

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE  
REGULAR SESSION, 2020  
TWENTIETH DAY

---

Charleston, West Virginia, Monday, January 27, 2020

The Senate met at 11:08 a.m.

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

Prayer was offered by the Reverend Father Leon Alexander, Saint John XXIII Pastoral Center, Charleston, West Virginia.

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

Pending the reading of the Journal of Friday, January 24, 2020,

At the request of Senator Jeffries, 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 concurrence by that body in the passage, to take effect from passage, of

**Eng. Com. Sub. for Senate Bill 94**, Providing persons with physical disabilities ability to vote by electronic absentee ballot.

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 4002**—A Bill to amend and reenact §60A-4-416 of the Code of West Virginia, 1931, as amended, relating to creating a felony crime of delivery of a controlled substance or a counterfeit controlled substance with reckless disregard for the health, safety, and welfare of others, for an illicit purpose, and the use, ingestion, consumption, or exposure thereof causes death.

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 4393**—A Bill to amend and reenact §61-2-9d of the Code of West Virginia, 1931, as amended, relating to making suffocation and asphyxiation crimes.

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 175**, Requiring certain agencies maintain website which contains specific information.

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

**Com. Sub. for Senate Bill 175** (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5F-1-7; to amend and reenact §7-1-3rr of said code; and to amend said code by adding thereto a new article, designated §8-39-1, all relating to governmental websites; requiring executive branch agencies maintain a website that contains specific information; providing exceptions; authorizing county commissions to maintain websites with specific information; requiring county commissions to provide certain information to the Secretary of State; authorizing municipalities to maintain websites with specific information available to the public at no charge; requiring information to be updated; and requiring updated information be provided to the Office of Technology.

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,

Mark R. Maynard,  
*Chair.*

At the request of Senator Tarr, as vice chair of the Committee on Finance, unanimous consent was granted to dispense with the second committee reference of the bill contained in the foregoing report from the Committee on Government Organization.

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 261**, Creating criminal penalties for introducing ransomware into computer with intent to extort.

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

**Com. Sub. for Senate Bill 261** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-3C-3 and §61-3C-4 of the Code of West Virginia, 1931, as amended, all relating to contaminating a computer with ransomware; creating criminal offense of introducing ransomware into any computer, computer system, or computer network with the intent to extort money or other consideration; setting forth the elements of the offense; defining terms; and establishing criminal penalties.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*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 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, and 354**, DHHR rule relating to public water systems.

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

**Com. Sub. for Senate Bill 339** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-5-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating generally to authorizing certain agencies of the Department of Health and Human Resources to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to public water systems; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to fees for permits; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to vital statistics; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to emergency medical services; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to primary care support program; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to primary care seed money grants; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—general provisions; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—grower/processors; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—laboratories; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—program dispensaries; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to medical cannabis program—safe harbor letter; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to the collection and exchange of data related to overdoses; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to minimum licensing requirements for residential child care and treatment facilities for children and transitioning adults in West Virginia; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to qualifications for a provisional license to practice as a social worker within the Department of

Health and Human Resources; authorizing the Department of Health and Human Resources to promulgate a legislative rule relating to pilot program for drug screening of applicants for cash assistance; and authorizing the Health Care Authority to promulgate a legislative rule relating to critical access hospitals.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*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 491**, Relating to Seed Certification Program.

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

**Com. Sub. for Senate Bill 491** (originating in the Committee on Agriculture and Rural Development)—A Bill to amend and reenact §19-16-1, §19-16-2, §19-16-3, §19-16-4, §19-16-5, and §19-16-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §19-16-3b and §19-16-9, all relating to the Seed Certification Program within the Department of Agriculture; defining terms; adding flower seed requirements; adding labeling requirements for seed; adding labeling requirements for interstate shipping; authorizing legislative rules for penalties; updating certificate of registration requirements; requiring quarterly tonnage fees and reports for seed; requiring monthly reports for seed potatoes; requiring record retention; updating prohibitions for labeling; setting forth label and signage requirements for noncommercial seed sharing; updating duties and authority of commissioner; authorizing inspections of seed conditioning facilities, issuance of permits, and establishment of fees; and providing for penalties for labeling deficiencies.

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,

Dave Sypolt,  
*Chair.*

The bill (Com. Sub. for S. B. 491), under the original double committee reference, was then referred to the Committee on Government Organization.

The Senate proceeded to the fifth order of business.

Senator Takubo, from the Select Committee on Children and Families, submitted the following report, which was received:

Your Select Committee on Children and Families has had under consideration

**Senate Bill 230**, Requiring State Board of Education provide instruction to personnel on student suicide prevention.

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

**Com. Sub. for Senate Bill 230** (originating in the Select Committee on Children and Families)—A Bill to amend and reenact §18-2-40 of the Code of West Virginia, 1931, as amended, relating to suicide prevention awareness training and dissemination of information; providing findings; requiring State Board of Education to provide routine education in suicide prevention under guidelines established by board; and requiring dissemination of information.

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

Respectfully submitted,

Tom Takubo,  
*Chair.*

The bill (Com. Sub. for S. B. 230), under the original double committee reference, was then referred to the Committee on Education.

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 Stollings, Baldwin, Beach, Facemire, Hamilton, Hardesty, Ihlenfeld, Lindsay, Pitsenbarger, Romano, Smith, and Woelfel:**

**Senate Bill 624**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §23-4D-1, §23-4D-2, §23-4D-3, §23-4D-4, §23-4D-5, and §23-4D-6, all relating to creating the West Virginia Black Lung Program; granting entitlement for pain and suffering for occupational pneumoconiosis; providing that 10 years' exposure as a miner is a conclusive presumption of entitlement to pain and suffering benefits; calculation of benefits; tax credit for benefits; imposing additional severance tax and tax on generation of electricity by solar and wind devices; creating the State Black Lung Fund; requiring the Governor and Legislature to cooperate with other states to attempt to recoup the federal excise tax on coal; and proposal of rules by the Insurance Commissioner and Tax Commissioner.

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

**By Senator Trump:**

**Senate Bill 625**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §60-7-8b, relating to creating one-day annual license permitting the charitable auction of sealed rare, antique, or vintage liquor bottles: setting license fee; establishing license requirements; and providing certain limited exceptions.

Referred to the Committee on the Judiciary.

**By Senator Ihlenfeld:**

**Senate Bill 626**—A Bill to amend and reenact §17C-5C-3 of the Code of West Virginia, 1931, as amended, relating to authorizing the Office of Administrative Hearings to hear and determine appeals of the suspension or revocation of a graduated driver's license.

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

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

**Senate Bill 627**—A Bill to amend and reenact §16-2-11 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-2-17, all relating to authorizing local boards of health to office-based, medication-assisted treatment services; and pilot projects to develop office-based, medication-assisted treatment services.

Referred to the Committee on Health and Human Resources.

**By Senators Jeffries, Rucker, Stollings, Plymale, Hamilton, Mann, Baldwin, Maroney, Trump, Sypolt, Blair, and Azinger:**

**Senate Bill 628**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-5i, relating to creating the West Virginia Children's Vision Act; and requiring proof of vision examination of children enrolling in West Virginia public or private schools.

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

**By Senator Trump:**

**Senate Bill 629**—A Bill to amend and reenact §60-8-2, §60-8-18, and §60-8-29 of the Code of West Virginia, 1931, as amended, all relating to clarifying various aspects of wine, specifically the alcohol by volume percentage for table wine, wine, and fortified wine; adding the definition of "nonfortified dessert wine"; clarifying penalties for failures to meet requirements; renumbering sections; replacing bond requirements that secure the payment of taxes by distributors, suppliers, certain wineries, and certain farm wineries who are acting as either suppliers or distributors in a limited capacity with an affidavit; and providing penalties for failure to pay taxes and maintain good standing with the state.

Referred to the Committee on the Judiciary.

**By Senator Hamilton:**

**Senate Bill 630**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article designated §21-1F-1, §21-1F-2, §21-1F-3, §21-1F-4, §21-1F-5, §21-1F-6, §21-1F-7, and §21-1F-8, all relating to saving West Virginia call center jobs remaining in this state; providing for a short title; providing for definitions; providing for creation of a list of call centers that move overseas; providing for ineligibility for state grants or guaranteed loans; providing for in-state procurement; providing for state benefits to workers; providing for an effective date; and providing for severability.

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

**By Senator Maynard:**

**Senate Bill 631**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-4-2a, relating to providing the Commissioner of the Division of Highways with the authority to designate a road as an “Historic Route”; and establishing rule-making authority.

Referred to the Committee on Transportation and Infrastructure.

Senator Weld offered the following resolution:

**Senate Concurrent Resolution 12**—Requesting the Division of Highways name bridge number 05-1-0.80 (05A001), locally known as Harmon Creek Bridge, carrying CR1 over Harmon Creek and Panhandle Trail in Brooke County, the “U.S. Army PFC Gary Alcott Birkhimer Memorial Bridge”.

Whereas, Gary Alcott Birkhimer was born on October 3, 1930, in Colliers, Brooke County, to Terry and Ella Birkhimer; and

Whereas, Gary Alcott Birkhimer enlisted in the U.S. Army at the time of the Korean War; and

Whereas, Gary Alcott Birkhimer was a Private First Class as a heavy weapons infantryman in the 17th Infantry Regiment, 7th Infantry Division; and

Whereas, PFC Gary Alcott Birkhimer was killed in action on April 11, 1951, and was awarded the Purple Heart, Combat Infantry Badge, Korean Service Medal, National Defense Service Medal, Republic of Korea Presidential Citation, Republic of Korea War Service Medal, United Nations Service Medal, Distinguished Unit Citation, and the Army Good Conduct Medal; and

Whereas, It is fitting that an enduring memorial be established to commemorate U.S. Army PFC Gary Alcott Birkhimer 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 05-1-0.80 (05A001), locally known as Harmon Creek Bridge, carrying CR1 over Harmon Creek and Panhandle Trail in Brooke County, the “U.S. Army PFC Gary Alcott Birkhimer 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 PFC Gary Alcott Birkhimer 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 Prezioso offered the following resolution:

**Senate Resolution 18**—Congratulating Chad Nuzum for winning the Earle S. Dillard Insurance Agent of the Year Award.

Whereas, The Earle S. Dillard Award is presented annually by the Independent Insurance Agents of West Virginia to those association member-agents who, throughout their career, have personified the qualities most admired by the profession; and

Whereas, Chad Nuzum attended and graduated from Fairmont Senior High School, then attended Fairmont State University and West Virginia University; and

Whereas, In 1998, Chad Nuzum went to work for his father's insurance agency, becoming the fourth generation to do so; and

Whereas, In 2018, Chad Nuzum was named President of the Hood Insurance Group, LLC; and

Whereas, Chad Nuzum is a dedicated public servant, sitting on the Board of Directors of the Boys and Girls Club, and the Marion County Chamber of Commerce, where he has been the cochairman of the Marion County Chamber of Commerce Annual Dinner for the last 10 years. Mr. Nuzum is also an elected official in his third term as councilman for the City of Pleasant Valley; and

Whereas, Chad Nuzum sponsors a row of seats at Fairmont State University basketball games for underprivileged children. Mr. Nuzum also sponsors the Fairmont Senior High football team and many of his clients' activities. He is presently on the board of the IIAWV as vice president and has been its treasurer for the past three years; and

Whereas, Chad Nuzum has demonstrated his excellence in the insurance industry and in his community, and for his efforts was presented the Earle S. Dillard Agent of the Year Award at the association's annual convention; therefore, be it

*Resolved by the Senate:*

That the Senate hereby congratulates Chad Nuzum for winning the Earle S. Dillard Insurance Agent of the Year Award; and, be it

*Further Resolved*, That the Senate extends its sincere appreciation to Chad Nuzum for his dedicated public service; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to Chad Nuzum.

Which, under the rules, lies over one day.

Senator Woelfel offered the following resolution:

**Senate Resolution 19**—Recognizing Prestera Center for Mental Health Services for excellence in comprehensive community-based mental health and substance use treatment services.

Whereas, Prestera Center is dedicated to serving, first and foremost, the residents of the state of West Virginia with their behavioral health care needs, regardless of ability to pay; and



Whereas, Prestera Center is a non-profit 501(c)3, West Virginia-based organization with headquarters in Huntington, West Virginia, that provides services across eight counties in West Virginia (including Kanawha and Cabell Counties) serving over 20,000 adults, children, and families each year—and with 730 employees it is the 75th largest employer in the state; and

Whereas, Prestera Center's mission is to provide effective, comprehensive behavioral health care services through a united effort, dedicated to helping people achieve their full potential; and

Whereas, Prestera Center has provided assertive community treatment (ACT) services that are intensive, multi-disciplinary, and continuous in the community for almost 20 years (including evenings, weekends, and after-hours on-call services). Prestera Center has ACT teams in Huntington and Charleston, WV. ACT is a client-centered, recovery-oriented mental health, evidence-based treatment that facilitates community living, psycho-social rehabilitation, and recovery for persons who have the most severe and persistent mental illnesses— those who have severe symptoms and devastating impairments in daily living, who have a history of lengthy inpatient psychiatric hospitalizations and have not benefited from traditional outpatient programs; and

Whereas, ACT services are provided by a team of professionals including a team leader, psychiatrist, registered nurse, mental health counselors, case managers, addictions counselor, support staff, and peer support specialists. ACT teams build relationships and actively assist individuals with severe and persistent mental illness to make improvements in functioning, to better manage symptoms, to achieve individual goals, and maintain optimism. In addition to professional treatment services, individualized supportive services are provided that ensure safe and affordable clean housing, improve home-making skills, including nutrition and cooking, self-care and personal hygiene, budgeting and money management, locate and maintain employment in the community, engage in self-help and advocacy activities, and develop leisure time management. Seventy-five percent or more of the time spent in services is spent outside the office, at home, or out in the community; and

Whereas, Prestera Center's ACT program in Huntington, WV, served 75 high-intensity, severe, and persistently mentally ill individuals in the past year and 98 percent remained in the community and were not admitted to a psychiatric inpatient facility. These 75 adults received 7,982 contacts with ACT Team staff over the past year, averaging 106 contacts a person a year; and

Whereas, Prestera Center is making a significant contribution to the behavioral health care needs of the citizens of West Virginia; therefore, be it

*Resolved by the Senate:*

That the Senate hereby recognizes Prestera Center for Mental Health Services for excellence in comprehensive community-based mental health and substance use treatment services; and, be it

*Further Resolved,* That the Senate acknowledges and appreciates Prestera's many contributions to citizens of the state of West Virginia since 1967; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to Prestera Center for Mental Health Services.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 10**, Requesting study of current WV laws relating to anti-bullying measures in schools.

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

**Senate Concurrent Resolution 11**, Asking Congress call convention for proposing amendments to impose fiscal restraints on federal government.

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

**Senate Resolution 16**, Recognizing 75th anniversary of liberation of Auschwitz and creation of International Holocaust Remembrance 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 and reference to a committee dispensed with.

The question being on the adoption of the resolution, and on this question, Senator Beach demanded the yeas and nays.

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

The nays were: None.

Absent: Roberts—1.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 16) adopted.

Thereafter, at the request of Senator Plymale, and by unanimous consent, the remarks by Senator Beach regarding the adoption of Senate Resolution 16 were ordered printed in the Appendix to the Journal.

**Senate Resolution 17**, Recognizing Leadership Berkeley.

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

At the request of Senator Unger, 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 11:41 a.m., the Senate recessed to present Senate Resolution 17.

The Senate reconvened at 11:46 a.m. and, at the request of Senate Weld, and by unanimous consent, returned to the second order of business and the introduction of guests.

The Senate then proceeded to the eighth order of business.

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

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, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Roberts—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 8) 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 114**, Providing continued eligibility for developmental disability services to dependents of military members.

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

Pending discussion,

The question being “Shall Engrossed Senate Bill 114 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Roberts—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 114) 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 289**, Creating Green Alert Plan.

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, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Roberts—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 289) 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 303, Enacting Students' Right to Know Act.**

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Roberts—2.

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. 303) passed with its title.

Senator Takubo moved that the bill take effect January 1, 2021.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Roberts—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 303) takes effect January 1, 2021.

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

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, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Roberts—2.

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. 357) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Roberts—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 357) takes effect from passage.

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

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

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 364 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Roberts—2.

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. 364) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Roberts—2.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 364) takes effect from passage.

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

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

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, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Roberts—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 468) 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 470**, Relating to use of crossbow to hunt.

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, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Roberts—2.

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. 470) passed.

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

**Eng. Com. Sub. for Senate Bill 470**—A Bill to amend and reenact §20-2-5g of the Code of West Virginia, 1931, as amended, relating to the use of a crossbow to hunt; decreasing length of crossbow bolt; and specifying measurement method.

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

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, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Roberts—2.

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. 487) 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 500**, Relating to Class Y special crossbow hunting permit.

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, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Roberts—2.

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. 500) 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 501**, Adding protection, operation of North Bend Rail Trail, Greenbrier River Trail, and Elk River Trail to Parks and Recreation Section of DNR.

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, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Roberts—2.

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. 501) 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 509**, Relating to custodial allocation actions independent of divorce.

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, Boley, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Pitsenbarger, Plymale, Prezioso, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, Woelfel, and Carmichael (Mr. President)—32.

The nays were: None.

Absent: Blair and Roberts—2.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 509) 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 51**, Specifying forms of grandparent visitation.

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 191**, Creating felony offense of aggravated cruelty to animals.

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 201**, Relating generally to criminal offenses of stalking and harassment.

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



On motion of Senator Trump, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page two, section nine-a, line twenty-five, by striking out the word “confined” and inserting in lieu thereof the word “imprisoned”;

And,

On page two, section nine-a, lines twenty-six through thirty-three, by striking out all of subsection (e) and inserting in lieu thereof a new subsection, designated subsection (e), to read as follows:

(e) Notwithstanding any provision of this code to the contrary, any person against whom a protective order is in effect for injunctive relief pursuant to the provisions of §48-5-608 or §48-27-501 of this code, who has been served with a copy of said order, who commits a violation of the provisions of this section, in which the subject in the protective order is the victim, shall be guilty of a felony and upon conviction thereof, be imprisoned in a state correctional facility for not less than one year nor more than five years, or fined not less than \$3,000 nor more than \$10,000, or both fined and imprisoned.

The bill (Com. Sub. for S. B. 201), as amended, was then ordered to engrossment and third reading.

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

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

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

On page one, section twenty-eight, line eleven, by striking out the word “jointly”.

The bill (S. B. 523), as amended, was then ordered to engrossment and third reading.

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

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

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:

**Com. Sub. for Senate Bill 209**, Relating to annexation by minor boundary adjustment.

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

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

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

And,

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Plymale and Woelfel.

Thereafter, at the request of Senator Woelfel, and by unanimous consent, the remarks by Senator Plymale were ordered printed in the Appendix to the Journal.

The Senate proceeded to the thirteenth order of business.

At the request of Senator Woelfel, unanimous consent being granted, it was ordered that the Journal show had Senator Woelfel been present in the chamber on Thursday, January 23, 2020, he would have voted "nay" on the passage of Engrossed Committee Substitute for Senate Bill 192.

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 610** (*Removing resident manager requirement for Alcohol Beverage Control Administration*): Senator Hamilton.

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 43** (*Imposing cap under insurance policy or discount prescription drug plan for covered prescription insulin drug*): Senator Maynard;

**Senate Bill 200** (*Including certain types of cancers for which rebuttable presumption of injury exists for firefighters*): Senator Romano;

**Com. Sub. for Senate Bill 230** (*Requiring State Board of Education provide routine education in suicide prevention*): Senators Roberts and Stollings;

**Senate Bill 236** (*Relating to online privacy protection of children*): Senator Rucker;

**Com. Sub. for Senate Bill 241** (*Requiring State Board of Education develop method for student transportation costs as stand-alone consideration*): Senators Roberts, Rucker, and Stollings;

**Senate Bill 261** (*Creating criminal penalties for introducing ransomware into computer with intent to extort*): Senator Maynard;

**Senate Bill 533** (*Relating to lifetime hunting, fishing, and trapping licenses for certain foster or adoptive children*): Senator Romano;

**Senate Bill 558** (*Relating to study of health care workforce*): Senator Romano;

**Senate Bill 560** (*Permitting nursing home use trained individuals administer medication*): Senator Roberts;

**Senate Bill 583** (*Creating program to further development of renewable energy resources*): Senators Blair and Smith;

**Senate Bill 592** (*Relating to disposition of industrial hemp*): Senator Romano;

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

**Senate Bill 600** (*Creating special revenue account designated Military Authority Fund*): Senator Cline;

**Senate Bill 601** (*Adding reporting requirements to financial disclosures*): Senator Beach;

**Senate Bill 602** (*Relating to judicial branch members' salaries and pensions*): Senator Woelfel;

**Senate Bill 603** (*Relating to prohibition on short-term duration health insurance*): Senator Woelfel;

**Senate Bill 606** (*Relating to relative placement for foster care and guardianship*): Senators Cline, Roberts, Rucker, and Stollings;

**Senate Bill 608** (*Providing exemptions from certain taxes for out-of-state businesses*): Senator Cline;

**Senate Bill 609** (*Relating to Division of Homeland Security and Emergency Management*): Senator Cline;

**Senate Bill 610** (*Removing resident manager requirement for Alcohol Beverage Control Administration*): Senator Woelfel;

**Senate Bill 611** (*Permitting third-party ownership of renewable and alternative energy generating facilities*): Senator Cline and Lindsay;

**Senate Bill 614** (*Changing method of allocating funding from Safe School Funds*): Senator Cline;

**Senate Bill 615** (*Declaring certain claims against state as moral obligations of state*): Senator Plymale;

**Senate Bill 618** (*Conforming WV law to federal distance requirements for locations of salvage yards*): Senator Cline;

**Senate Bill 621** (*Relating to tax credits for providing vehicles to certain persons*): Senator Cline;

And,

**Senate Bill 623** (*Allowing noncitizen of US be eligible for teaching certificate*): Senator Plymale.

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 Joint Resolution 1** (*Clarification of the Judiciary's Role in Impeachment Proceedings Amendment*): Senator Blair;

**Senate Joint Resolution 2** (*Disabled Veteran Exemption From Ad Valorem Property Taxation Amendment*): Senators Baldwin and Romano;

**Senate Joint Resolution 3** (*Protection of the Right to Bear Arms Amendment*): Senator Roberts;

**Senate Joint Resolution 5** (*Homestead Exemption Increase Amendment*): Senators Baldwin and Romano;

**Senate Joint Resolution 6** (*Supervision of Free Schools Modification Amendment*): Senator Roberts;

**Senate Concurrent Resolution 5** (*Requesting Joint Committee on Government and Finance study ways to achieve higher levels of effectiveness and fairness in public school system*): Senator Blair;

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

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

**Senate Concurrent Resolution 9** (*US Army SSG Nick P. Markos Memorial Bridge*): Senators Ihlenfeld and Stollings;

**Senate Concurrent Resolution 10** (*Requesting study of current WV laws relating to anti-bullying measures in schools*): Senator Cline;

**Senate Resolution 16** (*Recognizing 75th anniversary of liberation of Auschwitz and creation of International Holocaust Remembrance Day*): Senators Baldwin, Hamilton, Hardesty, Jeffries, Palumbo, Plymale, Prezioso, Romano, Stollings, and Woelfel;

And,

**Senate Resolution 17** (*Recognizing Leadership Berkeley*): Senators Hardesty, Plymale, Prezioso, and Stollings.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:28 p.m., the Senate adjourned until tomorrow, Tuesday, January 28, 2020, at 11 a.m.

---

## SENATE CALENDAR

Tuesday, January 28, 2020  
11:00 AM

### UNFINISHED BUSINESS

S. C. R. 12 - US Army PFC Gary Alcott Birkhimer Memorial Bridge

S. R. 18 - Congratulating Chad Nuzum for winning Earle S. Dillard Insurance Agent of Year Award  
**[ADOPT]**

S. R. 19 - Recognizing Pretera Center for Mental Health Services **[ADOPT]**

### THIRD READING

Eng. S. B. 51 - Specifying forms of grandparent visitation

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

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

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

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

Eng. 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

### SECOND 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)

### FIRST READING

Com. Sub. for S. B. 175 - Requiring certain agencies maintain website which contains specific information

Com. Sub. for S. B. 261 - Creating criminal penalties for introducing ransomware into computer with intent to extort

Com. Sub. for S. B. 339 - Authorizing DHHR promulgate legislative rules

**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2020**

---

**Tuesday, January 28, 2020**

10 a.m.                      Transportation & Infrastructure                      (Room 451M)

**Thursday, January 30, 2020**

1 p.m.                      Health & Human Resources                      (Room 451M)