

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE  
REGULAR SESSION, 2019  
TWENTIETH DAY

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Charleston, West Virginia, Monday, January 28, 2019

The Senate met at 11:11 a.m.

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

Prayer was offered by the Honorable Gregory L. Boso, a senator from the eleventh district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Bill Hamilton, a senator from the eleventh district.

Pending the reading of the Journal of Friday, January 25, 2019,

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

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

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

Lottery Commission (Comprehensive Annual Financial Report) (§29-22-20)

The Senate then proceeded to the third order of business.

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

**Eng. House Bill 2009**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5E-8, relating to creating a new category of Innovation in Education grant program designated Innovation in Education/Mastery-Based; making findings and stating purpose and intent; providing definitions; delineating applicability of other Innovation in Education provisions of article; specifying duties of state board with respect to program; requiring participation in incubator process; prohibiting penalties for students who transfer from mastery-based schools; and requiring institutions of higher education to recognize and accept high school diplomas on equal footing.

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 2446**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-3C-1, §15-3C-2, §15-3C-3, §15-3C-4, §15-3C-5, §15-3C-6, and §15-3C-7 of said code, all relating to the establishment of an alert system for law-enforcement officers missing in the line of duty or person suspected of killing or inflicting life threatening injuries upon a law-enforcement officer who remain at large; providing legislative findings and declarations relative to the Blue Alert plan; establishment of a Blue Alert program; definitions; activation of a Blue Alert; notice to participating media; broadcasting of a Blue Alert; notification to the Department of Transportation, the Division of Highways and the West Virginia Turnpike Commission of the Blue Alert; termination of the Blue Alert; immunity from criminal or civil liability; and authorization to promulgate guidelines and procedural rules.

Referred to the Committee on Government Organization.

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

**Eng. House Bill 2509**—A Bill to amend and reenact §60A-4-403 of the Code of West Virginia, 1931, as amended, relating to clarifying that theft of a controlled substance is a felony.

Referred to the Committee on the Judiciary.

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

**Eng. House Bill 2527**—A Bill to amend and reenact §29-22-12 of the Code of West Virginia, 1931, as amended, relating to forgery and other crimes concerning lottery tickets; requiring any sentencing be by determinate sentence.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

**Senate Bill 40**, Establishing Mental Health and Military Service Member Court program.

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

**Com. Sub. for Senate Bill 40** (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-16-1, §62-16-2, §62-16-3, §62-16-4, and §62-16-5, all relating to establishing a Military Service Members Court program within the Supreme Court of Appeals; defining terms; granting authority to the Supreme Court of Appeals to establish a Military Service Members Court program under

the oversight of its administrator; providing for no termination of any program until at least six months after written notice of the intent to terminate the program has been provided by the Supreme Court administrator to the Speaker of the House of Delegates and the President of the Senate; providing for funding mechanisms which may include court fees; providing for limitation of liability; setting forth structure of the court; setting forth eligibility requirements for participation; providing for written agreement to participate in the court; setting forth procedure to participate in court; allowing for mental health and drug treatment services for participants; providing for sanctions for violation of provisions of the court; setting forth incentives for successful participation; and setting out disposition on successful completion.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

The bill (Com. Sub. for S. B. 40), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration

**Senate Bills 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, and 189**, State Tax Department rule relating to exchange of information agreements between State Tax Division and certain state agencies.

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

**Com. Sub. for Senate Bill 187** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-7-1, §64-7-2 and §64-7-3 of the Code of West Virginia, 1931, as amended, all relating generally to authorizing certain agencies under the Department of Tax and Revenue to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review; authorizing the State Tax Department to promulgate a legislative rule relating to exchange of information agreement between the Commissioner of the Tax Division of the Department of Revenue and the Commissioner of the Division of Labor of the Department of Commerce, the Commissioner of the Insurance Commission of the Department of Revenue, the Commissioner of the Division of Motor Vehicles of the Department of Transportation, the Commissioner of the Bureau of Employment Programs, and the Office of the Governor; authorizing the State Tax Department to promulgate a legislative rule relating to payment of taxes by electronic funds transfer; authorizing the State Tax Department to promulgate a legislative rule relating to aircraft operated under a fractional ownership program; authorizing the State Tax Department to promulgate a legislative rule relating to citizen tax credit for property taxes paid; authorizing the State Tax Department to promulgate a legislative rule relating to administration of tax on purchases of wine and liquor inside and outside of municipalities; authorizing the State Tax Department to promulgate a legislative rule relating to exchange of information agreement between Tax Division and Division of Environmental Protection; authorizing the State Tax Department to promulgate a legislative rule relating to exchange of information agreement between the State Tax Division and the Alcohol Beverage Control Administration; authorizing the

State Tax Department to promulgate a legislative rule relating to exchange of information pursuant to written agreement; authorizing the State Tax Department to promulgate a legislative rule relating to exchange of information agreement between the State Tax Department and the West Virginia Lottery; authorizing the State Tax Department to promulgate a legislative rule relating to exchange of information agreement between the State Tax Department and the Office of the State Fire Marshal; authorizing the Lottery Commission to promulgate a legislative rule relating to West Virginia Lottery sports wagering rule; and authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

The Senate proceeded to the sixth order of business.

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

**By Senators Prezioso, Beach, Blair, Clements, Ihlenfeld, Maroney, Smith, Stollings, Sypolt, Takubo, Trump, Hamilton, Jeffries, Hardesty, Baldwin, and Romano:**

**Senate Bill 440**—A Bill to amend and reenact §18-16-2 of the Code of West Virginia, 1931, as amended, relating to the Antihazing Law; and modifying the definition of “hazing” to address any type of organization whose members include students at any public or private institution of higher education.

Referred to the Committee on the Judiciary.

**By Senators Prezioso, Beach, Blair, Clements, Ihlenfeld, Maroney, Smith, Stollings, Sypolt, Takubo, Jeffries, Trump, and Weld:**

**Senate Bill 441**—A Bill to amend and reenact §18B-4-5 of the Code of West Virginia, 1931, as amended, relating to campus police officers of state institutions of higher learning; and allowing governing boards of state institutions of higher learning to appoint all qualified individuals to serve as campus police officers.

Referred to the Committee on Government Organization.

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

**Senate Bill 442**—A Bill supplementing and amending by decreasing an existing appropriation and adding a new appropriation of federal funds out of the Treasury to the Department of Revenue – Insurance Commissioner, fund 8883, fiscal year 2019, organization 0704, by supplementing, amending, decreasing, and adding the appropriations for the fiscal year ending June 30, 2019.

Referred to the Committee on Finance.

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

**Senate Bill 443**—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2019, to the Department of Health and Human Resources, Division of Health – Community Mental Health Services, fund 8794, fiscal year 2019, organization 0506, to the

Department of Health and Human Resources, Division of Human Services – Energy Assistance, fund 8755, fiscal year 2019, organization 0511, and to the Department of Health and Human Resources, Division of Human Services – Child Care and Development, fund 8817, fiscal year 2019, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019.

Referred to the Committee on Finance.

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

**Senate Bill 444**—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, 2019, to the Department of Health and Human Resources, Division of Health – Laboratory Services Fund, fund 5163, fiscal year 2019, organization 0506, and to the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund, fund 5214, fiscal year 2019, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019.

Referred to the Committee on Finance.

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

**Senate Bill 445**—A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18A-4-2 and §18A-4-8a of said code, all relating to increasing annual salaries of West Virginia State Police, public school teachers, and school service personnel.

Referred to the Committee on Finance.

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

**Senate Bill 446**—A Bill supplementing and amending by increasing existing items of appropriation of public moneys out of the Treasury in the State Fund, General Revenue, to the Department of Veterans' Assistance, Department of Veterans' Assistance, fund 0456, fiscal year 2019, organization 0613, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019.

Referred to the Committee on Finance.

**By Senator Sypolt:**

**Senate Bill 447**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-27-313, relating to staying civil actions resulting from domestic violence for 60 days from the date of entry of a final domestic violence protective order.

Referred to the Committee on the Judiciary.

**By Senators Maynard and Hamilton:**

**Senate Bill 448**—A Bill to amend and reenact §20-2-27 of the Code of West Virginia, 1931, as amended, relating to hunting licenses; and exempting the list of names, addresses, and contact information for license holders from public disclosure with exceptions.

Referred to the Committee on Government Organization.

**By Senators Weld and Baldwin:**

**Senate Bill 449**—A Bill to amend and reenact §3-1-17 of the Code of West Virginia, 1931, as amended; and to amend and reenact §3-10-8 of said code, all relating to providing for the nonpartisan elections of county prosecuting attorneys; requiring that nonpartisan elections of prosecuting attorneys commence in 2020; and providing that after said date, appointments to fill vacancies in office shall be nonpartisan.

Referred to the Committee on the Judiciary.

**By Senators Weld, Stollings, Jeffries, Tarr, Prezioso, Hamilton, Baldwin, Maroney, Beach, and Romano:**

**Senate Bill 450**—A Bill to amend and reenact §17A-10-8 of the Code of West Virginia, 1931, as amended, relating to exempting recipients of the distinguished Purple Heart medal from payment of the vehicle registration fee for West Virginia residents.

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

Senators Maynard, Stollings, and Swope offered the following resolution:

**Senate Concurrent Resolution 18**—Requesting the Division of Highways name bridge number 50-152-5.70 (50A112), locally known as Missouri Branch Beam Span, carrying West Virginia Route 152 over the West Fork of Twelvepole Creek, in Wayne County, the “Curtis ‘Pap’ and Mille ‘Mammie’ Asbury Bridge”.

Whereas, Curtis Asbury was born on September 24, 1917, in Wayne, West Virginia, and his devoted wife Millie Ferguson was born on April 24, 1924. They were married in 1939; and

Whereas, Curtis and Millie Asbury established, owned and operated Asbury’s Grocery, located at the entrance to Cabwaylingo Park Road for 52 years. The grocery store became a vital resource for community members. For five decades, the store not only provided necessary food and other goods but was also a meeting place for community members to gather and discuss everything from politics to family life. The bus stop was outside, and when the school children would go inside the store they would be met with a smile, a hug, and a piece of fruit or candy; and

Whereas, Almost every person in the community of Dunlow, West Virginia, has been touched by Curtis and Millie’s kindness and generosity. The love they both had for their community was displayed by their hardworking, gentle, and giving spirits. They were devoted to making their small community a better place to live by always extending a helping hand, providing jobs, caring for the elderly, and encouraging and guiding the youth. They helped develop and organize their area by creating local churches, directing Sunday school classes, and working to fulfill the needs of the entire community. They treated everyone as their own family and were lovingly referred to as everyone’s “Mammie” and “Pap”; and

Whereas, It is fitting that an enduring memorial be established to commemorate Curtis and Millie Asbury and their contributions to their community and our state; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name bridge number 50-152-5.70 (50A112), locally known as Missouri Branch Beam Span, carrying West Virginia Route 152 over

the West Fork of Twelvepole Creek, in Wayne County, the “Curtis ‘Pap’ and Mille ‘Mammie’ Asbury Bridge”; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “Curtis ‘Pap’ and Mille ‘Mammie’ Asbury Bridge”; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senators Rucker, Hamilton, Stollings, Maynard, Swope, Prezioso, Baldwin, Maroney, and Beach offered the following resolution:

**Senate Resolution 22**—Designating January 28, 2019, as Higher Education Day at the Legislature.

Whereas, The foundation of any great society’s success is the degree to which its citizens are educated; and

Whereas, The State of West Virginia is committed to supporting higher education for all of its citizens; and

Whereas, The West Virginia Higher Education Policy Commission and the West Virginia Council for Community and Technical College Education’s West Virginia’s Climb campaign seeks to increase the state’s educational attainment rate to 60 percent by the year 2030; and

Whereas, West Virginia’s institutions of higher education open the doors of opportunity to West Virginia’s citizens; and

Whereas, Higher education institutions contribute to the economic vitality of the state while enriching the culture of the communities and regions they serve, as well as help students achieve their educational and career goals; and

Whereas, Higher education institutions in West Virginia generate \$2.7 billion in economic impact for the state; and

Whereas, West Virginia’s institutions of higher education advance the development of technology, partner with business and industry in West Virginia, conduct ground-breaking research, and improve lives through advanced health care; and

Whereas, Through the services of outstanding faculty, staff, administration, and leadership, West Virginia’s institutions of higher education carry out student-centered missions for the betterment of the entire state of West Virginia; and

Whereas, West Virginia’s devotion to meeting its citizens’ needs for higher education is evident, in part, by the West Virginia Higher Education Grant Program; and

Whereas, The year 2019 marks the 50th anniversary of the West Virginia Higher Education Grant Program; and

Whereas, In the 50 years since it was established, the West Virginia Higher Education Grant Program has given more than 443,417 West Virginia students with financial need an opportunity at a better life through access to a high-quality, post-secondary education; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates January 28, 2019, as Higher Education Day at the Legislature; and, be it

*Further Resolved,* That the Senate recognizes the commitment to excellence the leaders of our colleges and universities have demonstrated; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the Chancellor of the West Virginia Higher Education Policy Commission, the Chancellor of the West Virginia Council for Community and Technical College Education, the Executive Director of the West Virginia Independent Colleges and Universities, Inc., and to each of the presidents of West Virginia's public and independent colleges and universities.

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

On motion of Senator Takubo, at 11:28 a.m., the Senate recessed to present Senate Resolution 22.

The Senate reconvened at 11:34 a.m. and, at the request of Senator Takubo, unanimous consent being granted, returned to the fourth order of business.

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

Your Committee on Education has had under consideration

**Senate Bill 451** (originating in the Committee on Education)—A Bill repeal §18-5-16a of the Code of the West Virginia, 1931, as amended; to repeal §18C-4A-1, §18C-4A-2, and §18A-4A-3 of said code; to amend and reenact §5-16-2, §5-16-13, and §5-16-22 of said code; to amend and reenact §11-8-6f of said code; to amend said code by adding thereto a new section, designated §11-21-25; to amend said code by adding thereto a new section, designated section §18-1-5; to amend and reenact §18-5-16, §18-5-18a, §18-5-18b, §18-5-32, and §18-5-46 of said code; to amend said code by adding thereto a new section, designated §18-5-45a; 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, §18-5G-12, §18-5G-13, §18-5G-14, and §18-5G-15; 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, §18-9A-9, and §18-9A-12 of said code; to amend and reenact §18-20-5 of said code; to amend said code by adding thereto a new article, designated §18-31-1, §18-31-2, §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7, §18-31-8, and §18-31-9; to amend and reenact §18A-4-2, §18A-4-5, §18A-4-5a, §18A-4-7a, §18A-4-8a, §18A-4-9, and §18A-4-10 of said code; to amend said code by adding thereto a new section, designated §18A-4-2d; to amend and reenact §18C-4-1, §18C-4-2, §18C-4-3, §18C-4-4, and §18C-4-5 of said code; and to amend and reenact §29-12-5a of said code, all relating generally to comprehensive education reform; providing for conversion of accrued sick leave to premium cost of insurance for Teachers Retirement System



members; allowing county boards of education to increase their regular levy rates to the statutory maximum; declaring nonseverability of act; providing that central office administrators, supervisors, and directors serve at the will and pleasure of the superintendent; authorizing the establishment of charter schools beginning in 2019-2020; establishing charter school employee permissive participation in the Public Employees Insurance Act; establishing charter school employee eligibility for the State Teachers Retirement System and the Teachers' Defined Contribution Retirement System; providing legislative purpose and intent; defining terms; establishing requirements and powers for public charter schools; providing for the creation of governing boards; setting requirements for enrollment in public charter schools; creating process and requirements for application to establish public charter schools; providing duties and responsibilities for authorizers; establishing requirements for charter school contracts and the process for renewal, nonrenewal, and revocation of contracts, including required rules by the State Board of Education; establishing funding for charter school enrollment; creating appeals process for the denial of a charter application, the nonrenewal of a charter contract, or the revocation of a charter contract; creating prohibitions; establishing reporting requirements; providing that appropriation will be disbursed to the public charter schools to serve needs of exceptional children; providing for public charter school coverage by the Board of Risk and Insurance Management; creating personal income tax credits for educational expenses incurred by teachers for the purchase of supplementary educational materials or professional development costs; addressing the transfer and enrollment policies for students in public schools; clarifying the employment term for school employees and the applicability to time lost due to a work stoppage or strike; including teacher recommendations in the considerations for student promotion; adjusting the maximum teacher-pupil ratio; expanding social and emotional support services provided to students; clarifying the job duties and responsibilities of school counselors; modifying the contact requirements for a student's guardians upon accrual of unexcused absences; requiring meaningful contact be made with guardians after a student has accrued three and five unexcused absences; specifying that a principal may make meaningful contact with guardians after a student has accrued three unexcused absences; expanding the definition of "professional student support personnel"; increasing the basic foundation allowance for professional student support personnel; increasing the county allowance for current expenses to 71.25 percent of the county's state average costs per square footage per student for operations and maintenance amount; providing written notice of state Board of Risk and Insurance Management insurance coverage to county board of education insureds; providing that counties with less than 1,400 in net enrollment shall be considered to have 1,400 in net enrollment for the purposes of determining the county's basic foundation program only; enhancing counties' ability to provide additional compensation to teachers; permitting a county board of education to base its employment decisions, transfers, reassignments, reducing the number of professional personnel, reductions in classroom teaching positions, and reductions in the workforce on an individual's qualifications; setting forth the factors to be considered when determining an individual's qualifications; clarifying payment to teachers and withholdings; enacting an Educational Savings Account Program; providing a short title and definitions; providing basic elements of an Educational Savings Account (ESA); establishing ESA application requirements; defining responsibilities of the Treasurer; establishing a Parent Review Committee; providing eligibility requirements applicable to education service providers; providing for the responsibilities of resident school districts; addressing legal proceedings; setting local share maximum at 2015-2016 level; increasing salaries for teachers; providing additional pay for certain teachers providing math instruction; increasing salaries for service personnel; providing for accrual of personal leave at the end of each pay period; modifying certain student financial aid resources available to students pursuing public school teaching careers; abolishing the Underwood-Smith Teacher Loan Assistance Program; renaming the Underwood-Smith Teacher Scholarship and Loan Assistance Fund as the Underwood-Smith Teaching Scholars Program Fund; modifying program purpose to target certain

academic disciplines and emphasize the academic distinction of award recipients; modifying award eligibility, renewal, and service agreement criteria to reflect modified program purpose; requiring certain mentoring services be provided to award recipients; preserving eligibility and service agreement criteria for current award recipients; modifying the amount of an award and limiting tuition and fee charges for program recipients; and requiring annual written notice of BRIM insurance coverages by county boards to employee insureds.

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

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*

Senator Takubo requested unanimous consent that the bill (S. B. 451) contained in the foregoing report from the Committee on Education be referred to the Committee of the Whole.

Which consent was not granted, Senator Prezioso objecting.

Senator Takubo then moved that the bill (S. B. 451) contained in the foregoing report from the Committee on Education be referred to the Committee of the Whole.

Following extended discussion and points of inquiry to the President, with resultant responses thereto,

The question being on the adoption of Senator Takubo's aforesaid motion, the same was put and prevailed.

Senator Woelfel arose to a point of order stating Senate Bill 451 violated the provisions of section thirty, article VI of the Constitution of West Virginia, which states in part, "No act hereafter passed shall embrace more than one object . . . ."

The President stated neither the Senate nor the Legislature were the proper venues to address the question of constitutionally, therefore, the point of order was ruled not well taken.

Senator Woelfel then arose to a point of order stating the title of Senate Bill 451 insufficiently identifies the different topics in the bill.

The President stated that was a constitutional issue that must be challenged in the proper venue, therefore, the point of order was ruled not well taken.

Senator Woelfel then appealed the ruling of the Chair.

The question being "Shall the Chair be sustained?"

On this question, Senator Woelfel demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Blair, Boso, Clements, Cline, Hamilton, Maroney, Maynard, Roberts, Rucker, Smith, Swope, Sypolt, Takubo, Tarr, Trump, Weld, and Carmichael (Mr. President)—18.

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

Absent: Boley—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the Chair sustained.

The Senate proceeded to the seventh order of business.

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

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

**Senate Concurrent Resolution 17**, Sardis District Veterans Memorial Bridge.

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

The Senate proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 55**, Relating to driving privileges and requirements for persons under 18.

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

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 55 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, 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)—33.

The nays were: None.

Absent: Boley—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 55) passed with its title.

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

**Eng. Com. Sub. for Senate Bill 101**, Equalizing penalties for intimidating and retaliating against certain public officers and other persons.

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

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

The nays were: Romano and Unger—2.

Absent: Boley—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 101) passed with its title.

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

**Eng. Com. Sub. for Senate Bill 124**, Creating felony offense for actions of cruelty to animals which causes serious injury or death of animal.

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

On the passage of the bill, the yeas were: Baldwin, Beach, Blair, Boso, Clements, Cline, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—29.

The nays were: Azinger, Hamilton, Maynard, and Tarr—4.

Absent: Boley—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 124) passed with its title.

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

**Eng. Senate Bill 233**, Relating to age requirements for deputy sheriff.

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

Pending discussion,

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

**Eng. Com. Sub. for Senate Bill 241**, Permitting county court clerks scan certain documents in electronic form.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, 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)—33.

The nays were: None.

Absent: Boley—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 241) passed with its title.

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

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

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, 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)—33.

The nays were: None.

Absent: Boley—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 268) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, 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)—33.

The nays were: None.

Absent: Boley—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. 268) takes effect from passage.

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

**Eng. Senate Bill 269**, Updating terms used in WV Personal Income Tax Act.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, 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)—33.

The nays were: None.

Absent: Boley—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 269) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, 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)—33.

The nays were: None.

Absent: Boley—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. 269) 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 ninth order of business.

**Senate Bill 63**, Relating to partial filling of prescriptions.

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

**Com. Sub. for Senate Bill 236**, Providing notice of eligibility to persons to vote after completion of punishment or pardon.

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

**Com. Sub. for Senate Bill 258**, Establishing common law “veil piercing” claims not be used to impose personal liability.

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

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

The Senate proceeded to the tenth order of business.

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

**Com. Sub. for Senate Bill 4**, Relating generally to Municipal Home Rule Program.

**Com. Sub. for Senate Bill 72**, Creating Sexual Assault Victims’ Bill of Rights.

**Com. Sub. for Senate Bill 102**, Relating generally to powers and authority of courthouse security officers.

**Senate Bill 149**, Exempting certain veterans from concealed weapons license fees.

**Com. Sub. for Senate Bill 199**, Authorizing certain miscellaneous agencies and boards promulgate legislative rules.

**Com. Sub. for Senate Bill 243**, Requiring racetrack participate in WV Thoroughbred Development Fund.

**Senate Bill 256**, Allowing certain deductions from individual personal income tax refunds.

**Com. Sub. for Senate Bill 270**, Streamlining process for utilities access to DOH rights-of-way.

**Senate Bill 297**, Extending expiration of military members' spouses' driver's license.

**Com. Sub. for Senate Bill 390**, Requiring electric utilities submit feasibility studies of constructing and operating middle-mile broadband internet projects.

And,

**Eng. House Bill 2351**, Relating to regulating prior authorizations.

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senators Trump, Woelfel, Prezioso, Roberts, and Smith.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Trump, Prezioso, and Roberts were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Swope, the name of Senator Swope was removed as a sponsor of **Senate Bill 359** (*Creating Youth Mental Health Protection Act.*)

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

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 1:30 p.m., the Senate adjourned until tomorrow, Tuesday, January 29, 2019, at 11 a.m.

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## **SENATE CALENDAR**

**Tuesday, January 29, 2019  
11:00 AM**

### **UNFINISHED BUSINESS**

S. C. R. 18 - Curtis "Pap" and Millie "Mammie" Asbury Memorial Bridge

### **THIRD READING**

Eng. S. B. 63 - Relating to partial filling of prescriptions - (Com. title amend. pending)

Eng. S. B. 233 - Relating to age requirements for deputy sheriff

Eng. Com. Sub. for S. B. 236 - Providing notice of eligibility to persons to vote after completion of punishment or pardon

### **SECOND READING**

Com. Sub. for S. B. 4 - Relating generally to Municipal Home Rule Program

Com. Sub. for S. B. 72 - Creating Sexual Assault Victims' Bill of Rights

Com. Sub. for S. B. 102 - Relating generally to powers and authority of courthouse security officers

S. B. 149 - Exempting certain veterans from concealed weapons license fees (original similar to HB2672)

Com. Sub. for S. B. 199 - Authorizing certain miscellaneous agencies and boards promulgate legislative rules (original similar to HB2282)

Com. Sub. for S. B. 243 - Requiring racetrack participate in WV Thoroughbred Development Fund

S. B. 256 - Allowing certain deductions from individual personal income tax refunds

Com. Sub. for S. B. 258 - Establishing common law "veil piercing" claims not be used to impose personal liability

Com. Sub. for S. B. 270 - Streamlining process for utilities access to DOH rights-of-way (original similar to HB2416)

S. B. 297 - Extending expiration of military members' spouses' driver's license

Com. Sub. for S. B. 390 - Requiring electric utilities submit feasibility studies of constructing and operating middle-mile broadband internet projects

Eng. H. B. 2351 - Relating to regulating prior authorizations - (Com. amend. pending)

### **FIRST READING**

Com. Sub. for S. B. 187 - Authorizing Department of Revenue to promulgate legislative rules (original similar to HB2270)



**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2019**

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**Tuesday, January 29, 2019**

10 a.m.	Transportation & Infrastructure	(Room 451M)
10 a.m.	Military	(Room 208W)
1 p.m.	Health & Human Resources	(Room 451M)
2 p.m.	Education	(Room 451M)