

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE  
REGULAR SESSION, 2020  
SEVENTEENTH DAY

---

Charleston, West Virginia, Friday, January 24, 2020

The Senate met at 11:11 a.m.

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

Prayer was offered by Rabbi Joshua Lief, Temple Shalom, Wheeling, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Kenny Mann, a senator from the tenth district.

Pending the reading of the Journal of Thursday, January 23, 2020,

At the request of Senator Boley, 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 communications from a state agency as required by the provisions of law:

Environmental Protection, Department of (Oil and Gas Operating Permit and Processing Fund) (§22-6-29)

Environmental Protection, Department of (Oil and Gas Reclamation Fund) (§22-6-29)

The Senate 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 4058**—A Bill to amend and reenact §33-51-8 and §33-51-10 of the Code of West Virginia, 1931, as amended, all relating to pharmacy benefit managers; civil penalties; rules required.

Referred to the Committee on Health and Human Resources.

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 4275**—A Bill to amend and reenact §64-6-1 *et seq.* of the Code of West Virginia, 1931, as amended, all relating generally to authorizing agencies of the Department of Military Affairs and Public Safety to promulgate legislative rules; authorizing the rules as modified by the Legislative Rule-Making Review Committee; authorizing the Fire Commission to promulgate a legislative rule relating to State Fire Code; and authorizing the Fire Commission to promulgate a legislative rule relating to State Building Code.

Referred to the Committee on the Judiciary.

The Senate proceeded to the fourth order of business.

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

Your Committee on Government Organization has had under consideration

**Senate Bill 209**, Repealing annexation by minor boundary adjustment.

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

**Com. Sub. for Senate Bill 209** (originating in the Committee on Government Organization)—A Bill to amend and reenact §8-6-4a and §8-6-5 of the Code of West Virginia, 1931, as amended, all relating to annexation by minor boundary adjustment; clarifying language regarding entry of order by county commission following annexation of property within urban growth boundary by minor boundary adjustment; requiring that municipality as part of application provide affidavit that persons, businesses, and freeholders in additional territory consent to inclusion in annexation; providing procedure when affected party is unavailable to provide affidavit; requiring county commission to enter order denying application for minor boundary adjustment annexation upon determination that annexation could be efficiently and cost effectively accomplished under other provisions of said code, that application lacks evidence of consent of all affected parties, or is otherwise insufficient; and prohibiting municipality from applying for annexation by minor boundary adjustment for two years after denial of application.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

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

Your Committee on Education has had under consideration

**Senate Bill 241**, Requiring State Board of Education develop method for student transportation costs as stand-alone consideration.

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

**Com. Sub. for Senate Bill 241** (originating in the Committee on Education)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-9A-7a, relating to requiring the State Board of Education to develop a method for funding student transportation costs as a stand-alone consideration; requiring proposed revisions to the calculation method of the allowance for service personnel; and requiring a report to the Legislature.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Patricia Puertas Rucker,  
*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 505**, Relating to urban renewal acquisition of property.

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

**Com. Sub. for Senate Bill 505** (originating in the Committee on Economic Development)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-18-30, relating to the acquisition and disposition of certain real property by an urban development authority; prohibition on acquisition; and ability to exercise the right of first refusal of tax-delinquent properties.

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

Respectfully submitted,

Chandler Swope,  
*Chair.*

The bill (Com. Sub. for S. B. 505), under the original double committee reference, was then referred to the Committee on Government Organization.

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

Your Committee on Government Organization has had under consideration

**Eng. Com. Sub. for House Bill 2696**, Creating an additional index system for state-owned lands.

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

Respectfully submitted,

Mark R. Maynard,  
*Chair.*

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

Your Committee on Government Organization has had under consideration

**Eng. Com. Sub. for House Bill 4020**, Removing authority of municipalities to require occupational licensure if licensure for the occupation is required by the state.

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,

Mark R. Maynard,  
*Chair.*

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

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

**Eng. House Bill 4103**, Relating to office of drug control policy.

And has amended same.

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

Respectfully submitted,

Michael J. Maroney,  
*Chair.*

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

Your Committee on Government Organization has had under consideration

**Eng. House Bill 4130**, Relating to competitive bidding for government construction contracts arising out of declared states of emergency.

And has amended same.

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

Respectfully submitted,

Mark R. Maynard,  
*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 Senators Sypolt, Clements, Hamilton, Maynard, Pitsenbarger, Smith, and Swope:**

**Senate Bill 607**—A Bill to amend and reenact §17C-4-7 of the Code of West Virginia, 1931, as amended, relating to motor vehicle crash reports; requiring law-enforcement officers to submit reports of crashes to the owners and/or drivers of the vehicles involved in the crash in the same manner that law-enforcement officers are required to submit reports of crashes to the Division of Highways; and requiring the investigating law-enforcement officer, within 24 hours of a motor vehicle crash, to share the owner/operator and insurance information for all the involved parties with all the other involved parties and/or their insurance agents.

Referred to the Committee on Transportation and Infrastructure.

**By Senator Swope:**

**Senate Bill 608**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-5-22a; and to amend and reenact §15-5-26 of said code, all relating to providing exemptions from certain taxes for out-of-state businesses, out-of-state affiliates of in-state businesses, and their employees for work responding to declared disasters and states of emergency; making legislative findings; defining terms; specifying tax exemptions and their scope; establishing filing and notice procedures; and providing an immediate date of effect.

Referred to the Committee on Finance.

**By Senator Swope:**

**Senate Bill 609**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-1L-1, §15-1L-2, §15-1L-3, §15-1L-4, and §15-1L-5; and to amend and reenact §15-5-1, §15-5-2, and §15-5-3 of said code, all relating to the West Virginia Division of Homeland Security and Emergency Management; providing for legislative findings; providing for definitions; establishing the West Virginia Civil Authority; providing West Virginia Division of Homeland Security and Emergency Management to have authority over the West Virginia Civil Authority; establishing the powers and duties over the authority; providing for the authority to hire and administer employees; providing for conditions of employment for employees; providing that employees are entitled to participate in health and welfare plans, state retirement plans, and workers' compensation and unemployment programs as a benefit of employment; providing that West Virginia Division of Homeland Security and Emergency Management coordinate efforts with the Office of the Governor; providing for altered definitions; and providing that West Virginia Division of Homeland Security and Emergency Management is continued under the Office of the Governor.

Referred to the Committee on Government Organization.

**By Senators Weld, Hamilton, Palumbo, and Trump:**

**Senate Bill 610**—A Bill to repeal §29-22B-327 of the Code of West Virginia, 1931, as amended; to amend and reenact §11-16-3 and §11-16-8 of said code; to amend and reenact §16A-6-3 of said code; to amend and reenact §29-22B-503, §29-22B-504, and §29-22B-512 of said code; to amend and reenact §60-1-5 of said code; to amend and reenact §60-3A-8 of said code; to amend and reenact §60-7-4 and §60-7-5 of said code; and to amend and reenact §60-8-16 and §60-8-17 of said code, all relating to removing resident manager requirements; adding a manager requirement for West Virginia Alcohol Beverage Control Administration applicants and licensees; removing residency requirements for granting permits under the Medical Cannabis Act; and removing residency and United States citizenship requirements for the West Virginia Lottery.

Referred to the Committee on the Judiciary.

**By Senators Trump and Smith:**

**Senate Bill 611**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-1-1c; to amend and reenact §24-1-2 of said code; and to amend and reenact §24-2-1 of said code, all relating to permitting third-party ownership of all renewable and alternative energy-generating facilities; making legislative findings; defining terms; and creating exceptions.

Referred to the Committee on Economic Development.

**By Senator Maynard:**

**Senate Bill 612**—A Bill to amend and reenact §62-11A-1a of the Code of West Virginia, 1931, as amended, relating to alternative sentencing; and providing that persons in work programs or community service programs may be assigned to state agencies, as well as county agencies.

Referred to the Committee on the Judiciary.

**By Senator Swope:**

**Senate Bill 613**—A Bill to repeal §15-5-4 and §15-5-27 of the Code of West Virginia, 1931, as amended; to amend and reenact §5F-2-2 of said code; to amend and reenact §15-1A-3 of said code; to amend and reenact §15-5-4b, §15-5-4c, §15-5-13, §15-5-24, and §15-5-26 of said code; to amend said code by adding thereto a new section, designated §15-5-29; to amend and reenact §19-1-4 of said code; to amend and reenact §19-21A-4 of said code; to amend and reenact §20-1-7 of said code; to amend and reenact §22-1-6 of said code; to amend and reenact §29-31-2, §29-31-3, and §29-31-4 of said code; to amend said code by adding thereto a new section, designated §29-31-5; and to amend and reenact §33-2-23 of said code, all relating to the State Resiliency Office and State Resiliency Officer; authorizing department heads to work with the State Resiliency Office; requiring Adjutant General to cooperate with the State Resiliency Office; eliminating the West Virginia Disaster Recovery Board; requiring the State Resiliency Officer's approval to Auditor for disbursements from WV Disaster Recovery Fund; establishing powers of State Resiliency Office with respect to fund; providing authority of State Resiliency Office to accept assistance of the federal government related to emergency response; establishing the State Resiliency Officer as the administrator of the Disaster Recovery Trust Fund; providing authority of State Resiliency Office to disburse funds; eliminating annual reporting requirement of fund; requiring Director of Division of Homeland Security and Emergency Management to cooperate with the State Resiliency Office; requiring the Agriculture Commissioner to cooperate with the State Resiliency Office; requiring the State Conservation Commission to cooperate with the State Resiliency Office; authorizing the Secretary of the Department of Environmental Protection to cooperate with the State Resiliency Office; designating the State Resiliency Office

as the authority to provide and coordinate emergency relief efforts; establishing the State Resiliency Office as within the Office of the Governor; modifying requirements for board members; establishing additional duties for the board; providing for the appointment, duties, and requirements for the position of State Resiliency Officer; providing that the State Resiliency Officer will act on behalf of the Governor in emergency situations; establishing the authority of the State Resiliency Office and State Resiliency Officer; establishing the State Resiliency Officer to report to the Joint Committee on Flooding; establishing the power of the State Resiliency Officer over employees of the office; creating and establishing state office of National Flood Control Program; and providing for a coordinator to administer the program.

Referred to the Committee on Government Organization.

**By Senator Rucker:**

**Senate Bill 614**—A Bill to amend and reenact §18-5-48 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-20-11 of said code, all relating to requiring the West Virginia Department of Education to first allocate the funding appropriated for the Safe Schools Fund based on the remaining need for video cameras in each district until all districts have fully complied with the special education video camera requirements; and removing appropriation of funds by the Legislature as a prerequisite to the requirement for video cameras in self-contained classrooms.

Referred to the Committee on Education.

**By Senators Blair and Prezioso:**

**Senate Bill 615**—A Bill finding and declaring certain claims against the state and its agencies to be moral obligations of the state; and directing the Auditor to issue warrants for the payment thereof.

Referred to the Committee on Finance.

**By Senator Trump:**

**Senate Bill 616**—A Bill to amend and reenact §6C-2-1, §6C-2-2, §6C-2-3, §6C-2-4, and §6C-2-6 of the Code of West Virginia, 1931, as amended, all relating to the employment grievance procedure for public employees; clarifying the scope of employee representation; limiting the number of grievances in which an employee representative may participate; restricting an employee representative's participation in disciplinary meetings; clarifying the amount of paid time off allowed for grievance preparation; clarifying that employers are not required to grant access to state vehicles for grievances; providing for an exception to removal of a grievant's identity in employer's files; allowing waiver of the procedural level one in certain circumstances; and allowing the prevailing party in appeals to recover court costs and fees.

Referred to the Committee on Government Organization; and then to the Committee on the Judiciary.

**By Senator Clements:**

**Senate Bill 617**—A Bill to repeal §62-6-6a of the Code of West Virginia, 1931, as amended; to amend and reenact §15A-5-9 of said code; and to amend and reenact §62-1C-14 of said code, all relating to the ability to refuse offenders for commitment to a jail; and authorizing the acceptance of certain offenders refusing medical treatment.

Referred to the Committee on the Judiciary.

**By Senators Clements and Swope:**

**Senate Bill 618**—A Bill to amend and reenact §17-23-4 of the Code of West Virginia, 1931, as amended, relating to conforming West Virginia law to federal distance requirements for location of salvage yards within 1,000 feet of an occupied private residence in a residential community; and removing outdated terminology.

Referred to the Committee on Transportation and Infrastructure.

**By Senators Clements, Smith, and Swope:**

**Senate Bill 619**—A Bill to amend and reenact §11-14C-5 of the Code of West Virginia, 1931, as amended, relating to the motor fuel excise tax; creating an annual adjustment to the motor fuel excise tax; and providing for a mechanism for calculating the adjustment.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

**By Senators Clements, Trump, Baldwin, and Weld:**

**Senate Bill 620**—A Bill to amend and reenact §62-12-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §62-12-13c, all relating to authorizing the Commissioner of the Division of Corrections and Rehabilitation to approve home plans for inmates; authorizing the Commissioner of the Division of Corrections and Rehabilitation to establish a nonviolent offense parole program; establishing eligibility requirements for said program; clarifying that inmates released under said program are subject to the same conditions of release and sanctions; clarifying that inmate's failing to successfully complete the rehabilitation treatment program are ineligible for release; and clarifying that inmates not otherwise released may be eligible for said program at the time of successful completion of the rehabilitation treatment program.

Referred to the Committee on the Judiciary.

**By Senator Sypolt:**

**Senate Bill 621**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-14D-1, §11-14D-2, and §11-14D-3, all relating to providing tax for vehicles to certain persons; authorizing a tax credit for individual taxpayers under certain conditions; authorizing a tax credit to licensed automobile dealers under certain conditions; providing for definitions; establishing the minimum criteria of a qualified charitable organization; establishing the minimum criteria for an eligible vehicle to be used as the basis of the tax credit; requiring that the Tax Commissioner track the number and amount of tax credits claimed; providing that multiple qualified charitable organizations may use a percentage of total allowable tax credits for the year; providing that Tax Commissioner can develop criteria for allocating percentages of the total allowable tax credits to qualified charitable organizations; establishing the maximum amount of tax credits for tax years 2020 through 2021 at \$300,000; establishing the maximum amount of tax credits for subsequent years at \$1 million; and providing for rule-making authority.

Referred to the Committee on Finance.

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

**Senate Bill 622**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-29-1, §11-29-2, §11-29-3, §11-29-4, §11-29-5, §11-29-6,

§11-29-7, and §11-29-8, all relating to taxation of prescription opioids; imposing a tax on wholesale opioid distributors and mail-order pharmacies; establishing a license to distribute or dispense opioids; creating criminal penalties for distributing or dispensing opioid without a license and for failing to remit tax as required; authorizing the Department of Revenue to administer the tax; creating an Addiction and Neonatal Addiction Care Fund as a special revenue account and establishing the purposes for which the funds may be used; creating an Opioid Drug Taskforce Fund as a special revenue account and establishing the purposes for which the funds may be used; creating a Drug Courts Fund as a special revenue account and establishing the purposes for which the funds may be used; and creating an Opioid Education Fund as a special revenue account and establishing the purposes for which the funds may be used.

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

**By Senator Rucker:**

**Senate Bill 623**—A Bill to amend and reenact §18A-3-1 and §18A-3-1f of the Code of West Virginia, 1931, as amended, all relating to making a noncitizen of the United States eligible for a certificate to teach or an alternative program teacher certificate if he or she holds a valid Employment Authorization Document, or work permit, issued by the United States Citizenship and Immigration Services.

Referred to the Committee on Education.

Senator Rucker offered the following resolution:

**Senate Concurrent Resolution 10**—Requesting the Joint Committee on Government and Finance study the effectiveness of current West Virginia State laws relating to anti-bullying measures in public schools.

Whereas, West Virginia anti-bullying measures and regulations have been previously established to deter harassment, intimidation, and bullying; and

Whereas, School districts in West Virginia are required to adopt a policy prohibiting harassment, intimidation, and bullying; and

Whereas, Harassment, intimidation, and bullying can facilitate a hostile learning environment and negatively impact a child's educational outcomes; and

Whereas, The National Education Association has estimated that more than 160,000 k-12 students nationally miss school every day because of the threat or fear of bullying; and

Whereas, The National Center for Education Statistics, a division of the United States Department of Education, reported in 2019 that 20.2 percent of students between the ages of 12 and 18 experienced bullying in school; and

Whereas, The Centers for Disease Control and Prevention reported in 2019 that the negative consequences of bullying can increase the risk of low academic achievement, rates of school drop-out, social and emotional distress, self-harm, and even death; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Joint Committee on Government and Finance is hereby requested to study the effectiveness of current West Virginia State laws relating to anti-bullying measures in public schools; and, be it

*Further Resolved*, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2021, on its findings, conclusions, and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

*Further Resolved*, That the expenses necessary to conduct this study, to prepare a report, and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

Which, under the rules, lies over one day.

Senator Rucker offered the following resolution:

**Senate Concurrent Resolution 11**—Applying to the Congress of the United States to call a convention for proposing amendments pursuant to Article V of the United States Constitution, limited to proposing amendments that impose fiscal restraints on the federal government, limiting the power and jurisdiction of the federal government, and limiting the terms of office for its officials and for members of Congress; and adopting certain reservations, understandings, and declarations limiting the application.

Whereas, Executive orders by the President of the United States have become a vehicle through which the president may overstep the limits of his or her constitutional authority; and

Whereas, The concentration of power at the federal level has had the effect of making federal officials less responsive to the will of the people and more readily influenced by lobbyists, wealthy corporations, and special interests in Washington, D. C.; and

Whereas, Much of federal law is now enacted by federal bureaucrats who were never chosen by the people and have no accountability to the people whatsoever; and

Whereas, Policy decisions made at the state level tend to be more responsive to the needs and desires of the people; and

Whereas, The federal government has created a crushing national debt through improper and imprudent spending; and

Whereas, The federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, many of which are unfunded to a great extent; and

Whereas, The states have the ability to restore the responsiveness of government to the people and to restrain abuses of federal power by proposing amendments to the Constitution of the United States through a limited convention of the states under Article V; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby applies to the Congress of the United States to call a convention for proposing amendments pursuant to Article V of the United States Constitution, limited to proposing amendments that impose fiscal restraints on the federal government, limiting the power

and jurisdiction of the federal government, and limiting the terms of office for its officials and for members of Congress; and adopting certain reservations, understandings, and declarations limiting the application; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, the members of the Senate and House of Representatives from West Virginia, and the presiding officers of each of the legislative houses in the several states, requesting their cooperation.

Which, under the rules, lies over one day.

Senator Beach offered the following resolution:

**Senate Resolution 16**—Recognizing the 75th anniversary of the liberation of Auschwitz and the creation of International Holocaust Remembrance Day.

Whereas, Under the German occupation of Poland, Auschwitz operated as a concentration camp from May 20, 1940, until January 27, 1945, during WWII; and

Whereas, 1.3 million people were imprisoned at Auschwitz and 1.1 million died there, including: 960,000 Jewish deaths; 74,000 ethnic Poles; 21,000 Roma and Sinti; 15,000 Soviet prisoners of war; 10,000-15,000 other Europeans; and

Whereas, Auschwitz was considered a major site for the “Jewish question.” One in six Jews killed during the Holocaust died in Auschwitz; and

Whereas, The personal memoirs of Primo Levi, Elie Wiesel, and Tadeusz Borowski chronicle the brutality of starvation, beatings, exhaustive forced labor, and disease from grotesque living conditions; and

Whereas, Torture and medical experimentation was performed on prisoners; and

Whereas, Genocide occurred on a massive scale; prisoners arrived in overflowing cattle trains; Nazis selected the strong for forced labor; the elderly, women, children, and babies were extinguished in gas chambers immediately upon arrival; and

Whereas, The Soviet Red Army liberated the Auschwitz death camp on January 27, 1945, however, victory over Germany was its chief aim, not liberation of an oppressed people. It was the arrival of Western Allied troops in April 1945 that documented the death camp atrocities; and

Whereas, Dwight Eisenhower famously exclaimed, “Get it all on record now. . . get the films. . . get the witnesses. . . because somewhere down the road of history some bastard will get up and say that this never happened.”; and

Whereas, German chancellor Helmut Kohl stated in 1989, “The darkest and most awful chapter in German history was written at Auschwitz.”; and

Whereas, The United Nations designated the liberation of Auschwitz as International Holocaust Remembrance Day to remember six million Jewish victims and millions of other victims of Nazism; and

Whereas, Remembrance develops understanding to help prevent future genocides; therefore, be it

*Resolved by the Senate:*

That the Senate hereby recognizes the 75th anniversary of the liberation of Auschwitz and the creation of International Holocaust Remembrance Day; and, be it

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

Which, under the rules, lies over one day.

Senator Unger offered the following resolution:

**Senate Resolution 17**—Recognizing Leadership Berkeley for its service, dedication, and commitment to Berkeley County.

Whereas, The objective of Leadership Berkeley is to promote knowledge and awareness of the problems, opportunities, and issues facing Berkeley County; and

Whereas, Leadership Berkeley is designed to provide a series of educational and participatory experiences, as well as an opportunity for dialogue and the development of a correlation among participants, in order to encourage local participation in the growth of Berkeley County; and

Whereas, The membership of Leadership Berkeley includes individuals from nearly every facet of Berkeley County's business, professional, religious, governmental, educational, civic, the arts, and minority organizations who demonstrate a commitment to the community; and

Whereas, The 2020 membership of Leadership Berkeley consists of: Robbie Babbitt, For the Kids, By George Children's Museum; Elaine Bartoldson, Eastern Panhandle Transit Authority; Annley "Nikki" Bigiarelli, Hospice of the Panhandle; Scott Blaney, BB&T Bank; Dustin Branner, Jefferson Security Bank; Shawnee Brindle, Berkeley Medical Center; Tracy Burcker, Serenity Day Spa and Salon; Lisa Burgoyne, Valley Health; Amber Butcher, Blue Ridge Community and Technical College; Jenna Crofford Quinn, United Bank; Chelsie Davis, WVU Medicine; Steven De Ridder, Berkeley County Public Service Water District; Mark DesRochers, Summit Community Bank; Cindy Devereux, Arndt-McBee Insurance Agency, Inc.; Shane Farthing, City of Martinsburg; Lana Fries, City National bank; Dana Keith, City of Martinsburg; Eric Kerns, Faith Christian Academy; Jessica Leonard, First United Bank & Trust; Tyler Mayhew, Bowles Rice LLP; Renee Pifer, CNB Bank; Holley Ralston, Blue Ridge Community and Technical College; Jeanetta Schiano Di Cola, Jenny DiCola Photography; Allan Schreiner, Knauf Insulation; Jennifer Smith, Berkeley County Development Authority; Rachel Snavely, Berkeley County Council; Kurt Tiegs, Mountaineer Kitchens and Baths; Jared Tomlin, City of Martinsburg; and Tina Combs, Martinsburg-Berkeley County Chamber of Commerce and Leadership Berkeley Program Coordinator; therefore, be it

*Resolved by the Senate:*

That the Senate hereby recognizes Leadership Berkeley for its service, dedication, and commitment to Berkeley County; and

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate officials of Leadership Berkeley.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 9**, US Army SSG Nick P. Markos 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 13**, Designating January 24, 2020, as Women's and Girls' Day.

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

At the request of Senator Palumbo, 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 11:26 a.m., the Senate recessed to present Senate Resolution 13.

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

**Senate Resolution 14**, Designating January 24, 2020, as Corrections Day.

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

At the request of Senator Clements, 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 11:38 a.m., the Senate recessed to present Senate Resolution 14.

The Senate reconvened at 11:43 a.m. and proceeded to the eighth order of business.

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

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, 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 S. B. 144) 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 311**, Relating to court-ordered community service.

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, 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 S. B. 311) 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 321**, Relating to collection of tax and priority of distribution of estate or property in receivership.

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, 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. S. B. 321) passed with its title.

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

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

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

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

**Senate Bill 289**, Creating Green Alert Plan.

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 303**, Enacting Students' Right to Know Act.

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 357**, Authorizing Department of Revenue promulgate legislative rules.

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 364**, Authorizing Department of Transportation promulgate legislative rules.

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

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

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 470**, Relating to use of crossbow to hunt.

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 487**, Providing exception that all DNR payments be deposited within 24 hours.

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 500**, Relating to Class Y special crossbow hunting permit.

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 501**, Adding protection, operation of North Bend Rail Trail, Greenbrier River Trail, and Elk River Trail to Parks and Recreation Section of DNR.

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

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

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 51**, Specifying forms of grandparent visitation.

**Com. Sub. for Senate Bill 191**, Creating felony offense of aggravated cruelty to animals.

**Com. Sub. for Senate Bill 201**, Relating generally to criminal offenses of stalking and harassment.

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

**Com. Sub. for Senate Bill 529**, Establishing limitations on claims and benefits against state.

And,

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

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 Maynard and Rucker.

The Senate next proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill:

**Senate Bill 551** (*Relating to Water and Wastewater Investment and Infrastructure Improvement Act*): Senator Baldwin.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills:

**Senate Bill 20** (*Providing compensation to victims of abusive lawsuits*): Senator Maynard;

**Senate Bill 51** (*Specifying forms of grandparent visitation*): Senators Jeffries and Pitsenbarger;

**Senate Bill 70** (*Requiring any newly constructed building to meet minimum standards for universal design for disabled persons*): Senator Woelfel;

**Senate Bill 102** (*Requiring certain state office vacancies be filled with person affiliated with same party as vacating person was affiliated at time of election*): Senator Romano;

**Senate Bill 106** (*Making daylight saving time official time year round in WV*): Senator Romano;

**Senate Bill 260** (*Collecting of personal information by retail establishments for certain purposes*): Senator Baldwin;

**Senate Bill 279** (*Requiring dental insurance plans honor assignment made in writing by person covered*): Senator Romano;

**Senate Bill 319** (*Exempting moneys in WV EMS Retirement Fund from state or municipal tax*): Senator Romano;

**Senate Bill 513** (*Protecting consumers against businesses using automatic renewals without consent*): Senator Woelfel;

**Senate Bill 518** (*Requiring one-year residency within district or county to fill vacancy in Legislature*): Senator Beach;

**Senate Bill 522** (*Relating to compensation awards to crime victims*): Senator Rucker;

**Com. Sub. for Senate Bill 532** (*Distributing assets remaining in municipal policemen's or firemen's pension and relief fund on death of last retiree or beneficiary*): Senator Romano;

**Senate Bill 541** (*Creating position of homeless education coordinator*): Senator Woelfel;

**Senate Bill 563** (*Eliminating suspension of driver's license for failure to pay court fines and costs*): Senator Woelfel;

**Senate Bill 567** (*Relating to wholesale importation of prescription drugs*): Senator Woelfel;

**Senate Bill 577** (*Relating to insurance coverage for insulin*): Senators Palumbo and Woelfel;

**Senate Bill 579** (*Authorizing establishment of enhanced emergency telephone systems*): Senator Cline;

**Senate Bill 580** (*Continuing Foster Care Ombudsman Program*): Senator Roberts;

**Senate Bill 582** (*Imposing certain conduct requirements on pharmacy benefit managers*): Senator Woelfel;

**Senate Bill 590** (*Implementing trauma-informed practices in schools*): Senators Hardesty and Woelfel;

And,

**Senate Bill 597** (*Relating to judicial branch members' salaries and pensions*): Senator Woelfel.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following resolutions:

**Senate Concurrent Resolution 7** (*US Army PFC Clifford O. Eckard Memorial Bridge*): Senator Jeffries;

And,

**Senate Concurrent Resolution 8** (*US Army 1st Lieutenant Harold H. Frazier Memorial Bridge*): Senator Stollings.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:02 p.m., the Senate adjourned until Monday, January 27, 2020, at 11 a.m.

---

## **SENATE CALENDAR**

**Monday, January 27, 2020  
11:00 AM**

### **UNFINISHED BUSINESS**

- S. C. R. 10 - Requesting study of current WV laws relating to anti-bullying measures in schools
- S. C. R. 11 - Asking Congress call convention for proposing amendments to impose fiscal restraints on federal government
- S. R. 16 - Recognizing 75th anniversary of liberation of Auschwitz and creation of International Holocaust Remembrance Day **[ADOPT]**
- S. R. 17 - Recognizing Leadership Berkeley **[ADOPT]**

### **THIRD READING**

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

### **SECOND 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

### **FIRST READING**

Com. Sub. for S. B. 209 - Relating to annexation by minor boundary adjustment

Com. Sub. for S. B. 241 - Requiring State Board of Education develop method for student transportation costs as stand-alone consideration

Eng. Com. Sub. for H. B. 2696 - Creating an additional index system for state-owned lands

Eng. H. B. 4103 - Relating to office of drug control policy - (Com. amend. pending)

Eng. H. B. 4130 - Relating to competitive bidding for government construction contracts arising out of declared states of emergency - (Com. amend. pending)

**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2020**

---

**Monday, January 27, 2020**

10 a.m.	Judiciary	(Room 208W)
1 p.m.	Natural Resources	(Room 208W)
2 p.m.	Banking & Insurance	(Room 451M)