

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE  
FIRST EXTRAORDINARY SESSION, 2019  
FIRST DAY

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Charleston, West Virginia, Sunday, March 10, 2019

Pursuant to the proclamation of His Excellency, the Governor, the Honorable Jim Justice, dated the seventh day of March, two thousand nineteen, convening the eighty-fourth Legislature of West Virginia in extraordinary session today (Sunday, March 10, 2019), under the provisions of section seven, article seven of the Constitution of West Virginia, the Senate assembled in its chamber in the state capitol in the City of Charleston immediately upon adjournment *sine die* of the Regular Session and was called to order by its President, the Honorable Mitch Carmichael.

Prayer was offered by the Honorable Patricia Puertas Rucker, a senator from the fifteenth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael J. Romano, a senator from the twelfth district.

### **Executive Communications**

Senator Carmichael (Mr. President) laid before the Senate the following proclamation from His Excellency, the Governor, convening the Legislature in extraordinary session, 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 call the West Virginia Legislature to convene in Extraordinary Session upon adjournment *sine die* of the 2019 Regular Session, as extended by Proclamation dated March 6, 2019, in its chambers in the State Capitol, City of Charleston, for the limited purpose of considering and acting upon the following matters:

**FIRST:** Relating generally to improving, modifying, and making efficiencies to the state's public education system and employee compensation; and

**SECOND:** Legislation authorizing and appropriating the expenditure of public funds to pay for the Extraordinary Session.

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 seventh day of March, in the year of our Lord, Two Thousand Nineteen, and in the One Hundred Fifty-Sixth year of the State.

*Jim Justice*  
GOVERNOR

*Mac Warner*  
SECRETARY OF STATE

At the request of Senator Takubo, unanimous consent being granted, Senator Takubo offered the following resolution from the floor:

**Senate Resolution 101**—Raising a committee to inform the House of Delegates the Senate has assembled in extraordinary session.

*Resolved by the Senate:*

That a committee of three be appointed by the President to inform the House of Delegates that the Senate has assembled in extraordinary session, with a quorum present, and is ready to proceed with the business for which the extraordinary session was called by His Excellency, the Governor.

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

Whereupon, the President appointed as members of such committee the following:

Senators Boso, Roberts, and Ihlenfeld.

Subsequently, Senator Boso, from the committee to notify the House of Delegates the Senate has assembled in extraordinary session, and is ready to proceed with the business of the session, announced that the committee had discharged its duties.

A message from the House of Delegates, by

Delegates Foster, Sypolt, and Boggs, announced that the House of Delegates has assembled in extraordinary session, with a quorum present, and is ready to proceed with the business stated in the proclamation convening the Legislature.

At the request of Senator Takubo, unanimous consent being granted, Senator Takubo offered the following resolution from the floor:

**Senate Resolution 102**—Raising a committee to wait upon the Governor.

*Resolved by the Senate:*

That a committee of three on the part of the Senate, to join with a similar committee on the part of the House of Delegates, be appointed by the President to notify His Excellency, the Governor, that at his call the Legislature has assembled in extraordinary session, with a quorum of each house present; and is ready to receive any communication or message he may be pleased to present under section seven, article seven of the Constitution of West Virginia, which provides that no business except that stated in his proclamation be considered.

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

Whereupon, the President appointed as members of such committee the following:

Senators Weld, Tarr, and Beach.

A message from the House of Delegates, by

Delegates J. Kelly, Phillips, and Byrd, announced that the Speaker had appointed them a committee of three to join with a similar committee on the part of the Senate to wait upon the Governor, under the provisions of Senate Resolution 102. Senate and House members of this select committee then proceeded to the executive offices.

Subsequently, Senator Weld reported that the joint Senate and House committee had performed the duty assigned to it.

The Senate proceeded to the third order of business.

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 101**—Authorizing adjournments of the Senate and House of Delegates.

*Resolved by the Legislature of West Virginia:*

That during this First Extraordinary Session of the Legislature in 2019, both the Senate and House of Delegates are hereby authorized to adjourn, as needed, for more than three days, pursuant to Section 23, Article VI of the Constitution of the State of West Virginia.

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

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

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

Senator Takubo then moved that under the provisions of House Concurrent Resolution 101 the Senate adjourn until called back into session by the Presiding Officer.

The question being on the adoption of Senator Takubo's aforesaid motion, and on this question, Senator Takubo demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Blair, 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, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Boley, Maroney, and Woelfel—3.

So, a majority of those present and voting having voted in the affirmative, the President declared Senator Takubo's aforesaid motion had prevailed.

In accordance with the foregoing motion, at 12:12 a.m., the Senate adjourned until called back into session by the Presiding Officer.

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