

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE
REGULAR SESSION, 2020
NINTH DAY

Charleston, West Virginia, Thursday, January 16, 2020

The Senate met at 11:10 a.m.

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

Prayer was offered by Chuck Kinder, Lay Pastor, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Corey Palumbo, a senator from the seventeenth district.

Pending the reading of the Journal of Wednesday, January 15, 2020,

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

The Senate proceeded to the second order of business and the introduction of guests.

The Clerk presented the following communications from various state agencies as required by the provisions of law:

Health and Human Resources, Department of (Youth Services) (§49-2-1006)

Motor Vehicles, Division of (Motor Vehicle Alcohol Test and Lock Program) (§17C-5A-3a)

Motor Vehicles, Division of (Safety and Treatment Program) (§17C-5A-3)

Treasurer, Office of the (Debt Capacity) (§12-6A-6)

The Senate proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 3039—A Bill to amend and reenact §48-9-206 and §48-9-402 of the Code of West Virginia, 1931, as amended, all relating to a court's consideration of the expression of a

preference by a child in certain child custody matters; and removing language giving priority to the preference of a 14-year-old.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 4004—A Bill to amend and reenact §15-9-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §15-9C-1, §15-9C-2, §15-9C-3, §15-9C-4, and §15-9C-5, all relating to creating the West Virginia Sentencing Commission; establishing the commission as a standing subcommittee of the Governor's Committee on Crime, Delinquency and Correction; authorizing the commission to seek and use funding and grants; setting forth legislative findings; setting forth the purpose of the commission; establishing composition and membership of commission; setting forth the powers and duties of the commission; setting forth objectives for the commission; directing commission provide annual assessment and recommendations to the Legislature; and authorizing the commission to make additional recommendations to the Legislature.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 4007—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-2P-1, relating to providing reasonable medical care to a child born alive during an abortion.

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

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 4022—A Bill to amend and reenact §18B-1B-5 of the Code of West Virginia, 1931, as amended, clarifying the qualifications of the Chancellor of the Higher Education Policy Commission, retitling the Vice Chancellor for Health Sciences, and abolishing the statutory position of Vice Chancellor for State Colleges.

Referred to the Committee on Education.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 4103—A Bill to amend and reenact §16-5T-2 of the Code of West Virginia, 1931, as amended, relating to office of drug control policy.

Referred to the Committee on Health and Human Resources.

The Senate proceeded to the fourth order of business.

Senator Azinger, from the Committee on Pensions, submitted the following report, which was received:

Your Committee on Pensions has had under consideration

Senate Bill 31, Providing 11-month window for PERS members to purchase certain credited service.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on Finance.

Respectfully submitted,

Michael T. Azinger,
Chair.

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

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 125, Prohibiting victim from being subjected to certain physical examinations for sexual offenses.

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

Com. Sub. for Senate Bill 125 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-8B-11 of the Code of West Virginia, 1931, as amended, relating generally to evidence in prosecution for sexual offenses; prohibiting a victim from being subjected to certain physical examinations; providing that a victim's refusal to undergo certain physical examinations does not preclude admission of evidence regarding other physical examinations; and defining the term "sexual offense".

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump, IV,
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 138, Incentives for consolidating local governments.

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

Com. Sub. for Senate Bill 138 (originating in the Committee on Government Organization)—A Bill to amend and reenact §7-11B-3, §7-11B-4, and §7-11B-7 of the Code of West Virginia, 1931, as amended; to amend and reenact §7A-2-4 of said code; and to amend said code by adding thereto a new section, designated §7A-2-5, all relating to incentives for consolidating local governments; amending the definitions of certain terms to include municipalities that successfully consolidated; granting additional powers to governing bodies of municipalities that successfully consolidated; authorizing municipalities that successfully consolidate additional powers related to creation of a development or redevelopment district; allowing consolidation of local governments to include public school districts, library districts, and fire districts; creating certain incentives for municipalities that consolidate; creating certain incentives for counties that consolidate; and creating certain incentives for municipalities and counties that form metro governments by consolidation.

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

Respectfully submitted,

Mark R. Maynard,
Chair.

The bill (Com. Sub. for S. B. 138), under the original double committee reference, was then referred to the Committee on Finance.

Senator Cline, from the Committee on Interstate Cooperation, submitted the following report, which was received:

Your Committee on Interstate Cooperation has had under consideration

Senate Bill 197, Enacting Recognition of Emergency Medical Services Personnel Licensure Interstate Compact.

And reports the same back with the recommendation that it do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Sue Cline,
Chair.

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

Senator Roberts, from the Committee on the Workforce, submitted the following report, which was received:

Your Committee on the Workforce has had under consideration

Senate Bill 217, Requiring DHHR collaborate with Workforce Development Board and WV Division of Personnel for job placement.

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

Com. Sub. for Senate Bill 217 (originating in the Committee on the Workforce)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-8-2a, relating to requiring the Department of Health and Human Resources to collaborate with the Workforce Development Board, the West Virginia Division of Personnel, and the West Virginia Department of Education for purposes of job placement.

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

Respectfully submitted,

Rollan A. Roberts,
Chair.

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

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 323, Dept of Administration rule for records management and preservation.

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

Com. Sub. for Senate Bill 323, 324, 325, 326, 327, and 328 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-2-1 *et seq.* of the Code of West Virginia, 1931, as amended, relating generally to authorizing certain agencies of the Department of Administration to promulgate legislative rules; authorizing the rules as filed and as modified by the Legislative Rule-Making Review Committee; authorizing the Department of Administration to promulgate a legislative rule relating to rules for the general administration of records management and preservation; authorizing the Department of Administration to promulgate a legislative rule relating to retention and disposal scheduling; authorizing the Department of Administration to promulgate a legislative rule relating to management of records maintained by the records center; authorizing the Department of Administration to promulgate a legislative rule relating to exemptions from management services provided by the fleet management division; authorizing the Department of Administration to promulgate a legislative rule relating to financial services reporting; and authorizing Public Defender Services to promulgate a legislative rule relating to payment of fees and reimbursement of expenses of court-appointed attorneys.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump, IV,
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 Senator Maynard:

Senate Bill 506—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2J-1, §5B-2J-2, and §5B-2J-3, all relating to creating the Office of Outdoor Recreation; requiring the Secretary of the Department of Commerce to appoint an administrator of the office; establishing the office's purposes and responsibilities; permitting the appointment of staff; requiring the administrator to appoint an advisory board; and establishing the responsibilities of the advisory board.

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

By Senators Clements, Hardesty, Jeffries, Lindsay, Pitsenbarger, Romano, and Rucker:

Senate Bill 507—A Bill to amend and reenact §49-4-722 of the Code of West Virginia, 1931, as amended, relating to persons 18 years of age or older in the custody of the Bureau of Juvenile Services; and providing that such individuals who commit a criminal offense while in the custody of the bureau, shall not be kept within sight or sound of adult inmates.

Referred to the Committee on the Judiciary.

By Senators Clements, Hardesty, Jeffries, Lindsay, Pitsenbarger, and Rucker:

Senate Bill 508—A Bill to amend and reenact §29-12-5a of the Code of West Virginia, 1931, as amended, relating to removing the specific mandate of the Board of Risk and Insurance Management to purchase liability insurance for the Division of Corrections and Rehabilitation and its employees.

Referred to the Committee on Banking and Insurance.

By Senator Trump:

Senate Bill 509—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-9-105, relating to venue for custodial allocation actions independent of divorce.

Referred to the Committee on the Judiciary.

By Senators Palumbo, Beach, Jeffries, Lindsay, Plymale, Prezioso, Takubo, Weld, and Woelfel:

Senate Bill 510—A Bill to amend and reenact §31-18E-9 of the Code of West Virginia, 1931, as amended, relating to making permanent the right of first refusal land reuse agencies and municipal land banks have on tax-delinquent properties; expanding the circumstances when the right of first refusal may be used; clarifying provisions related to the right of first refusal; and authorizing land reuse agencies and municipal land banks to reject adjacent property owner's request to purchase property in certain circumstances.

Referred to the Committee on Economic Development.

By Senator Jeffries:

Senate Bill 511—A Bill to amend and reenact §47-26-1, §47-26-2, and §47-26-3 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §47-26-2a, all relating to the regulation of pawnbrokers; removing an exception for certain transactions from the report required of all pawnbrokers; requiring all pawnbrokers to be equipped with certain surveillance equipment and signage effective January 1, 2021; prohibiting pawnbrokers from doing business with certain persons; prohibiting pawnbrokers from purchasing certain items or transacting with certain items from anyone; creating misdemeanor offenses for certain violations; and increasing the penalties for existing criminal offenses related to pawnbrokers.

Referred to the Committee on the Judiciary.

By Senator Jeffries:

Senate Bill 512—A Bill to amend and reenact §61-1-9 of the Code of West Virginia, 1931, as amended, relating to increasing the misdemeanor penalty for impersonation of a law-enforcement officer or official to include the possibility of confinement in jail.

Referred to the Committee on the Judiciary.

By Senator Jeffries:

Senate Bill 513—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6O-1, §46A-6O-2, §46A-6O-3, §46A-6O-4, §46A-6O-5, and §46A-6O-6, all relating to automatic purchase renewal offers and continuous service offers; stating legislative intent; defining terms; setting notice and disclosure requirements for automatic purchase renewal offers and continuous service offers; providing that a business may not charge the consumer for an automatic renewal or continuous services without first obtaining the consumer's affirmative consent; providing acknowledgement requirements; providing that a business shall disclose how to cancel the automatic renewal or continuous service before the consumer pays if the offer includes a free gift or trial; providing that a business shall provide certain mechanism for cancellation of the automatic renewal or continuous offer in the acknowledgement; requiring a business to provide contact information to the consumer; providing means for terminating the automatic renewal or continuous service offer online; providing notice requirements in the case of material changes in the terms of the automatic renewal or continuous service; providing that a business shall provide to the consumer a reminder of the recurring charge and information on how the consumer may cancel at least 30 days prior to the charge in the case of automatic renewal or continuous service offers of certain frequency; providing a period of application; providing that goods, wares, merchandise, or products shall be deemed an unconditional gift to the consumer when the business sends any goods, wares, merchandise, or products to a consumer without first obtaining the consumer's affirmative consent under a continuous service agreement or automatic renewal of a purchase; providing a civil cause of action; providing statutory penalties; providing that no action may be brought until written notice is provided by the consumer, or his or her representative, to the business; providing written notice requirements; providing mailing requirements; providing the business an opportunity to cure the alleged violation; providing for expiration of the cure offer and cure period; providing a period for the business to remit payment, if any, as specified in the accepted cure offer; providing that a claim may be brought for failure of the business to timely effect the accepted cure offer; providing that the written notice is a jurisdictional prerequisite to bringing a cause of action; providing the court discretion to award plaintiff costs of the action, including reasonable attorney's fees; providing that plaintiff is not entitled to costs and attorney's fees under certain circumstances;

providing a statute of limitations; providing that the statute of limitations shall be tolled; and stating exemptions.

Referred to the Committee on the Judiciary.

By Senator Tarr:

Senate Bill 514—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-9-1, §5B-9-2, §5B-9-3, §5B-9-4, §5B-9-5, §5B-9-6, §5B-9-7, and §5B-9-8, all relating to the West Virginia FinTech Regulatory Sandbox Program; defining terms; establishing requirements for participants to temporarily test innovative financial products or services on a limited basis without otherwise being licensed or authorized to act under the laws of the state; establishing scope of the ability to operate without otherwise being licensed or authorized to act with respect to approved financial products or services; providing consumer protections; establishing time limitations on the ability to operate without otherwise being licensed or authorized to act with respect to approved financial products or services; and providing reporting requirements.

Referred to the Committee on Economic Development.

By Senators Rucker, Azinger, Cline, Maynard, Roberts, Swope, and Sypolt:

Senate Bill 515—A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-9A-10a; and to amend said code by adding thereto a new article, designated §18-31-1, §18-31-2, §18-31-3, §18-31-4, §18-31-5, §18-31-6, §18-31-7, §18-31-8, and §18-31-9, all relating to the Education Savings Account Act; creating compulsory school attendance exemption for education savings account (ESA) students; requiring the Department of Education to annually make a projection of the amount required to fund ESAs and make a request for an appropriation in that amount; requiring the Legislature to appropriate the amount requested; requiring the Department of Education to pay to the West Virginia State Treasurer's Office the amount appropriated; requiring the total amount of funds annually deposited in an ESA to be 90 percent of the prior year's statewide average net state aid allotted per pupil based on net enrollment adjusted for state aid purposes; limiting use of ESA funds to certain qualifying expenses; allowing a parent to apply to the Treasurer to establish an ESA for an eligible student; establishing household income limit as a condition of qualifying for the ESA program; setting forth conditions under which the Treasurer is required to approve applications; requiring Treasurer to annually renew a student's ESA after making certain verifications; setting forth certain duties, obligations, and authority of the Treasurer; creating a Parent Review Committee to assist the Treasurer in determining whether questionable expenditures meet the requirements to be considered qualifying expenses, to provide recommendations to the Treasurer about how to implement, administer, and improve the ESA program, and for other purposes; setting forth eligibility requirements for service providers; requiring provision to an education service provider that has enrolled an ESA student with a complete copy of the student's school records, while complying with the Family Educational Rights and Privacy Act of 1974; and addressing legal proceedings.

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

By Senators Roberts, Hamilton, and Prezioso:

Senate Bill 516—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-1-15, relating to procurement of architect-engineer services by the West Virginia Division of Natural Resources; and exempting the agency from certain existing procurement requirements.

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

By Senators Hamilton and Prezioso:

Senate Bill 517—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-5A-1, §20-5A-2, §20-5A-3, §20-5A-4, §20-5A-5, and §20-5A-6, all relating to the creation of the State Parks and Recreation Endowment Fund; establishing a Board of Trustees for the State Parks and Recreation Endowment Fund; designating sources of funds for the State Parks and Recreation Endowment Fund; establishing how and for what purpose expenditures may be made from the State Parks and Recreation Endowment Fund; and relating to other administrative matters of the State Parks and Recreation Endowment Fund.

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

By Senator Hamilton:

Senate Bill 518—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-10-5a, relating to requiring one-year residency within the district or county prior to appointment to fill a vacancy to a seat in the Legislature.

Referred to the Committee on the Judiciary.

By Senators Clements, Hardesty, Jeffries, Lindsay, Pitsenbarger, Romano, and Rucker:

Senate Bill 519—A Bill to amend and reenact §62-8-1 of the Code of West Virginia, 1931, as amended, relating to prohibiting bodily intrusion by an inmate upon any person at any correctional facility; and defining “bodily intrusion”.

Referred to the Committee on the Judiciary.

By Senator Swope:

Senate Bill 520—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2J-1 and §5B-2J-2; and to amend said code by adding thereto a new article, designated §11-13BB-1, §11-13BB-2, §11-13BB-3, §11-13BB-4, §11-13BB-5, §11-13BB-6, §11-13BB-7, §11-13BB-8, and §11-13BB-9, all relating to creating the Natural Gas Liquids Economic Development Act of 2020; providing a short title; making legislative findings and declarations; defining terms; authorizing the Tax Commissioner to promulgate rules; providing a tax credit for production, transportation, storage, use, and consumption of natural gas liquids, including related facilities; providing for carry forward of unused credits; providing for recapture of credits; providing for report to Legislature on tax credits applied; and providing for an effective date.

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

By Senators Tarr, Swope, and Sypolt:

Senate Bill 521—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5-9A-1, §5-9A-2, §5-9A-3, and §5-9A-4, all relating to job creation and economic incentives; making findings and stating its purpose; creating the Tax and Economic Incentives Review Committee; establishing who may serve on the committee; establishing the committee’s powers; providing for the review of all tax and economic incentives every five years; providing guidelines for the review of incentives; requiring reports; and defining terms.

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

By Senators Trump and Weld:

Senate Bill 522—A Bill to amend and reenact §14-2A-3 and §14-2A-14 of the Code of West Virginia, 1931, as amended, all relating to compensation awards to victims of crimes; providing for an altered definition of an “allowable expense”; establishing conditions to satisfy reporting requirements for juvenile abuse and neglect cases; providing for expanded benefits for juvenile victims of abuse and neglect cases; and establishing agency authority to file an application on behalf of a minor child for expanded benefits for juvenile victims of abuse and neglect cases.

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

Senator Carmichael (Mr. President) offered the following resolution:

Senate Concurrent Resolution 7—Requesting the Division of Highways name bridge number 27-40-6.15 (27A120), locally known as Upper Nine-mile Bridge 6.15, carrying County Route 40 over Upper Nine-mile Creek in Mason County, the “U.S. Army PFC Clifford O. Eckard Memorial Bridge”.

Whereas, Clifford O. Eckard was born April 13, 1911, in Southside, Mason County, West Virginia; and

Whereas, Clifford O. Eckard enlisted in the Army to serve his country and state during World War II; and

Whereas, PFC Clifford O. Eckard was assigned to the 82nd Airborne Division, H.Q.C.O. 319th Glider FA BN during his time of service during World War II; and

Whereas, PFC Clifford O. Eckard passed away on June 7, 1988, as a World War II veteran who bravely defended his country and state during World War II; and

Whereas, It is fitting that an enduring memorial be established to commemorate PFC Clifford O. Eckard and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 27-40-6.15 (27A120), locally known as Upper Nine-mile Bridge 6.15, carrying County Route 40 over Upper Nine-mile Creek in Mason County, the “U.S. Army PFC Clifford O. Eckard Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U.S. Army PFC Clifford O. Eckard 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.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 5, Requesting Joint Committee on Government and Finance study ways to achieve higher levels of effectiveness and fairness in public school system.

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

Senate Concurrent Resolution 6, Walter E. Swiger, Jr., Memorial Bridge.

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

Senate Resolution 8, Designating January 16, 2020, as Aviation Day.

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

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

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senator Romano regarding the adoption of Senate Resolution 8 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 11:26 a.m., the Senate recessed to present Senate Resolution 8.

The Senate reconvened at 11:31 a.m. and proceeded to the ninth order of business.

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

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

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

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

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

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

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

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

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

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

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

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

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill 16, Creating Protect Our Right to Unite Act.

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

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

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

Com. Sub. for Senate Bill 225, Empowering municipalities to enact Adopt-A-Street programs.

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 Lindsay, Baldwin, Smith, Facemire, Tarr, Romano, and Takubo.

Thereafter, at the request of Senator Beach, and by unanimous consent, the remarks by Senators Lindsay and Baldwin were ordered printed in the Appendix to the Journal.

At the request of Senator Trump, unanimous consent being granted, the remarks by Senators Smith, Facemire, Tarr, Romano, and Takubo 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 removed as co-sponsors of the following bills:

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

And,

Senate Bill 470 (*Relating to use of crossbow to hunt*): Senator Palumbo.

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 60 (*Creating Office of Outdoor Recreation*): Senator Baldwin;

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

Senate Bill 75 (*Changing determination of compensation paid to landowner when eminent domain used for pipeline*): Senator Jeffries;

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

Senate Bill 146 (*Establishing minimum monthly retirement annuity for retirants with 20 or more years of credited service*): Senator Smith;

Senate Bill 159 (*Allowing municipalities to contract projects up to \$50,000 without bidding*): Senator Smith;

Senate Bill 174 (*Relating to federal funding for WVU and WVSU*): Senator Jeffries;

Senate Bill 181 (*Relating to Senior Farmers Market Nutrition Program*): Senator Jeffries;

Senate Bill 246 (*Including family court judges in retirement system for judges*): Senator Ihlenfeld;

Senate Bill 247 (*Providing bonus for school service personnel who use less than four days of personal leave*): Senator Jeffries;

Senate Bill 248 (*Repealing additional registration fees for alternative fuel vehicles*): Senator Ihlenfeld;

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

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

Senate Bill 315 (*Creating Special Road Repair Program*): Senator Ihlenfeld;

Senate Bill 468 (*Relating to eligibility for license or permit application*): Senator Woelfel;

Senate Bill 469 (*Increasing replacement costs for game and protected species*): Senators Jeffries and Woelfel;

Senate Bill 471 (*Providing valuation of stolen scrap copper or copper wire for penalty purposes*): Senator Swope;

Senate Bill 472 (*Providing alternative sentencing program for work release*): Senator Stollings;

Senate Bill 473 (*Requiring physicians notify parents when prescribing contraceptives to minors*): Senator Cline;

Senate Bill 474 (*Requiring public schools notify parents when dispensing contraceptives to minors*): Senator Cline;

Senate Bill 475 (*Requiring posting of Ten Commandments in every courthouse*): Senator Cline;

Senate Bill 476 (*Requiring WV schools teach cursive writing*): Senator Cline;

Senate Bill 477 (*Prohibiting county airport authorities to regulate possession or carrying of firearm*): Senator Cline;

Senate Bill 478 (*Creating WV Motorsports Entertainment Complex Investment Act*): Senator Roberts;

Senate Bill 482 (*Eliminating permit requirement for storing concealed handgun in vehicle on school property for persons over 21*): Senators Cline and Roberts;

Senate Bill 483 (*Eliminating restriction to carry firearm on State Capitol Complex grounds*): Senator Cline;

Senate Bill 484 (*Requiring free feminine hygiene products be provided to female prisoners*): Senators Stollings and Woelfel;

Senate Bill 486 (*Permitting ABCC licensees operating at state park locations pay in arrears*): Senator Stollings;

Senate Bill 489 (*Moving provisions of licensing contractors to chapter 30 of code*): Senator Cline;

Senate Bill 490 (*Relating to protection of animal and crop facilities*): Senator Jeffries;

Senate Bill 491 (*Relating to Seed Certification Program*): Senator Jeffries;

Senate Bill 493 (*Increasing age limit for honorably discharged veteran of US armed forces or National Guard to 40 years for firefighter applications*): Senator Cline;

Senate Bill 494 (*Allowing municipal police or fire departments join state municipal police and firefighters' retirement system*): Senator Cline;

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

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

Senate Bill 499 (*Removing barriers to employment for certain individuals with criminal records*): Senators Cline, Roberts, and Stollings;

Senate Bill 500 (*Relating to Class Y special crossbow hunting permit*): Senator Cline;

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

Senate Bill 503 (*Removing barriers to employment for certain individuals with criminal records*): Senators Lindsay, Palumbo, and Woelfel;

Senate Bill 504 (*Providing for timely and efficient handling of forensic evidence in sexual assault cases*): Senators Ihlenfeld, Lindsay, and Stollings;

And,

Senate Bill 505 (*Relating to urban renewal acquisition of property*): Senator 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 Concurrent Resolution 5 (*Requesting Joint Committee on Government and Finance study ways to achieve higher levels of effectiveness and fairness in public school system*): Senator Cline;

Senate Concurrent Resolution 6 (*Walter E. Swiger, Jr., Memorial Bridge*): Senators Stollings and Swope;

And,

Senate Resolution 8 (*Designating January 16, 2020, as Aviation Day*): Senators Cline, Ihlenfeld, Lindsay, Palumbo, and Stollings.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:15 p.m., the Senate adjourned until tomorrow, Friday, January 17, 2020, at 11 a.m.

SENATE CALENDAR

**Friday, January 17, 2020
11:00 AM**

UNFINISHED BUSINESS

S. C. R. 7 - US Army PFC Clifford O. Eckard Memorial Bridge

THIRD READING

Eng. Com. Sub. for S. B. 35 - Limiting civil penalty for littering conviction to \$2,000

Eng. Com. Sub. for S. B. 46 - Defining "pepper spray" and exempting from definition of "deadly weapons"

Eng. S. B. 140 - Changing rate at which certain judges are paid for mileage when traveling within state

Eng. S. B. 170 - Alleviating double taxation on foreign income at state level

Eng. Com. Sub. for S. B. 207 - Creating Prosecuting Attorney's Detectives Act

Eng. S. B. 310 - Updating certain terms used in WV Personal Income Tax Act

SECOND 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

FIRST READING

Com. Sub. for S. B. 125 - Prohibiting victim from being subjected to certain physical examinations for sexual offenses

Com. Sub. for S. B. 217 - Requiring DHHR collaborate with Workforce Development Board and WV Division of Personnel for job placement

Com. Sub. for S. B. 323 - Authorizing Department of Administration promulgate legislative rules