vision and future of the Albert Yanni Programs of Excellence in Vocational-Technical Education.

Referred to the Committee on Rules.

The Senate proceeded to the sixth order of business.

The following bills were introduced and read by their titles:

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

Senate Bill 1043—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Executive, Governor's Office, fund 0101, fiscal year 2019, organization 0100, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019.

Referred to the Committee on Rules.

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

Senate Bill 1044—A Bill to amend and reenact §5-22-1 of the Code of West Virginia, 1931, as amended, relating to permitting work performed as part of disaster mitigation or recovery originating from a declared state of preparedness or state of emergency be contracted out on an open-ended basis; specifying certain conditions for fair and competitive bidding; and providing examples of a construction project.

Referred to the Committee on Government Organization.

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

Senate Bill 1045—A Bill to amend and reenact §16-53-1 of the Code of West Virginia, 1931, as amended, relating to the establishment and funding of substance use disorder treatment and recovery facilities.

Referred to the Committee on Health and Human Resources.

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

Senate Bill 1046—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-2-1n, relating to creating a pilot program to encourage utility infrastructure development to certain lands; declaring certain legislative findings; defining certain terms; requiring the Secretary of Commerce to consider certain applications; allowing the secretary to certify sites that do not currently have adequate public utility services from one or more public utilities regulated by the Public Service Commission as having potential for industrial development; requiring the Public Service Commission to consider certain multiyear comprehensive plans for infrastructure development to construct public utility infrastructure and provide services to industrial development sites as certified by the secretary, in lieu of a proceeding pursuant to §24-2-11 of this code; requiring the applicant to publish the anticipated rates and, if any, rate increase under the proposal, by average percentage and dollar amount for customers within a class of service, as a Class I legal advertisement; providing the Public Service Commission with the authority to allow certain public utility infrastructure projects to recover certain costs via ratemaking; providing for the expiration of certain statutory provisions; and providing for an effective date.

Referred to the Committee on Rules.

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

Senate Bill 1047—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Executive, Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2019, organization 0100, by supplementing and amending by adding a new item of appropriation for the fiscal year ending June 30, 2019.

Referred to the Committee on Rules.

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

Senate Bill 1048—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 Revenue, Office of the Secretary, Home Rule Board Operations Fund, fund 7010, fiscal year 2020, organization 0701, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020.

Referred to the Committee on Rules.

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

Senate Bill 1049—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Transportation, Division of Highways, fund 0620, fiscal year 2019, organization 0803, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019.

Referred to the Committee on Rules.

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

Senate Bill 1050—A Bill making a supplementary appropriation by adding a new item and increasing the expenditure of public moneys out of the Treasury from the balance of moneys

remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Revenue, State Budget Office, fund 0595, fiscal year 2019, organization 0703, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019.

Referred to the Committee on Rules.

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

Senate Bill 1051—A Bill making a supplementary appropriation of Lottery Net Profits by increasing existing items of appropriation from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits to the Department of Arts, Culture, and History, Division of Culture and History, Lottery Education Fund, fund 3534, fiscal year 2020, organization 0432, by supplementing and amending the appropriations for the fiscal year ending June 30, 2020.

Referred to the Committee on Rules.

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

Senate Bill 1052—A Bill supplementing, amending, and increasing an item of existing appropriation from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2020, organization 0803, for the fiscal year ending June 30, 2020.

Referred to the Committee on Rules.

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

Senate Bill 1053—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Fund, General Revenue, to the Department of Military Affairs and Public Safety, Division of Homeland Security and Emergency Management, fund 0443, fiscal year 2019, organization 0606, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019.

Referred to the Committee on Rules.

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

Senate Bill 1054—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Environmental Protection, Division of Environmental Protection, fund 0273, fiscal year 2019, organization 0313, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019.

Referred to the Committee on Rules.

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

Senate Bill 1055—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Health, Central Office, fund 0407, fiscal year 2019, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019.

Referred to the Committee on Rules.

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

Senate Bill 1056—A Bill supplementing and amending items of appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to Department of Education, State Board of Education, State Aid to Schools, fund 0317, fiscal year 2020, organization 0402, by increasing and decreasing existing items of appropriation for the fiscal year ending June 30, 2020.

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

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

The bill was read a second time and ordered to engrossment and third reading.

Engrossed Senate Bill 1056 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—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. 1056) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—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. 1056) takes effect from passage.

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

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

Senate Bill 1057—A Bill supplementing and amending items of appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the State Department of Education, State Board of Education, fund 0313, fiscal year 2020, organization 0402, by adding a new item of appropriation for the fiscal year ending June 30, 2020.

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

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

The bill was read a second time and ordered to engrossment and third reading.

Engrossed Senate Bill 1057 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—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. 1057) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—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. 1057) takes effect from passage.

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

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

Senate Bill 1058—A Bill supplementing and amending an item of appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the Higher Education Policy Commission, Administration - Control Account, fund 0589, fiscal year 2020, organization 0441, by increasing an existing item of appropriation for the fiscal year ending June 30, 2020.

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

On motion of Senator Takubo, the constitutional rule requiring a bill to be read on three separate days was suspended by a vote of four fifths of the members present, taken by yeas and nays.

On suspending the constitutional rule, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—1.

The bill was read a second time and ordered to engrossment and third reading.

Engrossed Senate Bill 1058 was then read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—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. 1058) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—33.

The nays were: None.

Absent: Maroney—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. 1058) takes effect from passage.

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Maynard.

At the request of Senator Maynard, unanimous consent being granted, the Senate stood in observance of a moment of silence in recognition of a West Virginia Division of Highways employee who was seriously injured earlier today when he was struck by a vehicle while working in a construction zone in Wayne County, West Virginia.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Plymale, unanimous consent being granted, it was ordered that the Journal show had Senator Plymale been present in the chamber on Monday, June 3, 2019, he would have voted “nay” on the passage of Engrossed Senate Bill 1039 and Engrossed Senate Bill 1040.

On motion of Senator Takubo, at 8:27 p.m., the Senate adjourned until subsequently called back into session by the presiding officer.
