

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE
SECOND EXTRAORDINARY SESSION, 2018
SEVENTY-EIGHTH DAY

Charleston, West Virginia, Tuesday, September 11, 2018

Pursuant to the call of the President of the Senate, under the authority of Senate Concurrent Resolution 201, adopted June 26, 2018, the Senate reassembled in extraordinary session in its chamber in the state capitol in the City of Charleston, at 10:12 a.m., and was called to order by its President, the Honorable Mitch Carmichael.

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

The Senate then stood in observance of a moment of silence in recognition of the seventeenth anniversary of the September 11, 2001, terrorist attacks on the United States.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Donna J. Boley, a senator from the third district.

Pending the reading of the Journal of Monday, August 20, 2018,

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

The Senate proceeded to the third order of business.

The Clerk then presented the following communication from the House of Delegates, which was received:

HOUSE OF DELEGATES
WEST VIRGINIA LEGISLATURE
Building 1, Room 242-M
1900 Kanawha Blvd., East
Charleston, WV 25305-0470
Messages 1-877-565-3447
Capitol Office Phone (304) 340-3148

September 10, 2018

The Honorable Lee Cassis
Clerk

West Virginia Senate
Building 1, Room 211M
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Mr. Clerk:

Pursuant to the provisions of House Resolution 205, I hereby remove The Honorable Roger Hanshaw as a member to act as a manager on the part of the House of Delegates to go before the West Virginia Senate to conduct the impeachment against the various justices of the Supreme Court of Appeals of West Virginia and appoint The Honorable Geoff Foster to fill the vacancy created by this action.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

John Overington
Speaker Pro Tempore

cc: The Honorable Mitch Carmichael
The Honorable Stephen J. Harrison

The following communication was reported by the Clerk:

The Senate of West Virginia
Charleston

September 11, 2018

The Honorable Mitch B. Carmichael
President of the Senate
And
The Honorable Members of the West Virginia Senate

Dear Mr. President and Members:

Pursuant to Rule 4 of the Rules of the Senate While Sitting as a Court of Impeachment, I have this day designated Kristin Canterbury, the Assistant Clerk of the Senate, to serve as Clerk of the Court of Impeachment in my absence. This designation will be filed in the Journal of the Senate and the Journal of the Court of Impeachment.

Sincerely,

Lee Cassis
Clerk of the Senate

At the request of Senator Ferns, and by unanimous consent, the Senate resolved itself into a Court of Impeachment to consider proceedings against the various justices of the Supreme Court of Appeals of the State of West Virginia and, after proceedings had therein, as stated in the record, the Senate resumed its session.

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

Without objection, at 10:55 a.m., the Senate recessed until 2:30 p.m. today.

The Senate reconvened at 2:50 p.m. today and proceeded to the sixth order of business.

At the request of Senator Trump, and by unanimous consent, Senator Trump (By Request of the House Managers and Counsel for Chief Justice Workman and Justice Walker) introduced the following resolution from the floor:

Senate Resolution 204—Publicly reprimanding and censuring Chief Justice Margaret L. Workman and Justice Elizabeth D. Walker of the Supreme Court of Appeals of West Virginia.

Whereas, Chief Justice Margaret Workman was named in Articles IV and VI of the Articles of Impeachment, which allege overpayment of senior status judges; and

Whereas, Chief Justice Workman and Justice Walker were named in Article of Impeachment XIV, which alleges that the Justices of the Supreme Court of Appeals generally and collectively failed to provide or prepare policies and reasonable supervisory oversight of the operations of the Court and in the absence of such policies and oversight, wasted state funds on unnecessary renovations, travel, computers for home use, lunches, and the framing of personal items; and

Whereas, The House of Delegates also adopted House Resolution 203 censuring all then-sitting Justices related to their conduct concerning, among other things, the spending on their personal offices; and

Whereas, Chief Justice Workman and Justice Walker have accepted full responsibility for all spending on renovations to their personal offices over which they exercised or should've exercised spending oversight and approval; and

Whereas, Chief Justice Workman and Justice Walker have previously and publicly acknowledged indefensible spending by the Court and the absence of appropriate policies and practices that likely would have prevented that indefensible spending; and

Whereas, Chief Justice Workman and Justice Walker have publicly acknowledged the need for changed policies and practices to rebuild public trust in the Court; and

Whereas, Chief Justice Workman and Justice Walker have begun and will continue to implement reforms to improve the administration of the Court and prevent future inappropriate expenditures and to ensure compliance with all applicable laws and regulations governing the conduct of the Court; and

Whereas, Justice Walker has not served as Chief Justice over the Court or Judicial Branch in the time that she has served on the Supreme Court of Appeals; and

Whereas, Chief Justice Workman and Justice Walker support increased legislative oversight, transparency, and accountability of the Supreme Court of Appeals; and

Whereas, Chief Justice Workman and Justice Walker accept personal and institutional responsibility for the Court's failure to enact certain specific policies as described in Article XIV in the Articles of Impeachment; therefore, be it

Resolved by the Senate:

That the Senate hereby publicly reprimands and censures Chief Justice Margaret L. Workman and Justice Elizabeth D. Walker of the Supreme Court of Appeals of West Virginia; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to Chief Justice Workman and Justice Walker.

Senator Ferns arose to a point of order questioning whether or not it is proper for the Senate to consider a resolution that presupposes any innocence or guilt with Articles of Impeachment pending without having heard any evidence.

Which point of order, the President ruled well taken and the resolution offered by Senator Trump (By Request of the House Managers and Counsel for Chief Justice Workman and Justice Walker) was out of order.

At the request of Senator Ferns, and by unanimous consent, the Senate resolved itself into a Court of Impeachment to consider proceedings against the various justices of the Supreme Court of Appeals of the State of West Virginia and, after proceedings had therein, as stated in the record, the Senate resumed its session.

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

The Senate reconvened at 3:29 p.m. today and proceeded to the twelfth order of business.

Remarks were made by Senator Weld.

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

Remarks were made by Senator Ojeda.

At the request of Senator Ojeda, unanimous consent being granted, the Senate stood in observance of a moment of silence in recognition of Command Sergeant Major Timothy Bolyard who was killed in the line of duty.

At the request of Senator Prezioso, and by unanimous consent, the remarks by Senator Ojeda were ordered printed in the Appendix to the Journal.

Under authority of Senate Concurrent Resolution 201, adopted June 26, 2018,

On motion of Senator Ferns, at 3:40 p.m., the Senate adjourned until Monday, October 1, 2018, at 9 a.m.
