

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE
REGULAR SESSION, 2020
SIXTEENTH DAY

Charleston, West Virginia, Thursday, January 23, 2020

The Senate met at 11:07 a.m.

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

Prayer was offered by Seth Polk, Lead Pastor, Cross Lanes Baptist Church, Cross Lanes, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Ryan W. Weld, a senator from the first district.

Pending the reading of the Journal of Wednesday, January 22, 2020,

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

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

The Senate then proceeded to the third order of business.

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

Eng. Com. Sub. for House Bill 2086—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §39A-4-1, §39A-4-2, §39A-4-3, §39A-4-4, §39A-4-5, §39A-4-6, and §39A-4-7, all relating to creating the Uniform Real Property Electronic Recording Act; providing short title; defining terms; clarifying validity of electronic documents and electronic signatures; providing for recording of electronic documents; requiring any county clerk implementing the provisions of the act to comply with established standards; authorizing county clerks to receive, index, store, archive and transmit electronic documents; authorizing county clerks to allow public access, search and retrieval of electronic documents; allowing county clerks to convert paper documents accepted for recording into electronic documents; authorizing county clerks to collect electronically any tax or fee relating to electronic recording of real property documents they are authorized by law to collect; authorizing county clerks to agree with other jurisdictions on procedures or processes necessary for electronic recording of documents;

creating the Real Property Electronic Recording Standards Advisory Committee to develop the standards necessary to electronically record real property documents; authorizing a legislative rule; providing for a report and recommendations to the Legislature; providing that members of the Real Property Electronic Recording Standards Advisory Committee pay their own expenses; setting forth areas for consideration when adopting or changing standards; providing for uniformity of application and construction of the act; and providing that the article modifies, limits and supersedes certain parts of the federal Electronic Signatures in Global and National Commerce Act.

Referred to the Committee on the Judiciary.

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

Eng. Com. Sub. for House Bill 4077—A Bill to amend and reenact §18B-2B-9 of the Code of West Virginia, 1931, as amended, relating to increasing the amount of the bond required to be posted by proprietary schools; establishing methods of bonding; and requiring suspension of a proprietary school's permit if there is not required bond coverage.

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

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

Eng. Com. Sub. for House Bill 4119—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-2-10c, relating to establishing the crime of torture; establishing criminal penalties; defining terms; providing that pain is not an element of the crime of torture; and establishing that conviction of the crime of torture does not preclude conviction of another offense arising from the same transaction.

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 4417—A Bill to amend and reenact §30-1-7a of the Code of West Virginia, 1931, as amended; relating to permitting professional boards to approve different continuing education programs on drug diversion.

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 4419—A Bill to amend and reenact §60A-9-5a of the Code of West Virginia, 1931, as amended, relating to requiring pharmacist to check the Controlled Substance Monitoring Database.

Referred to the Committee on Health and Human Resources.

The Senate proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 51, Specifying forms of grandparent visitation.

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

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

Senator Sypolt, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

Senate Bill 142, Expanding Coyote Control Program through voluntary assessment on breeding cows.

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

Com. Sub. for Senate Bill 142 (originating in the Committee on Agriculture and Rural Development)—A Bill to amend and reenact §7-7-6e of the Code of West Virginia, 1931, as amended, relating to Coyote Control Program; providing for voluntary assessment on breeding-age cows to participate in Coyote Control Program; deleting language regarding expenditures for fiscal year ending June 30, 2006; requiring notice by certain cow owners participating in program; and making technical changes.

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,

Dave Sypolt,
Chair.

The bill (Com. Sub. for S. B. 142), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 191, Creating felony offense of aggravated cruelty to animals.

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

Com. Sub. for Senate Bill 191 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to cruelty to animals; creating the felony offense of aggravated cruelty to animals; providing a criminal penalty for the offense; and defining a term.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 201, Relating generally to stalking and harassment.

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

Com. Sub. for Senate Bill 201 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-2-9a of the Code of West Virginia, 1931, as amended, relating generally to the criminal offenses of stalking and harassment; modifying and clarifying elements of offenses; creating new offense of violating a personal safety order where the person against whom the violation is directed is the subject of the order; creating a new offense of harassment to cause a person to physically harm or kill himself or herself; defining terms; enhancing penalties for second and subsequent offenses; authorizing proposal of legislative rules and promulgation of emergency rules by the Governor's Office of Crime, Delinquency and Correction; and establishing criminal penalties.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Swope, from the Committee on Economic Development, submitted the following report, which was received:

Your Committee on Economic Development has had under consideration

Senate Bill 260, Collecting of personal information by retail establishments for certain purposes.

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

Respectfully submitted,

Chandler Swope,
Chair.

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

Senator Sypolt, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

Senate Bill 490, Relating to protection of animal and crop facilities.

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

Com. Sub. for Senate Bill 490 (originating in the Committee on Agriculture and Rural Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3B-7, relating to animal and crop facilities trespass; providing definitions; describing prohibited acts; listing criminal penalties; establishing liability in double the amount of damages caused; and allowing injunctive relief and listing the terms thereof.

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

Respectfully submitted,

Dave Sypolt,
Chair.

The bill (Com. Sub. for S. B. 490), under the original double committee reference, was then referred to the Committee on the Judiciary.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 522, Relating to compensation awards to crime victims.

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

Com. Sub. for Senate Bill 522 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §14-2A-3 and §14-2A-14 of the Code of West Virginia, 1931, as amended, all relating to compensation awards to victims of crimes; providing for an altered definition of an “allowable expense”; establishing conditions to satisfy reporting requirements for juvenile abuse and neglect cases; providing for expanded benefits for juvenile victims of abuse and neglect cases; and establishing agency authority to file an application on behalf of a minor child for expanded benefits for juvenile victims of abuse and neglect cases.

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,

Ryan W. Weld,
Vice Chair.

The bill (Com. Sub. for S. B. 522), under the original double committee reference, was then referred to the Committee on Finance.

Senator Azinger, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 523, Extending deadline for municipalities to offer Social Security coverage to certain municipal retirement system members.

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

Respectfully submitted,

Michael T. Azinger,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 529, Establishing limitations on claims and benefits against state.

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

Com. Sub. for Senate Bill 529 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §14-2-13a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §14-2A-14a, all relating to establishing limitations on claims and benefits; establishing a two-year time limit for a claimant to file a claim for unjust arrest, conviction, or imprisonment; eliminating the requirement that another person be subsequently charged, arrested, and convicted of the same offense; providing that damages may be reduced upon clear evidence the claimant's actions contributed to unjust arrest, conviction, or imprisonment; and establishing a 10-year limitation on eligibility to receive benefits under certain conditions.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Ryan W. Weld,
Vice Chair.

Senator Azinger, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 532, Distributing assets remaining in municipal policemen's or firemen's pension and relief fund on death of last retiree or beneficiary.

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

Com. Sub. for Senate Bill 532 (originating in the Committee on Pensions)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-22-28a, relating to the distribution of the assets remaining in a municipal policemen's or firemen's pension and relief fund upon the death of the last remaining retiree or beneficiary receiving benefits under the fund.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Michael T. Azinger,
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:

By Senator Azinger:

Senate Bill 598—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-27A-1, §33-27A-2, §33-27A-3, §33-27A-4, §33-27A-5, §33-27A-6, §33-27A-7, §33-27A-8, §33-27A-9, §33-27A-10, §33-27A-11, §33-27A-12, §33-27A-13, and §33-27A-14, all relating to creating the enactment and operation of the West Virginia Mutual to Mutual Insurance Holding Company Act.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

By Senator Azinger:

Senate Bill 599—A Bill to amend and reenact §55-7B-6 of the Code of West Virginia, 1931, as amended, relating to medical professional liability by clarifying when a claimant may file a cause of action without a requisite screening certificate of merit.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 600—A Bill to amend and reenact §15-1J-4 of the Code of West Virginia, 1931, as amended, relating to creating a special revenue account of the State Treasury designated the Military Authority Fund to be administered by the Adjutant General for all nonfederal government entity revenues and expenses received by the West Virginia Military Authority.

Referred to the Committee on Military.

By Senators Prezioso, Baldwin, Ihlenfeld, Jeffries, Lindsay, Palumbo, Romano, Stollings, and Woelfel:

Senate Bill 601—A Bill to amend and reenact §6B-2-7 of the Code of West Virginia, 1931, as amended, relating to the contents of financial disclosures under the West Virginia Governmental Ethics Act; requiring disclosure of mineral, timber, oil, or any other natural resource leases;

requiring disclosure of the formation or maintenance of a close economic association involving a substantial financial matter; and requiring the disclosure of certain information when public official is married or who is the public official's domestic partner.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 602—A Bill to amend and reenact §50-1-3 of the Code of West Virginia, 1931, as amended; to amend and reenact §51-1-10a of said code; to amend and reenact §51-2-13 of said code; to amend and reenact §51-2A-6 of said code; and to amend and reenact §51-9-1a and §51-9-5 of said code, all relating generally to salaries and pensions of magistrate, justices of the Supreme Court of Appeals, circuit judges, and family court judges; adopting and codifying the 2019 recommendations of the Judicial Compensation Commission as to salary increases for magistrates, justices of the Supreme Court of Appeals, circuit judges, and family court judges; and allowing family court judges to participate in the Judge's Retirement System as it applies to judges first taking office after July 1, 2005.

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

By Senators Prezioso, Baldwin, Beach, Ihlenfeld, Jeffries, Lindsay, Plymale, Romano, and Stollings:

Senate Bill 603—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-22; and to amend said code by adding thereto a new section, designated §33-16-18, all relating to a prohibition on short-term duration health insurance.

Referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.

By Senators Prezioso, Baldwin, Beach, Ihlenfeld, Jeffries, Lindsay, Plymale, and Romano:

Senate Bill 604—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5F-1-7; and to amend and reenact §6-7-2a of said code, all relating to creating the cabinet position of State Surgeon General; qualification; duties; and compensation.

Referred to the Committee on Health and Human Resources; and then to the Committee on Finance.

By Senators Tarr, Azinger, Boley, Clements, Cline, Hamilton, Maynard, Roberts, Smith, Swope, and Sypolt:

Senate Bill 605—A Bill to amend and reenact §16-30-3 and §16-30-4 of the Code of West Virginia, 1931, as amended, all relating to health care decisions; definitions, including redefining the definition of "life-prolonging intervention"; forms of a living will or medical power of attorney or combined medical power of attorney and living will, and specific provisions; and interpretation and application of provisions upon the effective date of enactment.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 606—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-4-602a, relating generally to relative placement for foster care and guardianship; designating a preference for relative placement; requiring the department to conduct an immediate assessment to locate the child's relatives; requiring notice to identified relatives; providing requirements for relative placement; and authorizing the court to transfer custody to a relative or family friend recommended by the department.

Referred to the Select Committee on Children and Families; and then to the Committee on Health and Human Resources.

Senator Weld offered the following resolution:

Senate Concurrent Resolution 9—Requesting the Division of Highways name bridge number 05-2/2-0.35 (05A071), locally known as Zeidler Bridge, carrying CR 2/2 over Short Creek in Brooke County, the "U.S. Army SSG Nick P. Markos Memorial Bridge".

Whereas, Nick P. Markos was born on May 9, 1923, the child of Paul S. Markos and Diamanto Markos of Short Creek, West Virginia. He had three siblings: Manuel, Stella, and Goldie; and

Whereas, Nick P. Markos attended school in Brooke County, West Virginia, at Beech Bottom Elementary and Junior High, and graduated from Wellsburg High School in 1941. Following high school, he worked at Markos Grocery Store while attending West Virginia University. During his fourth semester of college, he left school to enlist in the United States Army; and

Whereas, SSG Nick P. Markos entered the active service on May 12, 1943, and he became a member of the Company I, 242nd Infantry, which was known as the 42nd Rainbow Division. His unit arrived in France on December 8, 1944, and participated in G033WD45: Rhineland Central Europe. SSG Nick P. Markos fought on the front lines until his unit commander was notified of his brother Manuel's death in Iwo Jima on February 19, 1945. After leaving Europe, he arrived in Fort George Meade, Maryland, and was honorably discharged on April 4, 1946; and

Whereas, SSG Nick P. Markos attained the following military qualifications: Combat Infantryman Badge, Expert M-3 SMG, Expert Rifle M-1, and Expert M-1 Carbine; and

Whereas, For his service, SSG Nick P. Markos received the Good Conduct Medal, American Theater Ribbon, European-African-Middle Eastern Ribbon, and World War II Victory Ribbon; and

Whereas, After returning home from the war, SSG Nick P. Markos worked in the family grocery store. Shortly thereafter, he went to the National School of Meat Cutting in Toledo, Ohio. After graduation, SSG Nick P. Markos worked for the Thorofare, Bi-rite, and Foodland supermarket chains as a professional meat cutter. In 1967, he was appointed the postmaster for Short Creek. He held that position until his retirement in 1990. In 1972, SSG Nick P. Markos founded Nick's W-2 1099 Income Tax Service, and operated it until 2002; and

Whereas, In 1948, SSG Nick P. Markos married Gertrude Frey. They had three children: Manuel, Paul, and Deborah. All three children attended West Virginia colleges and obtained degrees in education; and

Whereas, SSG Nick P. Markos played a part in establishing various little league sports programs within his community, including the NSS Town and Country Little League Baseball

Organization with teams from Short Creek, Bethany, Windsor Heights, Hammond, West Liberty, Clinton, Warwood, and Park View. He later helped establish a pony league baseball and little league basketball; and

Whereas, SSG Nick P. Markos attended Saint John the Divine Greek Orthodox Church in Wheeling his entire life, and he and his family were deeply involved with the church; and

Whereas, SSG Nick P. Markos loved sports, and played baseball and basketball in his youth. As an adult, he regularly participated in bowling and golf; and

Whereas, Staff Sergeant Markos passed on July 17, 2002; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army SSG Nick P. Markos and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 05-2/2-0.35 (05A071), known as Zeidler Bridge, carrying CR 2/2 over Short Creek in Brooke County, the “U.S. Army SSG Nick P. Markos Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U.S. Army SSG Nick P. Markos Memorial Bridge”; and, be it

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

Which, under the rules, lies over one day.

Senator Palumbo offered the following resolution:

Senate Resolution 13—Designating January 24, 2020, as Women’s and Girls’ Day at the Legislature.

Whereas, The West Virginia Women’s Commission is celebrating four decades of promoting the status and empowerment of all West Virginia women through advocacy, research, education, and consensus building; and

Whereas, The West Virginia Women’s Commission strives to elevate the power and potential of West Virginia women and girls to thrive and have economic, political, educational, and social equality to ensure their full participation in society and to recognize their achievements; and

Whereas, In their roles as individuals, workers, military personnel, mothers, daughters, sisters, wives, friends, caretakers, activists, and volunteers, women make significant contributions to West Virginia’s economy, families, communities, and general well-being; and

Whereas, The West Virginia Women’s Commission has continued its history of honoring women across the state through programs such as celebrating the Legacy of Women Awards, educating women and legislators during their annual Women’s and Girls’ Day at the Legislature, completing annual policy statements highlighting legislation of importance to women and families,

and raising awareness on Equal Pay Day of how far into the year women must work to earn what men earned in the previous year; and

Whereas, The West Virginia Women's Commission recognizes and celebrates, with many other government entities and various organizations, the year-long centennial celebration throughout 2020 commemorating the passage of the 19th Amendment giving women the right to vote, giving rise to the, "Our Voices, Our Votes" theme for the 2020 Women's and Girls' Day at the Legislature; and

Whereas, West Virginia citizens are proud of the accomplishments and achievements of women of every race, age, class, identity, and ethnic background in our state, both in the private and public sectors and appreciate their many contributions to our communities as they continue to advance in leadership roles, not only in West Virginia but throughout our nation and the world; therefore, be it

Resolved by the Senate:

That the Senate hereby designates January 24, 2020, as Women's and Girls' Day at the Legislature; and, be it

Further Resolved, That the Senate expresses its sincere appreciation to women for the many contributions they make to the state of West Virginia in all facets of our society; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Women's Commission.

Which, under the rules, lies over one day.

Senators Clements, Azinger, Beach, Boley, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Prezioso, Roberts, Smith, Swope, Sybolt, Takubo, Tarr, Weld, and Woelfel offered the following resolution:

Senate Resolution 14—Designating January 24, 2020, as Corrections Day at the Capitol.

Whereas, The West Virginia Division of Corrections, the Regional Jail Authority, and the Division of Juvenile Services are committed to enhancing public safety by providing safe, secure, and humane facilities, operating an effective system of offender re-entry and community supervision, reducing offender recidivism, and assisting victims of crime; and

Whereas, The Division of Corrections and Rehabilitation is further committed to providing effective beneficial services that promote positive development and accountability while preserving community safety and sustaining a work environment predicated upon principles of professionalism, with dignity and respect for all; and

Whereas, It is the vision of these agencies to be recognized as innovative leaders in providing quality correctional services; and

Whereas, The adult and juvenile correctional population continues to expand and it is important for agency representatives and policymakers to appreciate the nature and magnitude of the growth; and

Whereas, Previous information provided to this body should assist public officials and agency representatives in planning for the future and developing policies for the management of the West Virginia correctional population, both adult and juvenile, as well as providing adequate pay, benefits, and a safe, secure workplace for the employees in the correctional system; therefore, be it

Resolved by the Senate:

That the Senate hereby designates January 24, 2020, as Corrections Day at the Capitol; and, be it

Further Resolved, That the Senate recognizes the exceptional service and commitment of the employees of the Division of Corrections, the Regional Jail Authority, and the Division of Juvenile Services; 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 Corrections, the Director of the Regional Jail Authority, and the Director of the Division of Juvenile Services.

Which, under the rules, lies over one day.

Senator Lindsay offered the following resolution:

Senate Resolution 15—Recognizing the Contributions of the American Civil Liberties Union to American jurisprudence and West Virginia on its centennial anniversary.

Whereas, The American Civil Liberties Union (ACLU) was formed in 1920, and has successfully litigated hundreds of cases at the United States Supreme Court, as well as federal and state courts; and

Whereas, The ACLU's litigation has resulted in numerous landmark cases, defining a broad array of rights. These cases include: *Gitlow v. New York*—incorporating the protections of the 1st Amendment to the states; *Patterson v. Alabama*—holding that excluding African-Americans from a jury denied defendants of a fair trial; *Brown v. Board of Education*—ending segregation in the schools; *Gideon v. Wainwright*—establishing the right to a state-appointed attorney for indigent defendants; *New York Times v. Sullivan*—protecting the press from defamation suits; *Miranda v. Arizona*—establishing that criminal defendants must be notified of their right against self-incrimination and to counsel before being interrogated; *Brandenburg v. Ohio*—confirming the right to political advocacy unless there is a direct incitement to lawless activity; *In re: Gault*—establishing due process rights for juveniles; *Loving v. Virginia*—ending the bans on interracial marriage; *Reed v. Reed*—one of the first decisions prohibiting sex-based discrimination under the equal protection clause; *O'Connor v. Donaldson*—prohibiting involuntary commitment of nondangerous people who can survive safely with the help of family or friends; *McIntyre v. Ohio Elections Commission*—affirming the right to anonymous political speech; *Citizens United v. FEC*—affirming the rights of political speech; and *Obergeffel v. Hodges*—ending prohibitions on same-sex marriage, among many others; and

Whereas, The ACLU has over 1.8 million members nationwide and over 2,100 dues-paying members in West Virginia, and one of the first actions of the ACLU in 1920 and 1921 was to help organize and protect the right to freely associate of West Virginia miners. A West Virginia affiliate of the ACLU was founded, and has been in operation, since 1971; therefore, be it

Resolved by the Senate:

That the Senate recognizes the contributions of the American Civil Liberties Union to American jurisprudence and to West Virginia on its centennial anniversary; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of the American Civil Liberties Union.

At the request of Senator Lindsay, 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 11:24 a.m., the Senate recessed to present Senate Resolution 15.

The Senate reconvened at 11:28 a.m. and, at the request of Senator Weld, unanimous consent being granted, returned to the second order of business and the introduction of guests.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 3, US Army MSG Richard A. "Dick" Smoot Memorial Bridge.

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

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

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

Senate Concurrent Resolution 8, US Army 1st Lieutenant Harold H. Frazier 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 Resolution 12, Designating January 23, 2020, as Human Resources Day.

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

At the request of Senator Beach, 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 11:32 a.m., the Senate recessed to present Senate Resolution 12.

The Senate reconvened at 11:35 a.m. and proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 192, Relating to WV Secondary School Activities Commission audits.

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

Pending extended discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 192 pass?”

On this question, the yeas were: Azinger, Blair, Boley, Cline, Maroney, Maynard, Pitsenbarger, Roberts, Rucker, Smith, Swope, Takubo, Tarr, Trump, Weld, and Carmichael (Mr. President)—16.

The nays were: Baldwin, Beach, Clements, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Palumbo, Plymale, Prezioso, Romano, Stollings, Sypolt, and Unger—17.

Absent: Woelfel—1.

So, a majority of all the members present and voting not having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 192) rejected.

Eng. Com. Sub. for Senate Bill 297, Requiring Board of Education create home economics course.

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

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

The nays were: None.

Absent: Woelfel—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. 297) passed.

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

Eng. Com. Sub. for Senate Bill 297—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7e, relating to requiring the State Board of Education to develop a program of instruction in family and consumer sciences, or specific subjects within family and consumer sciences, that may be integrated into the curriculum for students in secondary schools.

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

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 144, Creating misdemeanor penalty for making materially false statement in course of misdemeanor investigation.

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 311, Relating to court-ordered community service.

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

Senate Bill 321, Relating to collection of tax and priority of distribution of estate or property in receivership.

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

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:

Senate Bill 8, Exempting certain armed forces veterans from payment of fees for license to carry deadly weapon.

Senate Bill 114, Providing continued eligibility for developmental disability services to dependents of military members.

Senate Bill 289, Creating Green Alert Plan.

Com. Sub. for Senate Bill 303, Enacting Students' Right to Know Act.

Com. Sub. for Senate Bill 357, Authorizing Department of Revenue promulgate legislative rules.

Com. Sub. for Senate Bill 364, Authorizing Department of Transportation promulgate legislative rules.

Senate Bill 468, Relating to eligibility for license or permit application.

Com. Sub. for Senate Bill 470, Relating to use of crossbow to hunt.

Com. Sub. for Senate Bill 487, Providing exception that all DNR payments be deposited within 24 hours.

Com. Sub. for Senate Bill 500, Relating to Class Y special crossbow hunting permit.

Com. Sub. for Senate Bill 501, Adding protection, operation of North Bend Rail Trail, Greenbrier River Trail, and Elk River Trail to Parks and Recreation Section of DNR.

And,

Senate Bill 509, Relating to custodial allocation actions independent of divorce.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Baldwin, Roberts, Tarr, Takubo, and Lindsay.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:15 p.m., the Senate adjourned until tomorrow, Friday, January 24, 2020, at 11 a.m.

SENATE CALENDAR

**Friday, January 24, 2020
11:00 AM**

UNFINISHED BUSINESS

- S. C. R. 9 - US Army SSG Nick P. Markos Memorial Bridge
- S. R. 13 - Designating January 24, 2020, as Women's and Girls' Day **[ADOPT]**
- S. R. 14 - Designating January 24, 2020, as Corrections Day **[ADOPT]**

THIRD READING

- Eng. Com. Sub. for S. B. 144 - Creating misdemeanor penalty for making materially false statement in course of misdemeanor investigation
- Eng. Com. Sub. for S. B. 311 - Relating to court-ordered community service
- Eng. S. B. 321 - Relating to collection of tax and priority of distribution of estate or property in receivership

SECOND READING

- S. B. 8 - Exempting certain armed forces veterans from payment of fees for license to carry deadly weapon
- S. B. 114 - Providing continued eligibility for developmental disability services to dependents of military members
- S. B. 289 - Creating Green Alert Plan
- Com. Sub. for S. B. 303 - Enacting Students' Right to Know Act
- Com. Sub. for S. B. 357 - Authorizing Department of Revenue promulgate legislative rules
- Com. Sub. for S. B. 364 - Authorizing Department of Transportation promulgate legislative rules
- S. B. 468 - Relating to eligibility for license or permit application
- Com. Sub. for S. B. 470 - Relating to use of crossbow to hunt
- Com. Sub. for S. B. 487 - Providing exception that all DNR payments be deposited within 24 hours
- Com. Sub. for S. B. 500 - Relating to Class Y special crossbow hunting permit
- Com. Sub. for S. B. 501 - Adding protection, operation of North Bend Rail Trail, Greenbrier River Trail, and Elk River Trail to Parks and Recreation Section of DNR
- S. B. 509 - Relating to custodial allocation actions independent of divorce

FIRST READING

S. B. 51 - Specifying forms of grandparent visitation

Com. Sub. for S. B. 191 - Creating felony offense of aggravated cruelty to animals

Com. Sub. for S. B. 201 - Relating generally to criminal offenses of stalking and harassment

S. B. 523 - Extending deadline for municipalities to offer Social Security coverage to certain municipal retirement system members

Com. Sub. for S. B. 529 - Establishing limitations on claims and benefits against state

Com. Sub. for S. B. 532 - Distributing assets remaining in municipal policemen's or firemen's pension and relief fund on death of last retiree or beneficiary