

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE  
REGULAR SESSION, 2020  
SIXTH DAY

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Charleston, West Virginia, Monday, January 13, 2020

The Senate met at 11:04 a.m.

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

Prayer was offered by Pastor Bo Burgess, Jordan Baptist Church, Gallipolis Ferry, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Roman W. Prezioso, Jr., a senator from the thirteenth district.

Pending the reading of the Journal of Friday, January 10, 2020,

At the request of Senator Azinger, 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.

Senator Takubo called attention to today being the birthday of the senator from Greenbrier and on behalf of the Senate extended felicitations and good wishes to Senator Baldwin.

The Senate then proceeded to the sixth order of business.

The following bills were introduced, read by their titles, and referred to the appropriate committees:

**By Senators Clements and Trump:**

**Senate Bill 311**—A Bill to amend and reenact §62-4-16 of the Code of West Virginia, 1931, as amended, relating to court-ordered community service; and providing state and political subdivisions immunity from certain suits from individuals participating in court-ordered community service.

Referred to the Committee on the Judiciary.

**By Senators Weld, Stollings, Rucker, Roberts, Plymale, Maynard, and Azinger:**

**Senate Bill 312**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-6-29; to amend and reenact §30-30-16 of said code; to amend said code by adding thereto a new section, designed §30-30-30; and to amend and reenact §49-2-802 of said code, all relating to child protective caseworkers; classifications; registrations; qualifications; grievances; and returning foster children back to this state.

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

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

**Senate Bill 313**—A Bill to repeal §30-2-1, §30-2-2, §30-2-3, §30-2-4, §30-2-5, §30-2-5a, §30-2-6, §30-2-7, §30-2-8, §30-3-9, §30-2-10, §30-2-11, §30-2-12, §30-2-13, §30-2-14, §30-2-15, and §30-2-16 of the Code of West Virginia, 1931, as amended; to repeal §30-6-1, §30-6-2, §30-6-3, §30-6-4, §30-6-5, §30-6-6, §30-6-7, §30-6-8, §30-6-9, §30-6-10, §30-6-11, §30-6-12, §30-6-13, §30-6-14, §30-6-15, §30-6-16, §30-6-17, §30-6-18, §30-6-19, §30-6-20, §30-6-21, §30-6-22, §30-6-22a, §30-6-23, §30-6-24, §30-6-25, §30-6-26, §30-6-27, §30-6-28, §30-6-29, §30-6-30, and §30-6-31 of said code; to repeal §30-9-1, §30-9-2, §30-9-3, §30-9-4, §30-9-5, §30-9-6, §30-9-7, §30-9-8, §30-9-9, §30-9-10, §30-9-11, §30-9-12, §30-9-13, §30-9-14, §30-9-15, §30-9-16, §30-9-17, §30-9-18, §30-9-19, §30-9-20, §30-9-21, §30-9-22, §30-9-23, §30-9-24, §30-9-25, §30-9-26, §30-9-27, §30-9-28, §30-9-29, §30-9-30, §30-9-31, §30-9-33 and §30-9-34 of said code; to repeal §30-12-1, §30-12-2, §30-12-3, §30-12-4, §30-12-5, §30-12-6, §30-12-7, §30-12-8, §30-12-9, §30-12-10, §30-12-11, §30-12-11a, §30-12-12, §30-12-13, and §30-12-14 of said code; to repeal §30-13-1, §30-13-2, §30-13-3, §30-13-4, §30-13-5, §30-13-6, §30-13-7, §30-13-8, §30-13-9, §30-13-10, §30-13-11, §30-13-12, §30-13-13, §30-13-13a, §30-13-14, §30-13-15, §30-13-16, §30-13-17, §30-13-18, §30-13-19, §30-13-20, §30-13-21, §30-13-22, §30-13-23, and §30-13-24 of said code; to repeal §30-13A-1, §30-13A-2, §30-13A-3, §30-13A-4, §30-13A-5, §30-13A-6, §30-13A-7, §30-13A-8, §30-13A-9, §30-13A-10, §30-13A-11, §30-13A-12, §30-13A-13, §30-13A-14, §30-13A-15, §30-13A-16, §30-13A-17, §30-13A-18, §30-13A-19, §30-13A-20, §30-13A-21, §30-13A-22, §30-13A-23, §30-13A-24, and §30-13A-25 of said code; to repeal §30-17-1, §30-17-2, §30-17-3, §30-17-4, §30-17-5, §30-17-6, §30-17-7, §30-17-8, §30-17-9, §30-17-10, §30-17-11, §30-17-12, §30-17-13, §30-17-14, §30-17-15, §30-17-16, §30-17-17, §30-17-18, and §30-17-19 of said code; to repeal §30-18-1, §30-18-2, §30-18-3, §30-18-4, §30-18-5, §30-18-6, §30-18-7, §30-18-8, §30-18-9, §30-18-10, §30-18-11, §30-18-12, and §30-18-13 of said code; to repeal §30-19-1, §30-19-2, §30-19-3, §30-19-4, §30-19-5, §30-19-6, §30-19-7, §30-19-8, §30-19-9, §30-19-10, §30-19-11, §30-19-12, §30-19-13, §30-19-14, §30-19-15, §30-19-16, and §30-19-17 of said code; to repeal §30-22-1, §30-22-2, §30-22-3, §30-22-4, §30-22-5, §30-22-6, §30-22-7, §30-22-8, §30-22-9, §30-22-10, §30-22-11, §30-22-12, §30-22-13, §30-22-14, §30-22-15, §30-22-16, §30-22-17, §30-22-18, §30-22-19, §30-22-20, §30-22-21, §30-22-22, §30-22-23, §30-22-24, §30-22-25, §30-22-26, §30-22-27, and §30-22-28 of said code; to repeal §30-25-1, §30-25-2, §30-25-3, §30-25-4, §30-25-5, §30-25-6, §30-25-7, §30-25-8, §30-25-9, §30-25-10, §30-25-11, §30-25-12, §30-25-13, §30-25-14, §30-25-15, §30-25-16, §30-25-17, and §30-25-18 of said code; to repeal §30-27-1, §30-27-2, §30-27-3, §30-27-4, §30-27-5, §30-27-6, §30-27-7, §30-27-8, §30-27-8a, §30-27-8b, §30-27-9, §30-27-10, §30-27-11, §30-27-11a, §30-27-12, §30-27-13, §30-27-14, §30-27-15, §30-27-16, §30-27-17, §30-27-18, §30-27-19, §30-27-20, §30-27-21, §30-27-22, §30-27-23, and §30-27-24 of said code; to repeal §30-29-1, §30-29-2, §30-29-3, §30-29-4, §30-29-5, §30-29-6, §30-29-7, §30-29-8, §30-29-9, §30-29-10, §30-29-11, §30-29-12, and §30-29-13 of said code; to repeal §30-38-1, §30-38-2, §30-38-3, §30-38-4, §30-38-5, §30-38-6, §30-38-7, §30-38-8, §30-38-9, §30-38-10, §30-38-11, §30-38-12, §30-38-13, §30-38-14, §30-38-15, §30-38-16, §30-38-17, §30-38-18, and §30-38-19 of said code; to repeal §30-38A-1, §30-38A-2, §30-38A-3, §30-38A-4, §30-38A-5, §30-38A-6, §30-38A-7, §30-38A-8, §30-38A-9, §30-38A-10, §30-38A-11, §30-38A-

12, §30-38A-13, §30-38A-14, §30-38A-15, §30-38A-16, and §30-38A-17 of said code; to repeal §30-39-1, §30-39-2, §30-39-3, §30-39-4, §30-39-5, §30-39-6, §30-39-7, §30-39-8, §30-39-9, §30-39-10, §30-39-11, §30-39-12, §30-39-13, §30-39-14, §30-39-15, §30-39-16, §30-39-17, §30-39-18, §30-39-19, §30-39-20, and §30-39-21 of said code; to repeal §30-40-1, §30-40-2, §30-40-3, §30-40-4, §30-40-5, §30-40-6, §30-40-7, §30-40-8, §30-40-9, §30-40-10, §30-40-11, §30-40-12, §30-40-13, §30-40-14, §30-40-15, §30-40-16, §30-40-17, §30-40-18, §30-40-19, §30-40-20, §30-40-21, §30-40-22, §30-40-23, §30-40-24, §30-40-25, §30-40-26, and §30-40-27 of said code; to amend and reenact §30-1-5 and §30-1-19 of said code; to amend said code by adding thereto a new article, designated §30A-1-1, §30A-1-2, §30A-1-3, §30A-1-4, §30A-1-5, §30A-1-6, §30A-1-7, §30A-1-8, §30A-1-9, §30A-1-10, §30A-1-11, §30A-1-12, §30A-1-13, §30A-1-14, §30A-1-15, §30A-1-16, §30A-1-17, §30A-1-18, §30A-1-19, §30A-1-20, §30A-1-21, §30A-1-22, §30A-1-23, §30A-1-24, §30A-1-25, §30A-1-26, §30A-1-27, §30A-1-28, and §30A-1-29; to amend said code by adding thereto a new article, designated §30A-2-1, §30A-2-2, §30A-2-3, §30A-2-4, §30A-2-5, §30A-2-6, §30A-2-7, §30A-2-8, §30A-2-9, §30A-2-10, §30A-2-11, §30A-2-12, §30A-2-13, §30A-2-14, §30A-2-15, §30A-2-16, §30A-2-17, §30A-2-18, §30A-2-19, §30A-2-20, §30A-2-21, §30A-2-22, §30A-2-23, §30A-2-24, §30A-2-25, §30A-2-26, §30A-2-27, §30A-2-28, §30A-2-29, §30A-2-30, §30A-2-31, §30A-2-32, and §30A-2-33; to amend said code by adding thereto a new article, designated §30A-3-1, §30A-3-2, §30A-3-3, §30A-3-4, §30A-3-5, §30A-3-6, §30A-3-7, §30A-3-8, §30A-3-9, §30A-3-10, §30A-3-11, §30A-3-11a, §30A-3-12, §30A-3-13, and §30A-3-14; to amend said code by adding thereto a new article, designated §30A-4-1, §30A-4-2, §30A-4-3, §30A-4-4, §30A-4-5, §30A-4-6, §30A-4-7, §30A-4-8, §30A-4-9, §30A-4-10, §30A-4-11, §30A-4-12, §30A-4-13, §30A-4-13a, §30A-4-14, §30A-4-15, §30A-4-16, §30A-4-17, §30A-4-18, §30A-4-19, §30A-4-20, §30A-4-21, §30A-4-22, §30A-4-23, and §30A-4-24; to amend said code by adding thereto a new article, designated §30A-5-1, §30A-5-2, §30A-5-3, §30A-5-4, §30A-5-5, §30A-5-6, §30A-5-7, §30A-5-8, §30A-5-9, §30A-5-10, §30A-5-11, §30A-5-12, §30A-5-13, §30A-5-14, §30A-5-15, §30A-5-16, and §30A-5-17; to amend said code by adding thereto a new article, designated §30A-6-1, §30A-6-2, §30A-6-3, §30A-6-4, §30A-6-5, §30A-6-6, §30A-6-7, §30A-6-8, §30A-6-9, §30A-6-10, §30A-6-11, §30A-6-12, §30A-6-13, §30A-6-14, §30A-6-15, §30A-6-16, §30A-6-17, §30A-6-18, §30A-6-19, §30A-6-20, §30A-6-21, §30A-6-22, §30A-6-23, §30A-6-24, and §30A-6-25; to amend said code by adding thereto a new article, designated §30A-7-1, §30A-7-2, §30A-7-3, §30A-7-4, §30A-7-5, §30A-7-6, §30A-7-7, §30A-7-8, §30A-7-9, §30A-7-10, §30A-7-11, §30A-7-12, §30A-7-13, §30A-7-14, §30A-7-15, §30A-7-16, §30A-7-17, §30A-7-18, §30A-7-19, §30A-7-20, §30A-7-21, §30A-7-22, §30A-7-23, §30A-7-24, §30A-7-25, §30A-7-26, §30A-7-27, and §30A-7-28; to amend said code by adding thereto a new article, designated §30A-8-1, §30A-8-2, §30A-8-3, §30A-8-4, §30A-8-5, §30A-8-6, §30A-8-7, §30A-8-8, §30A-8-9, §30A-8-10, §30A-8-11, §30A-8-12, §30A-8-13, §30A-8-14, §30A-8-15, §30A-8-16, §30A-8-17, §30A-8-18, and §30A-8-19; to amend said code by adding thereto a new article, designated §30A-9-1, §30A-9-2, §30A-9-3, §30A-9-4, §30A-9-5, §30A-9-6, §30A-9-7, §30A-9-8, §30A-9-9, §30A-9-10, §30A-9-11, §30A-9-12, §30A-9-13, §30A-9-14, §30A-9-15, §30A-9-16, §30A-9-17, and §30A-9-18; to amend said code by adding thereto a new article, designated §30A-10-1, §30A-10-2, §30A-10-3, §30A-10-4, §30A-10-5, §30A-10-6, §30A-10-7, §30A-10-8, §30A-10-9, §30A-10-10, §30A-10-11, §30A-10-12, §30A-10-13, §30A-10-14, §30A-10-15, §30A-10-16, §30A-10-17, §30A-10-18, §30A-10-19, §30A-10-20, §30A-10-21, §30A-10-22, §30A-10-22a, §30A-10-23, §30A-10-24, §30A-10-25, §30A-10-26, §30A-10-27, §30A-10-28, §30A-10-29, §30A-10-30, and §30A-10-31; to amend said code by adding thereto a new article, designated §30B-1-1, §30B-1-2, §30B-1-3, §30B-1-4, §30B-1-5, §30B-1-6, §30B-1-7, §30B-1-8, §30B-1-9, §30B-1-10, §30B-1-11, §30B-1-12, §30B-1-13, §30B-1-14, §30B-1-15, §30B-1-16, §30B-1-17, §30B-1-18, §30B-1-19, §30B-1-20, §30B-1-21, §30B-1-22, §30B-1-23, §30B-1-24, §30B-1-25, §30B-1-26, §30B-1-27, and §30B-1-28; to amend said code by adding thereto a new article, designated §30B-2-1, §30B-2-2, §30B-2-3, §30B-2-4, §30B-2-5, §30B-2-6, §30B-2-7, §30B-2-8, §30B-2-8a, §30B-2-8b, §30B-2-9, §30B-2-10, §30B-2-11, §30B-2-11a, §30B-2-12, §30B-2-13, §30B-2-14, §30B-2-15, §30B-2-16, §30B-2-17, §30B-2-

18, §30B-2-19, §30B-2-20, §30B-2-21, §30B-2-22, §30B-2-23, and §30B-2-24; to amend said code by adding thereto a new article, designated §30B-3-1, §30B-3-2, §30B-3-3, §30B-3-4, §30B-3-5, §30B-3-6, §30B-3-7, §30B-3-8, §30B-3-9, §30B-3-10, §30B-3-11, §30B-3-12, and §30B-3-13; to amend said code by adding thereto a new article, designated §30B-4-1, §30B-4-2, §30B-4-3, §30B-4-4, §30B-4-5, §30B-4-6, §30B-4-7, §30B-4-8, §30B-4-9, §30B-4-10, §30B-4-11, §30B-4-12, and §30B-4-13; to amend said code by adding there to a new article, designated §30B-5-1, §30B-5-2, §30B-5-3, §30B-5-4, §30B-5-5, §30B-5-6, §30B-5-7, §30B-5-8, §30B-5-9, §30B-5-10, §30B-5-11, §30B-5-12, §30B-5-13, §30B-5-14, §30B-5-15, §30B-5-16, §30B-5-17, §30B-5-18, and §30B-5-19; to amend said code by adding thereto a new article, designated §30B-6-1, §30B-6-2, §30B-6-3, §30B-6-4, §30B-6-5, §30B-6-6, §30B-6-7, §30B-6-8, §30B-6-9, §30B-6-10, §30B-6-11, §30B-6-12, §30B-6-13, §30B-6-14, §30B-6-15, §30B-6-16, and §30B-6-17; to amend said code by adding thereto a new article, designated §30B-7-1, §30B-7-2, §30B-7-3, §30B-7-4, §30B-7-5, §30B-7-6, §30B-7-7, §30B-7-8, §30B-7-9, §30B-7-10, §30B-7-11, §30B-7-12, §30B-7-13, §30B-7-14, §30B-7-15, §30B-7-16, §30B-7-17, §30B-7-18, §30B-7-19, §30B-7-20, §30B-7-21, §30B-7-22, §30B-7-23, §30B-7-24, §30B-7-25, §30B-7-26, and §30B-7-27; and to amend said code by adding thereto a new article, designated §30B-8-1, §30B-8-2, §30B-8-3, §30B-8-4, §30B-8-5, §30B-8-6, §30B-8-7, §30B-8-8, §30B-8-9, §30B-8-10, §30B-8-11, §30B-8-12, §30B-8-13, §30B-8-14, §30B-8-15, §30B-8-16, §30B-8-17, §30B-8-18, §30B-8-19, §30B-8-20, and §30B-8-21, all relating to reorganizing various boards and authorities for the licensing and oversight of trades, occupations, and professions; dividing current articles and practice acts from one chapter into three chapters, organized by occupational subject matter, education criteria, and other common requirements; repealing provisions relating to administrative licensing of attorneys; retaining articles for the licensing authorities for all medically related professions and occupations in Chapter 30; requiring any licensing board with knowledge of violations of the practice acts in any of the three chapters to report this information to the appropriate licensing authority; authorizing licensing authorities to combine administrative functions with any other licensing authority, regardless of the chapter of the code; placing articles for the licensing authorities for nonmedical occupations that require a minimum of a baccalaureate degree in a new Chapter 30A and making no substantive changes in these relocated articles; adding a new article conforming the authorities, duties, restrictions, and procedural requirements of these articles with those in the original Chapter 30; placing articles for the licensing authorities for nonmedical occupations that do not require a minimum of a baccalaureate degree in a new Chapter 30B and making no substantive changes in in these relocated articles; and adding a new article conforming the authorities, duties, restrictions, and procedural requirements of these articles with those in the original Chapter 30.

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

**By Senator Cline:**

**Senate Bill 314**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-16-12a, relating to certain allergy medication; requiring insurance policies issued in the state to cover the cost of certain injectable allergy medication for those 18 years of age or younger.

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

**By Senators Smith, Clements, Cline, Jeffries, and Lindsay:**

**Senate Bill 315**—A Bill to amend and reenact §11-13A-3 and §11-13A-3a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section,

designated §17-3-12; and to amend said code by adding thereto a new article, designated §17-30-1, §17-30-2, §17-30-3, §17-30-4, and §17-30-5, all relating to creating the Special Road Repair Program for the maintenance and repair of the state's roads and highways; creating a two percent on the severance of natural gas and oil, and coal and other mining activities be transferred to the Special Road Repair Fund; requiring a one-time transfer of \$200 million from the Rainy Day Fund; requiring a think tank be formed; requiring rulemaking; and creating a procedure for contracting road maintenance projects.

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

**By Senator Maynard:**

**Senate Bill 316**—A Bill to amend and reenact §22C-9-4 of the Code of West Virginia, 1931, as amended, relating to membership of oil and gas conservation commission; and revising the qualifications of one commission member who is appointed by the Governor.

Referred to the Committee on Government Organization.

**By Senator Cline:**

**Senate Bill 317**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-13B-1, §30-13B-2, §30-13B-3, §30-13B-4, §30-13B-5, §30-13B-6, §30-13B-7, §30-13B-8, §30-13B-9, §30-13B-10, §30-13B-11, and §30-13B-12, all relating to creating the Board for Professional Geologists; setting standards; setting forth powers and duties of the board; setting forth minimum qualifications; defining terms; and requiring rulemaking.

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

**By Senators Maynard, Clements, Smith, Sypolt, Tarr, and Swope:**

**Senate Bill 318**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3tt; to amend said code by adding thereto a new section, designated §8-12-20; and to amend said code by adding thereto a new section, designated §30-1-25, all relating to prohibiting the regulation and licensing of occupations by local governments; declaring state authority to regulate trades, occupations, and professions; prohibiting regulation of occupations by county commissions; prohibiting municipalities from enacting or enforcing laws regulating trades, occupations, and professions; and preserving the authority of local governments to regulate certain projects, construction, and modifications.

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

**By Senators Rucker, Azinger, Boley, Clements, Cline, Hamilton, Maynard, Palumbo, Pitsenbarger, Roberts, Stollings, Sypolt, Tarr, and Unger:**

**Senate Bill 319**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5V-36, relating to providing that moneys in the West Virginia Emergency Medical Services Retirement Fund are exempt from any state or municipal tax, are not subject to execution, garnishment, attachment, or any other process whatsoever with the exception that the benefits or contributions under the system shall be subject to "qualified domestic relations orders", and are generally unassignable.

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

**By Senators Sypolt, Maynard, Rucker, and Tarr:**

**Senate Bill 320**—A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-38-1, §19-38-2, §19-38-3, §19-38-4, §19-38-5, §19-38-6, §19-38-7, and §19-38-8, all relating to agriculture; creating the West Virginia Farm Fresh Dairy Act; exempting certain sales from licensure and certification; providing definitions; providing conforming amendments; and providing for an effective date.

Referred to the Committee on Health and Human Resources.

**By Senator Trump:**

**Senate Bill 321**—A Bill to amend and reenact §11-10-11 of the Code of West Virginia, 1931, as amended; and to amend and reenact §11-15-18a of said code, all relating to the collection of tax and the priority of distribution of an estate or property in receivership and the liability of the fiduciary.

Referred to the Committee on the Judiciary.

**By Senator Maynard:**

**Senate Bill 322**—A Bill to amend and reenact §5A-3-10e of the Code of West Virginia, 1931, as amended, relating to prequalification of vendors for state contracts; allowing for prequalification agreements for the purchase of services; and removing obsolete terms.

Referred to the Committee on Government Organization.

Senators Smith, Azinger, Baldwin, Boley, Clements, Cline, Hardesty, Maynard, Roberts, Rucker, Swope, Sypolt, Tarr, Trump, and Weld offered the following resolution:

**Senate Concurrent Resolution 4**—Applying to and urging Congress to call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States to limit the terms of office that a person may be elected as a member of the United States House of Representatives, and to set a limit on the number of terms that a person may be elected as a member of the United States Senate.

Whereas, The Legislature of West Virginia hereby makes an application to Congress, as provided by Article V of the Constitution of the United States, to call a convention limited to proposing an amendment to the Constitution of the United States to set a limit on the number of terms that a person may be elected as a member of the United States House of Representatives, and to set a limit on the number of terms that a person may be elected as a member of the United States Senate; and

Whereas, This application shall be considered as covering the same subject matter as the applications from other states to Congress to call a convention to set a limit on the number of terms that a person may be elected to the House of Representatives of the Congress of the United States and the Senate of the United States; and this application shall be aggregated with same for the purpose of attaining the two thirds of states necessary to require Congress to call a limited convention on this subject, but shall not be aggregated with any other applications on any other subject; and

Whereas, This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two thirds of the several states have made applications on the same subject; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby urges Congress to call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States to call a convention limited to proposing an amendment to the Constitution of the United States of America to set a limit on the number of terms that a person may be elected as a member of the United States House of Representatives or as a member of the United States Senate; and, be it

*Further Resolved,* That the Clerk of the Senate is hereby directed to forward copies of this resolution to the President and Secretary of the Senate of the United States and to the Speaker, Clerk, and Judiciary Committee Chairman of the House of Representatives of the Congress of the United States, and copies to the members of the said Senate and House of Representatives from this state; also to forward copies thereof to the presiding officers of each of the legislative houses in the several states, requesting their cooperation. NOTE: The purpose of this resolution is to apply to and urge Congress call a convention of the states, under the authority reserved to the states in Article V of the United States Constitution, limited to proposing amendments to the Constitution of the United States, and limit the terms of office for persons elected to the United States House of Representatives or to the United States Senate.

Which, under the rules, lies over one day.

Senator Clements offered the following resolution:

**Senate Resolution 6**—Recognizing the West Virginia Oil Marketers and Grocers Association (OMEGA) for their dedicated support of the Children’s Home Society of West Virginia.

Whereas, The West Virginia Oil Marketers and Grocers Association (OMEGA) was organized to promote and improve the business interests of those engaged in the petroleum marketing, retail grocery, and convenience store industries within the state of West Virginia. Most OMEGA members are home grown West Virginia businesses. The nearly 175 member companies employ over 2.5 percent of the state’s population—more than 50,000 residents; and

Whereas, The Children’s Home Society of West Virginia is a private, non-profit child welfare organization founded in 1896. They are licensed to provide child welfare and behavioral health services in West Virginia. Comprehensive child welfare, behavioral health, social casework, and advocacy services are provided to over 10,000 children each year from 13 primary locations throughout the state; and

Whereas, OMEGA members began raising money for Children’s Home Society of West Virginia in 2011 with their first Taking It Home for Mother’s Day Campaign. OMEGA members now sell flower emblems in their stores each year in the month leading up to Mother’s Day; and

Whereas, OMEGA hosts an annual golf outing, the Jan Vineyard Children’s Charity Golf Outing, to raise money for Children’s Home Society of West Virginia. Members including Little General Stores, Par Mar Stores, ExxonMobil, and many others raise thousands of dollars for Children’s Home Society of West Virginia at this event; and

Whereas, OMEGA raised more than \$128,000 in 2019 for the Children's Home Society of West Virginia, bringing their total to \$1 million dollars since 2011. The money raised helps Children's Home Society of West Virginia assist the more than 7,000 West Virginia children who are in need of adoption or are suffering a crisis in the family. Funds are used for the organization's assistance programs, which include: Emergency child shelters, foster care, adoption support, mentoring, early intervention, and numerous other family support programs; therefore, be it

*Resolved by the Senate:*

That the Senate hereby recognizes the West Virginia Oil Marketers and Grocers Association (OMEGA) for their dedicated support of the Children's Home Society of West Virginia; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Oil Marketers & Grocers Association (OMEGA) and the Children's Home Society of West Virginia.

Which, under the rules, lies over one day.

### **Petitions**

Senators Smith and Sypolt presented a petition from the We Stand United for Better Roads Committee and numerous Preston County residents, requesting improvement of the road conditions in Preston County.

Referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 1**, Designating dogs adopted from animal shelters and rescues as WV official state dog.

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

At the request of Senator Takubo, unanimous consent being granted, the resolution was laid over one day, retaining its place on the calendar.

**Senate Concurrent Resolution 2**, Requesting Frederick County, Virginia, consider becoming part of State of West Virginia.

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

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

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

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

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



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

The Senate proceeded to the tenth order of business.

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

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

The Senate proceeded to the twelfth order of business.

Remarks were made by Senator Smith.

At the respective requests of Senators Tarr and Stollings, and by unanimous consent, the Senate stood in observance of a moment of silence in recognition of the passing of Mark Horwich, a member of the Clover Volunteer Fire Department who was killed in a vehicle accident while responding to a fire call on Saturday, January 11, 2020, and Alex Perdue, a Boone County teenager who was killed while riding a utility vehicle on Saturday, January 11, 2010.

The Senate proceeded to the thirteenth order of business.

Senator Carmichael (Mr. President) announced the replacement of Senator Clements on the Committee on Agriculture and Rural Development with Senator Pitsenbarger. Senator Carmichael (Mr. President) then announced Senator Pitsenbarger will serve as Vice Chair of the Committee on Agriculture and Rural Development. Senator Carmichael (Mr. President) next announced the replacement of Senator Pitsenbarger on the Committee on Pensions with Senator Clements.

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 1** (*Creating felony offense of cruelty to animals*): Senator Ihlenfeld;

**Senate Bill 3** (*Relating to registration fees for certain military-related license plates*): Senator Ihlenfeld;

**Senate Bill 10** (*Allowing use or nonuse of safety belt as admissible evidence in civil actions*): Senator Roberts;

**Senate Bill 15** (*Removing municipalities' authority to restrict firearm possession without carry concealed permit during brief temporary events*): Senator Roberts;

**Senate Bill 19** (*Prohibiting State Board of Education from accepting federal education plans without legislative approval*): Senator Roberts;

**Senate Bill 24** (*Relating to residency requirements for voter registration*): Senator Roberts;

**Senate Bill 27** (*Requiring political action committees disclose contributors' names and addresses to Secretary of State*): Senator Ihlenfeld;

**Senate Bill 31** (*Providing 11-month window for PERS members to purchase certain credited service*): Senator Ihlenfeld;

**Senate Bill 49** (*Allowing counties to implement one-percent consumers sales tax in certain circumstances*): Senator Roberts;

**Senate Bill 76** (*Limiting liability of employers in cases where certain crime convictions are expunged*): Senator Roberts;

**Senate Bill 77** (*Establishing tax credit for certain physicians who locate to practice in WV*): Senator Ihlenfeld;

**Senate Bill 85** (*Providing up to \$500 credit for teachers against personal income tax for nonreimbursed costs of supplies*): Senator Ihlenfeld;

**Senate Bill 87** (*Drug testing of legislators*): Senator Ihlenfeld;

**Senate Bill 93** (*Creating shared table initiative for senior citizens who suffer from food insecurity*): Senator Ihlenfeld;

**Senate Bill 94** (*Providing persons with physical disabilities ability to vote by electronic absentee ballot*): Senators Ihlenfeld and Sypolt;

**Senate Bill 96** (*Prohibiting municipalities from limiting persons' rights to possess certain weapons*): Senator Rucker;

**Senate Bill 111** (*Relating generally to tobacco usage and e-cigarette restrictions*): Senator Ihlenfeld;

**Senate Bill 113** (*Requiring certain disclosures of election expenditures*): Senator Ihlenfeld;

**Senate Bill 130** (*Relating to procedure for driver's license suspension and revocation for DUI.*): Senator Ihlenfeld;

**Senate Bill 137** (*Requiring Legislature provide funds to DHHR for local boards of health pay raises in certain circumstances*): Senator Roberts;

**Senate Bill 145** (*Permitting photo identification on voter registration cards*): Senator Roberts;

**Senate Bill 147** (*Providing next of kin criminally responsible for relative's death may not be involved in burial arrangements*): Senator Roberts;

**Senate Bill 156** (*Rights of domestic violence victims to know employment and residence location of assailant*): Senator Ihlenfeld;

**Senate Bill 191** (*Creating felony offense of aggravated cruelty to animals*): Senator Ihlenfeld;

**Senate Bill 201** (*Relating generally to stalking and harassment*): Senators Ihlenfeld and Rucker;

**Senate Bill 212** (*Prohibiting civil rights violations based on gender identity or sexual orientation*): Senator Ihlenfeld;

**Senate Bill 217** (*Requiring DHHR collaborate with Workforce Development Board and WV Division of Personnel for job placement*): Senator Roberts;

**Senate Bill 220** (*Relating to exemptions from mandated immunizations*): Senator Roberts;

**Senate Bill 231** (*Creating Born Alive Abortion Survivors Protection Act*): Senator Roberts;

**Senate Bill 238** (*Making state's whistleblower law applicable to private employment sector*): Senator Ihlenfeld;

**Senate Bill 246** (*Including family court judges in retirement system for judges*): Senators Lindsay and Stollings;

**Senate Bill 247** (*Providing bonus for school service personnel who use less than four days of personal leave*): Senators Baldwin, Lindsay, and Stollings;

**Senate Bill 250** (*Providing 11-month window to allow PERS members to purchase credited service*): Senator Stollings;

**Senate Bill 251** (*Allowing workers' compensation benefits for first responders diagnosed with PTSD due to on-the-job event*): Senators Baldwin, Lindsay, and Stollings;

**Senate Bill 252** (*Creating Emergency Medical Services Personnel Loan Forgiveness Program*): Senators Lindsay and Stollings;

**Senate Bill 253** (*Providing for fair pay and maximized employment of disabled persons*): Senators Baldwin and Stollings;

**Senate Bill 255** (*Providing certain persons be allowed to carry pepper spray in State Capitol Complex*): Senator Cine;

**Senate Bill 256** (*Requiring notice be sent to owners of record before real property can be sold due to nonpayment of taxes*): Senator Cline;

**Senate Bill 258** (*Relating to when child passenger safety devices are required*): Senators Baldwin and Stollings;

**Senate Bill 261** (*Creating criminal penalties for introducing ransomware into computer with intent to extort*): Senators Baldwin and Stollings;

**Senate Bill 262** (*Creating rebuttable presumption under workers' compensation law for law-enforcement officer who has developed certain diseases*): Senators Lindsay and Stollings;

**Senate Bill 265** (*Authorizing DEP to develop Reclamation of Abandoned and Dilapidated Properties Program*): Senators Baldwin, Cline, and Stollings;

**Senate Bill 269** (*Establishing advisory council on rare diseases*): Senator Rucker;

**Senate Bill 270** (*Relating to unlawful discriminatory practices covered by Human Rights Act and Fair Housing Act*): Senators Lindsay, Palumbo, and Stollings;

**Senate Bill 274** (*Authorizing year-round hunting of coyote*): Senator Stollings;

**Senate Bill 275** (*Creating Intermediate Court of Appeals*): Senators Cline and Rucker;

**Senate Bill 276** (*Creating Intermediate Court of Appeals*): Senators Cline and Rucker;

**Senate Bill 277** (*Relating to civil asset forfeiture*): Senators Clements and Rucker;

**Senate Bill 283** (*Relating to criminal offenses of strangulation and suffocation*): Senator Rucker;

**Senate Bill 284** (*Creating WV Health Care Continuity Act*): Senator Cline;

**Senate Bill 285** (*Eliminating WV Greyhound Breeding Development Fund*): Senators Cline and Roberts;

**Senate Bill 289** (*Creating Green Alert Plan*): Senator Baldwin;

**Senate Bill 291** (*Requiring PEIA and health insurance providers provide mental health parity*): Senator Cline;

**Senate Bill 292** (*Relating to criminal offenses of stalking and harassment*): Senator Ihlenfeld;

**Senate Bill 293** (*Relating to adoption*): Senators Clements, Cline, and Jeffries;

**Senate Bill 301** (*Relating to Foster Care Ombudsman Program*): Senator Cline;

**Senate Bill 302** (*Updating laws on foster care*): Senator Cline;

**Senate Bill 303** (*Enacting Students' Right to Know Act*): Senator Cline;

**Senate Bill 304** (*Relating to county board of education financial statements*): Senator Cline;

**Senate Bill 305** (*Exempting certain nonpaid volunteers from workers' comp benefits*): Senator Roberts;

**Senate Bill 308** (*Penalizing individuals who violate financial exploitation protective order*): Senator Ihlenfeld;

And,

**Senate Bill 309** (*Relating to competitive bidding for government construction contracts arising from state of emergency*): Senators Clements and Cline.

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 5** (*Homestead Exemption Increase Amendment*): Senator Cline;

**Senate Concurrent Resolution 1** (*Designating dogs adopted from animal shelters and rescues as WV official state dog*): Senator Baldwin;

**Senate Concurrent Resolution 2** (*Requesting Frederick County, Virginia, consider becoming part of State of West Virginia*): Senator Cline;

And,

**Senate Concurrent Resolution 3** (*US Army MSG Richard A. "Dick" Smoot Memorial Bridge*):  
Senators Lindsay and Stollings.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:31 a.m., the Senate adjourned until tomorrow, Tuesday, January 14, 2020, at 11 a.m.

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## **SENATE CALENDAR**

**Tuesday, January 14, 2020  
11:00 AM**

### **UNFINISHED BUSINESS**

- S. C. R. 1 - Designating dogs adopted from animal shelters and rescues as WV official state dog
- S. C. R. 4 - Urging Congress call convention to propose amendment on congressional term limits
- S. R. 6 - Recognizing OMEGA for support of Children's Home Society of WV **[ADOPT]**

### **SECOND READING**

- Com. Sub. for S. B. 94 - Providing persons with physical disabilities ability to vote by electronic absentee ballot