

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE
REGULAR SESSION, 2020
EIGHTH DAY

Charleston, West Virginia, Wednesday, January 15, 2020

The Senate met at 11:09 a.m.

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

Prayer was offered by Rabbi Victor H. Urecki, B'nai Jacob Synagogue, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Robert H. Plymale, a senator from the fifth district.

Pending the reading of the Journal of Tuesday, January 14, 2020,

At the request of Senator Hamilton, 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 fourth order of business.

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 16, Creating Protect Our Right to Unite Act.

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

Com. Sub. for Senate Bill 16 (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §1-7-1, §1-7-2, §1-7-3, and §1-7-4, all relating generally to protecting an individual's constitutional right to privacy in association; creating the Protect Our Right to Unite Act; declaring legislative purpose; defining terms; providing that a public agency may not require a nonprofit entity to disclose the entity's donor or membership information, subject to certain exceptions; providing that donor or membership information obtained by a public agency may not be released, subject to certain

exceptions; providing that membership and donor information is exempt from the disclosure requirements of the state's Freedom of Information Act; permitting disclosure of records when donor or membership information is redacted; permitting compliance with a lawful court order; providing that an individual has a private cause of action to enjoin unlawful disclosure of donor or membership information and to recover actual damages; providing for the payment of attorney's fees and costs in certain circumstances; and providing for treble damages in certain circumstances.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on Education has had under consideration

Senate Bill 42, Permitting faith-based electives in classroom drug prevention programs.

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

Respectfully submitted,

Patricia Puertas Rucker,
Chair.

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

Your Committee on Government Organization has had under consideration

Senate Bill 225, Authorizing municipalities to enact Adopt-A-Street programs.

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

Com. Sub. for Senate Bill 225 (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 §8-12-20, relating to empowering municipalities to enact Adopt-A-Street programs; and establishing eligibility criteria.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Mark R. Maynard,
Chair.

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

By Senators Pitsenbarger, Hamilton, Sypolt, Azinger, Boley, Clements, Cline, Roberts, Romano, Swope, and Tarr:

Senate Bill 468—A Bill to amend and reenact §20-2-30 of the Code of West Virginia, 1931, as amended, relating to eligibility for license or permit application and unlawful acts when applying for a license or permit.

Referred to the Committee on Natural Resources.

By Senators Hamilton, Sypolt, and Prezioso:

Senate Bill 469—A Bill to amend and reenact §20-2-5a of the Code of West Virginia, 1931, as amended, relating to increasing the replacement costs required of a person causing injury or death of game or protected species; providing additional replacement costs for antlered deer; and requiring revocation of hunting and fishing licenses for conviction of described offenses.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

By Senators Cline, Hamilton, Pitsenbarger, Sypolt, Roberts, Azinger, and Palumbo:

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.

Referred to the Committee on Natural Resources.

By Senator Maynard:

Senate Bill 471—A Bill to amend and reenact §61-3-13 of the Code of West Virginia, 1931, as amended, relating to larceny; and providing for valuation of stolen scrap copper or copper wire.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 472—A Bill to amend and reenact §62-11A-1a of the Code of West Virginia, 1931, as amended, relating to work release; and providing for sentenced persons in state correctional facilities to perform tasks such as cleaning up streams, state parks, and highways.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 473—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2P-1, relating to requiring physicians to notify parents when prescribing contraceptives to minors; and providing definitions.

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

By Senator Maynard:

Senate Bill 474—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-22e, relating to requiring public schools to notify parents when dispensing contraceptives to minors; and providing a definition.

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

By Senator Maynard:

Senate Bill 475—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-1-3tt, relating to requiring posting of the Ten Commandments in every courthouse.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 476—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-9a, relating to requiring schools in the state to teach cursive writing.

Referred to the Committee on Education.

By Senator Maynard (By Request):

Senate Bill 477—A Bill to amend and reenact §8-29A-3 of the Code of West Virginia, 1931, as amended, relating to prohibiting county airport authorities from making or adopting rules prohibiting possession of firearms in public, nonsecure areas.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 478—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-29-1, §11-29-2, §11-29-3, §11-29-4, and §11-29-5, all relating to creating the West Virginia Motorsports Entertainment Complex Investment Act.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

By Senator Maynard:

Senate Bill 479—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-3-2a, relating to registration of military surplus vehicles.

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

By Senator Maynard:

Senate Bill 480—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-2P-1, §16-2P-2, §16-2P-3, §16-2P-4, §16-2P-5, §16-2P-6, §16-2P-7, and §16-2P-8, all relating to enacting the West Virginia Human Life Protection Act; making abortion and attempted abortion felony offenses except in cases where abortion is necessary in order to prevent a serious health risk to the unborn child's mother; providing that a woman who receives an abortion will not be held criminally culpable or civilly liable for receiving the abortion; making legislative findings; and defining terms.

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

By Senator Maynard:

Senate Bill 481—A Bill to amend and reenact §20-5-2 of the Code of West Virginia, 1931, as amended, relating to allowing primitive camping on state property.

Referred to the Committee on Natural Resources; and then to the Committee on Government Organization.

By Senator Maynard (By Request):

Senate Bill 482—A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to removing the condition requiring any person over 21 years of age must possess a valid permit to possess a concealed handgun in a motor vehicle in a parking lot, traffic circle, or other areas of vehicular ingress and egress to a public school.

Referred to the Committee on the Judiciary.

By Senator Maynard (By Request):

Senate Bill 483—A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended, relating to criminal acts at the State Capitol; and eliminating the prohibition against carrying firearms on the grounds of the State Capitol Complex.

Referred to the Committee on the Judiciary.

By Senator Lindsay:

Senate Bill 484—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-4-22; and to amend and reenact §49-2-906 of said code, all relating to requiring that free feminine hygiene products be provided to female prisoners in state correctional facilities and female juveniles in juvenile detention; and defining a term.

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

By Senator Clements:

Senate Bill 485—A Bill to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended; and to amend and reenact §62-12-12 of said code, all relating to the Board of Parole; raising the salary for the chairperson; raising the salaries for members; creating and setting the salary for the vice chairperson; transferring the board to the Division of Corrections and Rehabilitation for purposes of administrative and other support; removing the residency requirements pertaining to counties and congressional districts; removing the work substitution or qualification to serve on the board; specifying the powers and duties of the chairperson; setting forth the process for selecting a vice chairperson; specifying the powers and duties of the vice chairperson; clarifying how a vacancy occurs on the board; creating a temporary or substitute board member list; and clarifying how moneys for the board should be appropriated.

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

By Senators Cline, Sypolt, Prezioso, Hamilton, and Palumbo:

Senate Bill 486—A Bill to amend and reenact §20-5-2 of the Code of West Virginia, 1931, as amended, relating to the powers of the director with respect to the Section of Parks and Recreation payment for retail licensee purchases from the Alcohol Beverage Control Commissioner.

Referred to the Committee on Natural Resources.

By Senators Sypolt, Hamilton, and Azinger:

Senate Bill 487—A Bill amend and reenact §20-1-7 of the Code of West Virginia, 1931, as amended, relating to an exception to the requirement that all Division of Natural Resources payments be deposited in a bank within 24 hours.

Referred to the Committee on Natural Resources.

By Senator Maynard:

Senate Bill 488—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; revising qualifications of a certain appointed member; and making technical changes.

Referred to the Committee on Government Organization.

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

Senate Bill 489—A Bill to repeal §21-11-1, §21-11-2, §21-11-3, §21-11-4, §21-11-5, §21-11-6, §21-11-7, §21-11-8, §21-11-9, §21-11-10, §21-11-10a, §21-11-11, §21-11-12, §21-11-13, §21-11-14, §21-11-15, §21-11-16, §21-11-17, §21-11-18, and §21-11-20 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §30-11-1, §30-11-2, §30-11-3, §30-11-4, §30-11-5, §30-11-6, §30-11-7, §30-11-8, §30-11-9, §30-11-10, §30-11-10a, §30-11-11, §30-11-12, §30-11-13, §30-11-14, §30-11-15, §30-11-16, §30-11-17, §30-11-18, and §30-11-19, all relating to moving provisions relating to the licensing of contractors to Chapter 30 of this code; updating archaic language; correcting cross-references; and making no substantive changes to any of these sections.

Referred to the Committee on Government Organization.

By Senators Sypolt, Smith, Rucker, Beach, and Baldwin:

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

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on the Judiciary.

By Senators Sypolt, Smith, Rucker, Beach, and Baldwin:

Senate Bill 491—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; authorizing legislative rules for penalties; requiring quarterly tonnage fees for seed; requiring record retention; authorizing relabeling; providing labeling requirements; authorizing inspections of seed conditioning facilities; and providing for penalties for labeling deficiencies.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on Government Organization.

By Senators Sypolt, Cline, Ihlenfeld, Maynard, Pitsenbarger, and Stollings:

Senate Bill 492—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-59-1, §16-59-2, §16-59-3, §16-59-4, §16-59-5, §16-59-6, §16-59-7, §16-59-8, §16-59-9, §16-59-10, §16-59-11, §16-59-12, §16-59-13, §16-59-14, and §16-59-15, all relating to enacting the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact; entering into the compact with all jurisdictions also enacting the compact; stating purpose of compact; defining terms; identifying member states as home states; retaining authority of member state to require license under circumstances not covered by compact; setting conditions for home state's license to authorize practice in a remote state under the compact; requiring member states to recognize licenses issued by another member state under certain conditions; setting requirements for individuals to exercise privilege to practice; setting scope of practice; making individuals practicing in remote states subject to that state's laws; authorizing remote states to take action against individual's privilege to practice within that state under certain circumstances; providing effect of restrictions on license on compact privileges; setting conditions of practicing in remote state under compact terms; defining relationship of compact with Emergency Management Assistance Compact; setting terms and requirements for certification of veterans, certain service members, and their spouses; recognizing exclusive power of home states to impose adverse action against license issued by home state; providing consequences for compact participation if individual's license is subject to adverse action by home state; requiring member states to report adverse actions against licenses; authorizing states to take action against individual's privilege to practice within that state; requiring home state EMS authority investigate and take appropriate action based on reported conduct in remote state; authorizing alternative programs in lieu of adverse action; authorizing member state's EMS authority to issue subpoenas; authorizing member state's EMS authority to issue certain cease and desist orders; establishing Interstate Commission for EMS Personnel Practice; providing venue; maintaining state sovereign immunity; providing for membership; providing for voting; requiring annual meetings; requiring meetings to be public; providing exceptions; authorizing commission prescribe bylaws and/or rules to govern conduct; granting certain powers to commission; providing for financing for the commission; making validity of annual assessment against state contingent upon funds being appropriated by the Legislature or otherwise being made available; providing for qualified immunity of certain persons; requiring commission defend certain persons for actions arising out of actions occurring within the scope of duties related to the commission; requiring commission indemnify and hold harmless certain persons under certain circumstances; providing for development and maintenance of coordinated database and reporting system; requiring member states provide certain information to coordinated database; requiring notification by coordinated database administrator of adverse action taken against individual in member state; authorizing member state to designate information not to be shared with the public without express permission of contributing state; providing for removal of information from database when required to be expunged; authorizing rulemaking commission; providing scope of rulemaking; providing procedures for rulemaking; authorizing emergency rulemaking by the commission; providing that commission rules are not binding on the State of West Virginia until they have been authorized as legislative rules; providing timeline and procedure for proposing legislative rules; authorizing emergency rulemaking; directing state government to enforce compact and take necessary actions to effectuate its purposes and intent; directing courts take judicial notice of compact and rules promulgated pursuant to compact; providing procedures for the commission to follow if member state has defaulted; authorizing member state be terminated from the compact under certain conditions; setting terms of termination; authorizing appeal; authorizing mediation and binding dispute resolution between commission and member state; authorizing enforcement of the compact by the commission; authorizing legal action; establishing venue; providing for venue in West Virginia; providing implementation date for the compact; making any state joining after implementation subject to

rules as they exist when the compact is adopted; authorizing member state withdraw from the compact; maintaining member state authority to enter into licensure or cooperative agreements with nonmember state; authorizing amendment of the compact; providing for liberal construction; providing for severability of the compact if it is found to violate Constitution of member state; directing Emergency Medical Services Advisory Council review decisions of the commission; and authorizing Emergency Medical Services Advisory Council make recommendation to Legislature for withdrawal from the compact.

Referred to the Committee on Interstate Cooperation; and then to the Committee on the Judiciary.

By Senator Rucker:

Senate Bill 493—A Bill to amend and reenact §8-15-17 of the Code of West Virginia, 1931, as amended, relating to firefighters by increasing the age limit of an honorably discharged veteran of the United States armed forces or National Guard to 40 years of age for an application for original appointment.

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

By Senator Rucker:

Senate Bill 494—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-22A-28a, relating to allowing a police or fire department that did not initially join the West Virginia Municipal Police and Firefighters Retirement System an opportunity to do so.

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

By Senator Clements:

Senate Bill 495—A Bill to amend and reenact §17A-10-3c of the Code of West Virginia, 1931, as amended, relating to registration fees for alternative fuel vehicles by modifying the fee for a vehicle operating a combination of electricity and petrochemical fuels.

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

By Senators Hamilton, Ihlenfeld, Jeffries, Pitsenbarger, Stollings, and Woelfel:

Senate Bill 496—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §21-1C-1, §21-1C-2, §21-1C-3, §21-1C-4, and §21-1C-5, all relating to prohibiting the employment of unauthorized employees in the construction industry; requiring employers to verify eligibility for employment with the federal government; duties of the attorney general; and penalties.

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

By Senators Hamilton, Azinger, Jeffries, Pitsenbarger, Smith, and Stollings:

Senate Bill 497—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-22-26, relating to outdoor advertising regulated by the Commissioner of Highways; and providing exemption to licensing requirement for a person to place signs, displays, or devices advertising events to be held at locations other than where the event will be held.

Referred to the Committee on Transportation and Infrastructure.

By Senators Hamilton, Stollings, and Smith:

Senate Bill 498—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-1-9, relating to creating the New Worker Relocation Incentive Program; providing an incentive for workers to move to West Virginia; establishing conditions for the incentive; defining terms; and requiring rulemaking.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

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

Senate Bill 499—A Bill to amend and reenact §17A-6-6 of the Code of West Virginia, 1931, as amended; to amend and reenact §19-23-8 of said code; to amend said code by adding thereto a new section, designated §21-1-6; to amend and reenact §21-2-9 of said code; to amend and reenact §21-5-5c of said code; to amend and reenact §21-14-6 of said code; to amend and reenact §21-16-7 of said code; to amend and reenact §29-22-8 of said code; to amend and reenact §29-22A-7 of said code; to amend and reenact §29-22B-502 of said code; to amend and reenact §29-22C-15 of said code; to amend and reenact §29-22D-10 of said code; to amend and reenact §29-25-13 of said code; to amend and reenact §31-17A-5 of said code; to amend and reenact §32A-2-8 of said code; and to amend and reenact §33-13C-3 and §33-13C-4 of said code, all relating to the use of post-criminal conduct in professional and occupational initial licensure decisionmaking; creating a rational nexus requirement between prior criminal conduct and initial licensure decisionmaking; providing criteria for commissioners or commissions as licensing authorities to determine whether a criminal conviction bears a rational nexus to an occupation; removing offenses described as one of moral turpitude as a basis for license denial unless the underlying crime bears a rational nexus to the occupation or profession requiring licensure; limiting licensure disqualification; and authorizing persons to petition licensure commissioners or commissions as to whether a person's criminal records precludes licensure.

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

By Senators Hamilton, Pitsenbarger, and Sypolt:

Senate Bill 500—A Bill to amend and reenact §20-2-42w of the Code of West Virginia, 1931, as amended, relating to Class Y special crossbow hunting permit requirements and application.

Referred to the Committee on Natural Resources.

By Senators Hamilton, Pitsenbarger, Sypolt, and Prezioso:

Senate Bill 501—A Bill to amend and reenact §20-5-3 of the Code of West Virginia, 1931, as amended, relating to the North Bend Rail Trail, Greenbrier River Rail, and the Elk River Trail.

Referred to the Committee on Natural Resources.

By Senators Ihlenfeld, Hardesty, Jeffries, Lindsay, Palumbo, Stollings, and Woelfel:

Senate Bill 502—A Bill to amend and reenact §60A-4-401 of the Code of West Virginia, 1931, as amended, relating to methamphetamine; and amending criminal penalty.

Referred to the Committee on the Judiciary.

By Senators Sypolt, Cline, Maynard, Pitsenbarger, Stollings, and Jeffries:

Senate Bill 503—A Bill to amend and reenact §29-3B-4 and §29-3B-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §29-3C-4 of said code; and to amend and reenact §29-3D-2 and §29-3D-6 of said code, all relating to removing the use of post-criminal conduct in professional and occupational initial licensure or certification in decisionmaking; creating a rational nexus requirement between prior criminal conduct and initial licensure or certification in decisionmaking; providing criteria for the state Fire Marshal as licensing or certification authority to determine whether a criminal conviction has a rational nexus to an occupation; limiting licensure disqualification; authorizing persons to petition the state Fire Marshal as to whether a person's criminal records precludes licensure; and reducing the number of necessary hours as a qualification for licensure.

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

By Senator Woelfel:

Senate Bill 504—A Bill to amend and reenact §15-9B-1, §15-9B-2, and §15-9B-4 of the Code of West Virginia, 1931, as amended, all relating to providing for the timely and efficient collection, submission, testing, retention, and disposition of forensic evidence in sexual assault cases; transferring some duties of the Division of Justice and Community Services to the Division of Administrative Services; requiring sexual assault forensic examination kits collected by health care providers to be directly submitted to the West Virginia State Police Forensic Laboratory; establishing procedures; defining terms; establishing misdemeanor penalties; and granting rule-making authority.

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

By Senator Weld:

Senate Bill 505—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-18-30, relating to urban renewal acquisition of, and disposition of, certain property.

Referred to the Committee on Economic Development; and then to the Committee on Government Organization.

Senator Rucker offered the following resolution:

Senate Concurrent Resolution 5—Requesting the Joint Committee on Government and Finance study adjustments needed to help achieve higher levels of effectiveness and fairness within the public school system; to ensure that students are internationally competitive and truly prepared for the future; and to ensure public school students are prepared for the future success of self, state, and country.

Whereas, We are now competing and living in a global community, and this new reality can be a benefit; and

Whereas, Our public school students no longer compete only with peers in their state or even our country; and

Whereas, Our nation's students are now also competing against students in countries all over the world; and

Whereas, As changes make our world much smaller, we must do everything we can to prepare our students for this new reality; and

Whereas, With collective effort and support, our students can achieve any goal placed before them, including being abundantly prepared to compete in the global economy; and

Whereas, The Every Student Succeeds Act was a bipartisan legislative effort signed into law in December 2015, replacing the No Child Left Behind Act; and

Whereas, The Every Student Succeeds Act provides the states an opportunity to further shape school systems in a way that will best prepare our public school students for the future; and

Whereas, In the recent past, we have seen that by states' leading policy discussions around public education, positive results in increasing student learning outcomes and preparedness can be achieved; and

Whereas, A suitable school system is effective and fair in how it prepares students within the constructs of that particular system; and

Whereas, An increase in these two variables will lead to better overall preparedness of all our public school students; and

Whereas, For the purpose of the preceding two clauses, fairness is defined by how equitably funding resources are allocated per pupil based on need, with a minimal annual baseline funding amount of \$9,585 per pupil when adjusted for the comparative wage index as this is the lowest recorded amount of funding allocated per student in a public school system that has achieved international competitiveness within the past decade; and

Whereas, An effective school system can be defined in different ways; and

Whereas, The National Conference of State Legislatures convened a bipartisan working group of 28 veteran education-policy legislators from around the country which recently issued a report titled, No Time to Lose: How to Build a World-Class Education System State by State; and

Whereas, The report released findings on effective school systems around the world and, after an 18-month period of labor, the group concluded that there were some recurring components and several repeated overarching factors in these effective systems; and

Whereas, According to the report, an effective public education system is one:

(1) In which "children come to school ready to learn with extra support given to struggling students so all have an opportunity to achieve high standards";

(2) That includes "a world-class teaching profession who supports a world-class instructional system, where every student has access to highly effective teachers and is expected to succeed";

(3) That includes "a highly effective, intellectually rigorous system of career and technical education available to those preferring an applied education"; and

(4) That is characterized by "individual reforms that are connected and aligned as parts of a clearly planned and carefully designed comprehensive system"; and

Whereas, For the purpose of the preceding clause:

(1) An “effective school system” is defined as a public school system that sets high student learning outcomes, including academic standards, and then implements changes to achieve those high standards within the system;

(2) “High standards” is defined as standards that are internationally competitive; and

(3) “Internationally competitive” can be defined as a public school system globally ranked amongst the top ten with respect to the Program for International Student Assessment; and

Whereas, The Legislature believes that with proper support, our children can be amongst the most internationally competitive students; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Government and Finance study adjustments needed to help achieve higher levels of effectiveness and fairness within the public school system; to ensure that students are internationally competitive and truly prepared for the future; and to ensure public school students are prepared for the future success of self, state, and country; and, be it

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

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

Which, under the rules, lies over one day.

Senators Romano, Facemire, Baldwin, Beach, Hardesty, Ihlenfeld, Jeffries, and Lindsay offered the following resolution:

Senate Concurrent Resolution 6—Requesting the Division of Highways name bridge number 17-9-0.35 (17A053), locally known as Wilsonburg T-beam Bridge, carrying County Route 9 over Limestone Run in Harrison County, the “Walter E. Swiger, Jr., Memorial Bridge”.

Whereas, Walter E. Swiger, Jr., was a lifelong resident of Harrison County, a graduate of Victory High School and West Virginia Business College; and

Whereas, Walter E. Swiger, Jr., retired after 43 years in petroleum marketing, having operated his own business; and

Whereas, Walter E. Swiger, Jr., was appointed to the Harrison County Solid Waste Authority in 1990 by the Harrison County Commission and served as chairman of the authority; and

Whereas, Walter E. Swiger, Jr., was chosen as the Volunteer of the Year by the Association of West Virginia Solid Waste Authority during their 12th annual conference in the fall of 2000; and

Whereas, Walter E. Swiger, Jr., was an outstanding community leader with many years of service in various organizations, serving the local emergency planning committee, Clarksburg Lions Club, Central West Virginia Community Action Association, and others; and

Whereas, As chairman, Walter E. Swiger, Jr., worked to help develop a recycling ordinance for the county, established a recycling hotline, and was recognized in several issues of the Solid Waste Reporter for his leadership in “one of the top integrated waste management programs in West Virginia”; and

Whereas, Walter E. Swiger, Jr., worked with county education leaders through the solid waste authorities’ efforts as Partner in Education with 10 county schools; and

Whereas, Walter E. Swiger, Jr., passed away on November 5, 2015; and

Whereas, It is fitting that an enduring memorial be established to commemorate Walter E. Swiger, Jr., and his contributions to his community and state; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 17-9-0.35 (17A053), locally known as Wilsonburg T-beam Bridge, carrying County Route 9 over Limestone Run in Harrison County, the “Walter E. Swiger, Jr., Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the “Walter E. Swiger, Jr., 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.

Senators Romano and Swope offered the following resolution:

Senate Resolution 8—Designating January 16, 2020, as Aviation Day at the Legislature.

Whereas, The history of aviation in West Virginia is nearing its 100-year anniversary; and

Whereas, Airports have played, and continue to play, a critical role in the state’s economic development as well as its response to natural disasters, medical emergencies, and search and rescue operations; and

Whereas, Affordable, reliable, and safe air service is integral to our communities, citizens, businesses, and state; and

Whereas, Growth in air service in West Virginia equates to increased economic development and vital funding for improvements to West Virginia’s airports and creates increased access to our state; and

Whereas, West Virginia airports, with strategic commercial air service, provide convenience to our state’s 1.8 million residents and the hundreds of thousands of visitors to our state annually; and

Whereas, General aviation airports open our state's rural landscape to countless companies to conduct important business activities and often serve as hubs for community activities; and

Whereas, Studies of the economic impact of West Virginia's airports have shown that these facilities contribute more than \$2.5 billion to the state's economy; and

Whereas, The West Virginia Aeronautics Commission, charged with promoting and expanding aviation in our state, is an agency of the West Virginia Department of Transportation; and

Whereas, The West Virginia Airport Managers Association represents commercial and general aviation airports and industry partners throughout the Mountain State; and

Whereas, West Virginia has 24 airports in the National Plan of Integrated Airport Systems: Seven commercial airports and 17 general aviation airports; and

Whereas, West Virginia has been a host to aircraft industries for more than 90 years, from the opening of a Fokker Aircraft plant in Marshall County in 1928, to advanced aviation and aerospace facilities now located and growing throughout the state, providing nearly 1,500 direct jobs in North Central West Virginia alone; and

Whereas, The State of West Virginia recognizes the critical role that aviation has played in our past and will play in our future; and

Whereas, Our state is committed to continue, through both private and public means, to expanding commercial air service, aerospace industries, and general aviation; therefore, be it

Resolved by the Senate:

That the Senate hereby designates January 16, 2020, as Aviation Day at the Legislature; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Aeronautics Commission and the West Virginia Airport Managers Association.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

Senate Resolution 7, Designating January 15, 2020, as Tourism Day at Legislature.

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 taken up for immediate consideration, reference to a committee dispensed with, and adopted.

On motion of Senator Takubo, at 11:25 a.m., the Senate recessed to present Senate Resolution 7.

The Senate reconvened at 11:30 a.m. and proceeded to the eighth order of business.

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

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 94 pass?”

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

The nays were: None.

Absent: Mann—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 94) passed with its title.

Senator Takubo moved that the bill take effect from passage.

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

The nays were: None.

Absent: Mann—1.

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. 94) takes effect from passage.

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

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill 35, Limiting civil penalty for littering conviction to \$2,000.

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

Com. Sub. for Senate Bill 46, Defining “pepper spray” and exempting from definition of “deadly weapons”.

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

Senate Bill 140, Changing rate at which certain judges are paid for mileage when traveling within state.

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

Senate Bill 170, Alleviating double taxation on foreign income at state level.

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

Com. Sub. for Senate Bill 207, Creating Prosecuting Attorney's Detectives Act.

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

Senate Bill 310, Updating certain terms used in WV Personal Income Tax Act.

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 Senators Weld and Roberts.

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

At the request of Senator Stollings, unanimous consent being granted, the Senate returned to the eleventh order of business and the introduction of guests.

The Senate again proceeded to the twelfth order of business.

Remarks were made by Senators Lindsay, Woelfel, and Blair.

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

The Senate proceeded to the thirteenth order of business.

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 Lindsay;

Senate Bill 4 (*Providing that persons 16 years or older may carry pepper spray for self-defense*): Senator Lindsay;

Senate Bill 16 (*Creating Protect Our Right to Unite Act*): Senator Maynard;

Senate Bill 37 (*Providing long-term care and substance abuse treatment*): Senator Roberts;

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

Senate Bill 257 (*Prohibiting discrimination in access to organ transplants based on physical or mental disability*): Senator Roberts;

Senate Bill 265 (*Authorizing DEP to develop Reclamation of Abandoned and Dilapidated Properties Program*): Senator Plymale;

Senate Bill 270 (*Relating to unlawful discriminatory practices covered by Human Rights Act and Fair Housing Act*): Senator Plymale;

Senate Bill 272 (*Repealing certain misdemeanor offenses*): Senator Plymale;

Senate Bill 281 (*Removing residency requirement for persons applying for reappointment to municipal police dept*): Senator Plymale;

Senate Bill 285 (*Eliminating WV Greyhound Breeding Development Fund*): Senator Plymale;

Senate Bill 312 (*Relating to child protective caseworkers*): Senator Palumbo;

Senate Bill 320 (*Creating WV Farm Fresh Dairy Act*): Senator Jeffries;

Senate Bill 492 (*Enacting Recognition of Emergency Services Personnel Licensure Interstate Compact*): Senator Hamilton;

Senate Bill 496 (*Prohibiting employment of unauthorized employees in construction industry*): Senator Baldwin;

Senate Bill 497 (*Relating to outdoor advertising regulated by Commissioner of Highways*): Senator Baldwin;

Senate Bill 498 (*Creating New Worker Relocation Incentive Program*): Senator Baldwin;

Senate Bill 501 (*Relating to North Bend Rail Trail, Greenbrier River Trail, and Elk River Trail*): Senator Baldwin;

Senate Bill 502 (*Relating to methamphetamine criminal penalty*): Senators Baldwin and Hamilton;

Senate Bill 503 (*Removing barriers to employment for certain individuals with criminal records*): Senators Baldwin and Hamilton;

And,

Senate Bill 504 (*Providing for timely and efficient handling of forensic evidence in sexual assault cases*): Senators Baldwin and Hamilton.

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

Senate Concurrent Resolution 4 (*Urging Congress call convention to propose amendment on congressional term limits*): Senator Jeffries;

Senate Resolution 7 (*Designating January 15, 2020, as Tourism Day at Legislature*):
Senators Baldwin, Cline, Hamilton, Palumbo, Roberts, Rucker, and Stollings;

And,

Senate Resolution 8 (*Designating January 16, 2020, as Aviation Day*): Senators Baldwin and Hamilton.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:02 p.m., the Senate adjourned until tomorrow, Thursday, January 16, 2020, at 11 a.m.

SENATE CALENDAR

Thursday, January 16, 2020
11:00 AM

UNFINISHED BUSINESS

- S. C. R. 5 - Requesting Joint Committee on Government and Finance study ways to achieve higher levels of effectiveness and fairness in public school system
- S. C. R. 6 - Walter E. Swiger, Jr., Memorial Bridge
- S. R. 8 - Designating January 16, 2020, as Aviation Day **[ADOPT]**

SECOND READING

- Com. Sub. for S. B. 35 - Limiting civil penalty for littering conviction to \$2,000
- Com. Sub. for S. B. 46 - Defining "pepper spray" and exempting from definition of "deadly weapons"
- S. B. 140 - Changing rate at which certain judges are paid for mileage when traveling within state
- S. B. 170 - Alleviating double taxation on foreign income at state level
- Com. Sub. for S. B. 207 - Creating Prosecuting Attorney's Detectives Act
- S. B. 310 - Updating certain terms used in WV Personal Income Tax Act

FIRST READING

- Com. Sub. for S. B. 16 - Creating Protect Our Right to Unite Act
- S. B. 42 - Permitting faith-based electives in classroom drug prevention programs
- Com. Sub. for S. B. 225 - Empowering municipalities to enact Adopt-A-Street programs