

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE  
REGULAR SESSION, 2020  
FOURTEENTH DAY

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Charleston, West Virginia, Tuesday, January 21, 2020

The Senate met at 11:14 a.m.

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

Prayer was offered by the Reverend Tom Bias, Retired United Methodist Clergy, Madison, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Douglas E. Facemire, a senator from the twelfth district.

Pending the reading of the Journal of Monday, January 20, 2020,

At the request of Senator Sypolt, 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 communication from a state agency as required by the provisions of law:

Medicine, Board of (§30-1-12)

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 4010**—A Bill to amend and reenact §29-22C-2, §29-22C-3, §29-22C-4, §29-22C-6, §29-22C-13, §29-22C-14, §29-22C-15, §29-22C-16, §29-22C-17, §29-22C-18, §29-22C-19, §29-22C-29, and §29-22C-31 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-25-2, §29-25-3, §29-25-8, §29-25-12, §29-25-13, §29-25-14, §29-25-15, §29-25-16, §29-25-17, §29-25-18, §29-25-22, §29-25-25, and §29-25-27 of said code, all relating to changing the licensing requirement for certain casino employees from a licensure to a registration; and granting emergency rule-making authority.

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

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 4091**—A Bill to amend and reenact §22-6A-7 of the Code of West Virginia, 1931, as amended, relating to allowing for expedited oil and gas well permitting for certain wells under the Natural Gas Horizontal Well Control Act upon payment of applicable expedited fees; allowing expedited oil and gas well permit modifications under the same Act upon the payment of applicable expedited fees; permitting one half of any residual fees to be deposited in the Oil and Gas Operations Permit and Processing Fund; permitting one half of any residual fees to be deposited in the Oil and Gas Reclamation Fund; providing for the daily pro rata refund of the horizontal well expedited fee if the permit is not approved between day 45 and day 60 after the submission of a permit application; providing for the daily pro rata refund of the modification fees between day 20 and day 30 after the submission of a permit modification application; providing for a maximum cap amount of \$1 million for all residual fees from this article to be deposited in the Oil and Gas Operations Permit and Processing Fund; and providing that any balance in the Oil and Gas Reclamation Fund at the end of a fiscal year remain in the special revenue account and not be remitted to the General Revenue Fund.

Referred to the Committee on Energy, Industry, and Mining.

The Senate 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 144**, Creating misdemeanor penalty for making materially false statement in course of misdemeanor investigation.

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

**Com. Sub. for Senate Bill 144** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §61-5-17 of the Code of West Virginia, 1931, as amended, relating to precluding the charge of making a materially false statement in the investigation of a misdemeanor offense serving as the basis for a secured bond or pre-trial incarceration.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 311**, Relating to court-ordered community service.

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

**Com. Sub. for Senate Bill 311** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §62-4-16 of the Code of West Virginia, 1931, as amended, relating to court-ordered community service; designating supervisor of person sentenced to court-ordered community service; and providing state and political subdivisions immunity from certain suits from individuals participating in court-ordered community service.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 321**, Relating to collection of tax and priority of distribution of estate or property in receivership.

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

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Concurrent Resolution 4**, Urging Congress call convention to propose amendment on congressional term limits.

And reports the same back with the recommendation that it be adopted.

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 and joint resolutions were considered introduced, read by their titles, and referred to the appropriate committees:

**By Senators Maynard and Cline:**

**Senate Bill 550**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5j; and to amend and reenact §20-2-16 of said code, all relating to hunting; permitting the use of leashed dogs to track mortally wounded deer or bear; and setting forth how dogs caught chasing deer are to be handled.

Referred to the Committee on Natural Resources.

**By Senators Smith, Clements, Jeffries, and Sypolt:**

**Senate Bill 551**—A Bill to amend and reenact §8-12-17 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §24-2-4g, all relating generally to the Water and Wastewater Investment and Infrastructure Improvement Act to encourage investment in water and wastewater utilities; describing and expanding permissible uses for proceeds of a sale or lease of a municipal utility; making legislative findings on the valuation of utility assets in the context of certain utility acquisitions and the combination or allocation of water and wastewater revenue requirements; making legislative findings on the valuation of utility assets in the context of an acquisition; establishing a range within which a post-acquisition rate base addition is to be established; providing for ancillary approvals; specifying preliminary agreements and commitments not requiring prior approval; authorizing the Public Service Commission to combine water and wastewater revenue requirements or allocate a portion of wastewater revenue requirement to water customers where a utility provides both water and wastewater service and where the combination or allocation is reasonable and results in water and wastewater rates that are just and reasonable and based primarily on the cost of providing service; and setting forth defined terms.

Referred to the Committee on Government Organization.

**By Senators Maynard and Cline:**

**Senate Bill 552**—A Bill to amend and reenact §22C-1-6 of the Code of West Virginia, 1931, as amended, relating to requiring contracts of \$25,000 or more to be competitively bid.

Referred to the Committee on Government Organization.

**By Senators Roberts, Boley, Clements, Cline, Hamilton, Maynard, Pitsenbarger, Smith, Sypolt, and Tarr:**

**Senate Bill 553**—A Bill to amend and reenact §61-3-24 of the Code of West Virginia, 1931, as amended, relating to crimes against property; and specifying that theft of rental equipment services is theft of services.

Referred to the Committee on the Judiciary.

**By Senators Smith, Clements, Pitsenbarger, Roberts, and Trump:**

**Senate Bill 554**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §36-4-9b, relating to the termination, expiration, or cancellation of oil or natural gas leases; providing a requirement for a lessee to execute and deliver to the lessor, within a specified time and without cost, a recordable release for terminated, expired, or cancelled oil or natural gas leases; providing for a procedure by which a lessor may serve notice to a lessee, if a lessee fails to timely provide the release; providing requirements for the content of the notice; requiring a lessee to timely notify the lessor in writing of a dispute regarding the termination, expiration, or cancellation of the oil and natural gas lease; providing for an affidavit of termination, expiration, or cancellation with specified contents; providing a requirement that

county clerks accept and record said affidavit; and providing that with proper notification by the lessor, and in the absence of a dispute by the lessee, an affidavit of termination, expiration, or cancellation, upon recordation by a county clerk, creates a rebuttable presumption of termination and cancellation of the oil or natural gas lease for certain interests and renders the recorded oil or natural gas lease as insufficient notice of the recorded lease.

Referred to the Committee on Energy, Industry, and Mining; and then to the Committee on the Judiciary.

**By Senator Takubo:**

**Senate Bill 555**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-60-1, §16-60-2, §16-60-3, §16-60-4, §16-60-5, §16-60-6, §16-60-7, §16-60-8, §16-60-9, §16-60-10, §16-60-11, §16-60-12, §16-60-13, §16-60-14, §16-60-15, and §16-60-16, all relating to enacting the Solemn Covenant of the States to Award Prizes for Curing Diseases Compact; and providing for its creation and operation.

Referred to the Committee on Health and Human Resources.

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

**Senate Bill 556**—A Bill to amend and reenact §6B-2-5 of the Code of West Virginia, 1931, as amended, relating to prohibiting members of the Legislature and part-time public officials from having an interest in public contracts under certain circumstances; requiring certain disclosures; and requiring the Ethics Commission to conduct oversight and make a public statement in certain circumstances.

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

**By Senators Prezioso, Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Palumbo, Plymale, Romano, Stollings, Unger, and Woelfel:**

**Senate Bill 557**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-18f, relating to establishing vocational-technical programs in middle schools.

Referred to the Committee on Education.

**By Senators Takubo, Cline, Maroney, Rucker, and Stollings:**

**Senate Bill 558**—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, §5B-2J-3, §5B-2J-4, and §5B-2J-5, all relating to the study of the health care workforce and sustainability; setting forth legislative findings; defining terms; directing the Department of Commerce to research, survey, study, and issue a report; setting forth the contents of the research, survey, study, and report; and deeming any documentary material, data, or other writing made or received by the department for the purpose of conducting the research, survey, study, or report to be confidential trade secrets which are exempt from disclosure.

Referred to the Committee on the Workforce.

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

**Senate Bill 559**—A Bill to amend and reenact §5-16-2 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §5-16-6, all

relating to authorizing small private employers to buy-in to PEIA; mandating that PEIA provide coverage to the employees of small, private employers and their dependents; providing that coverage for employees of a small employer is voluntary for both the employer and the employee; prohibiting refusal of coverage on the basis of past or future health care costs or claim experience; prohibiting administrative costs attributable to coverage to be paid by the state; and providing that participation does not create an employer-employee relationship with the state.

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

**By Senators Takubo and Maroney:**

**Senate Bill 560**—A Bill to repeal §30-7D-1, §30-7D-2, §30-7D-3, §30-7D-4, §30-7D-5, §30-7D-6, §30-7D-7, §30-7D-8, §30-7D-9, §30-7D-10, §30-7D-11, §30-7D-12, and §30-7D-13 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §16-5AA-1, §16-5AA-2, §16-5AA-3, §16-5AA-4, §16-5AA-5, §16-5AA-6, §16-5AA-7, §16-5AA-8, §16-5AA-9, and §16-5AA-10, all relating to permitting a nursing home to use trained individuals to administer medication under the direction of a registered professional nurse; defining terms; authorizing approved medication assistive personnel (AMAP) to administer medication in nursing homes; providing certain exemptions from chapter 30 licensing requirements; establishing requirements for training curricula and national medication aide certification examination procedures; establishing eligibility criteria; establishing procedures by which AMAP must administer medication; requiring nursing homes using AMAP to establish an administrative monitoring system; permitting a registered professional nurse to withdraw authorization for AMAP to administer medications in certain circumstances; allowing certain fees to be collected; providing limits on administration of medication by AMAP; providing that use of AMAP in nursing homes is permissive; and repealing a pilot program designed to monitor the practice of unlicensed personnel administering medication in a nursing home setting.

Referred to the Committee on Health and Human Resources.

**By Senators Prezioso, Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Palumbo, Plymale, Romano, Stollings, Unger, and Woelfel:**

**Senate Bill 561**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-1c; and to amend said code by adding thereto a new section, designated §33-16-1c, all relating to accident and sickness insurance coverage; requiring access to coverage of individuals with preexisting conditions; and applicability of the provisions.

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

**By Senator Trump:**

**Senate Bill 562**—A Bill to amend and reenact §61-11-26 and §61-11-26a of the Code of West Virginia, 1931, as amended, all relating generally to expungement of certain criminal convictions; allowing a person seeking expungement of convictions in multiple counties to file the petition in his or her county of residence; clarifying that prosecuting attorneys in any county of conviction wherein expungement is sought be provided notice of petition; eliminating the requirement that the chief law-enforcement officer or head of a municipal law-enforcement agency where the offense for which expungement is sought be given notice where such agency was not the arresting agency; clarifying that Commissioner of Corrections be served with a copy of the petition for expungement if the petitioner was confined or imprisoned for the offense for which expungement is sought; clarifying that petitioner's burden of proof as to convictions for which

expungement is sought are the only convictions against him or her in the state; defining “expungement”; and directing that upon the granting of an order of expungement all public records other than those under court seal are moved and destroyed.

Referred to the Committee on the Judiciary.

**By Senator Jeffries:**

**Senate Bill 563**—A Bill to amend and reenact §8-10-2b of the Code of West Virginia, 1931, as amended; to amend and reenact §17B-3-3c of said code; and to amend and reenact §62-4-17 of said code, all relating to eliminating the ability of a person’s driver’s license to be suspended for the failure to pay court fines and costs.

Referred to the Committee on the Judiciary.

**By Senator Azinger:**

**Senate Bill 564**—A Bill to amend and reenact §48-13-801 of the Code of West Virginia, 1931, as amended, relating to tax exemption for child due support.

Referred to the Committee on Finance.

**By Senator Maynard:**

**Senate Bill 565**—A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-28-2 and §18-28-6 of said code, all relating to giving private schools the option of making vaccinations required for enrollment.

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

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

**Senate Bill 566**—A Bill to amend and reenact §3-8-5c of the Code of West Virginia, 1931, as amended, relating to modifying limits on political contributions.

Referred to the Committee on the Judiciary.

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

**Senate Bill 567**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §9-11-1, §9-11-2, §9-11-3, §9-11-4, and §9-11-5, all relating to the wholesale importation of prescription drugs.

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

**By Senators Prezioso, Baldwin, Ihlenfeld, Jeffries, Lindsay, Palumbo, and Romano:**

**Senate Bill 568**—A Bill to amend and reenact §6B-2-5 of the Code of West Virginia, 1931, as amended, relating increasing the period for which an elected official may not appear in a representative capacity before the governmental entity on which they served.

Referred to the Committee on the Judiciary.

**By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]:**

**Senate Bill 569**—A Bill expiring funds to the balance of the Department of Health and Human Resources, Division of Human Services — Medical Services Program Fund, fund 5084, organization 0511, in the amount of \$3,000,000 from the Department of Administration, Premium Tax Savings Fund, fund 2367, fiscal year 2020, organization 0218; in the amount of \$2,000,000 from the Department of Health and Human Resources, Division of Health – Hospital Services Revenue Account Special Fund – Capital Improvement, Renovation and Operations, fund 5156, fiscal year 2020, organization 0506; and in the amount of \$360,000 from the Department of Health and Human Resources – Division of Human Services – Marriage Education Fund, fund 5490, fiscal year 2020, organization 0511, by supplementing and amending chapter 31, Acts of the Legislature, regular session, 2019, known as the Budget Bill.

Referred to the Committee on Finance.

**By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]:**

**Senate Bill 570**—A Bill expiring funds to the balance of the Department of Health and Human Resources - Division of Human Services – Medical Services Program Fund, fund 5084, organization 0511, in the amount of \$36,202,960, from the State Excess Lottery Revenue Fund – Division of Human Services, fund 5365, fiscal year 2020, organization 0511, by supplementing and amending chapter 31, Acts of the Legislature, regular session 2019, known as the Budget Bill.

Referred to the Committee on Finance.

**By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]:**

**Senate Bill 571**—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2020, in the amount of \$30,658,000 from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund, and making a supplementary appropriation of public moneys out of the Treasury from the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2020 to the Department of Administration – Public Defender Services, fund 0226, fiscal year 2020, organization 0221; to the Department of Health and Human Resources – Division of Human Services, fund 0403, fiscal year 2020, organization 0511, and to the Department of Veterans' Assistance – Department of Veterans' Assistance, fund 0456, fiscal year 2020, organization 0613.

Referred to the Committee on Finance.

**By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]:**

**Senate Bill 572**—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2020, in the amount of \$18,294,868 from the balance of moneys remaining as an unappropriated balance in the Lottery Net Profits, and making a supplementary appropriation of public moneys out of the Treasury from the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2020, to the Department of Health and Human Resources – Division of Health – Central Office, fund 0407, fiscal year 2020, organization 0506, to the Department of Health and Human Resources – Consolidated Medical Services Fund, fund 0525, fiscal year 2020, organization 0506, and to the Department of Health and Human Resources – Division of Human Services, fund 0403, fiscal year 2020, organization 0511.

Referred to the Committee on Finance.



**By Senators Carmichael (Mr. President) and Prezioso [By Request of the Executive]:**

**Senate Bill 573**—A Bill supplementing, amending, and increasing the appropriations of public moneys out of the Treasury for claims against the state by making supplementary appropriations from the unappropriated balance in the State Fund, General Revenue, special revenue funds and state road funds for the fiscal year ending June 30, 2020.

Referred to the Committee on Finance.

**By Senator Maynard:**

**Senate Bill 574**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17-2F-1, relating to public and private financing of road construction projects.

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

**By Senator Trump:**

**Senate Joint Resolution 7**—Proposing an amendment to the Constitution of the State of West Virginia, amending section one, article V thereof, relating to providing that courts have no authority by mandamus, prohibition, contempt, or otherwise to interfere with the proceedings of the Legislature; and providing a summarized statement of the purpose of such proposed amendment.

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

**By Senators Carmichael (Mr. President), Tarr, Azinger, Swope, Rucker, and Takubo:**

**Senate Joint Resolution 8**—Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof, by adding thereto a new section, designated section one-d, relating to the manufacturing growth amendment; defining terms; prohibiting the reclassification of tangible manufacturing inventory, machinery, and equipment personal property for ad valorem taxation purposes; exempting new tangible manufacturing machinery and equipment personal property from ad valorem property taxation; providing phased-in reduction of taxation of tangible manufacturing inventory, machinery, and equipment personal property until fully exempted; providing phased-in increases of annual appropriations and annual appropriations into perpetuity of replacement revenues for proportional distribution to levying bodies; empowering the Legislature to enact general law to carry out the provisions of this amendment; establishing primacy of section; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such amendment.

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

**Senators Blair and Trump:**

**Senate Joint Resolution 9**—Proposing an amendment to the Constitution of the State of West Virginia, amending article X thereof by adding thereto a new section, designated section one-d, relating to legislative authority related to ad valorem taxation and assessment of tangible personal property; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment.

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

Senator Tarr offered the following resolution:

**Senate Resolution 11**—Designating January 22, 2020, as Disability Advocacy Day at the Legislature.

Whereas, There are over 400,000 West Virginians with disabilities; and

Whereas, People with disabilities have the right to live, work, and fully participate in their communities to realize their dreams; and

Whereas, People with disabilities have the right to receive the support they need to exercise self-determination, achieve independence, and become productive employees in the workplace; and

Whereas, West Virginia cannot afford to segregate its citizens with disabilities, thereby impairing their ability to be productive members of society; and

Whereas, West Virginia's citizens with disabilities have banded together in a collective group, called the Fair Shake Network, to help bring their concerns to the forefront of public awareness; and

Whereas, The Fair Shake Network has developed a statewide network concerned with all types of disabilities and all age groups, providing opportunities for people to learn from each other and take action together; and

Whereas, The member organizations such as: Appalachian Center for Independent Living; West Virginia Developmental Disabilities Council; West Virginia Statewide Independent Living Council; West Virginia Division of Rehabilitation Services; WV Autism Training Center; West Virginia Parent Training & Information; Disability Rights of West Virginia; West Virginia University Center for Excellence in Disabilities; West Virginia State Rehabilitation Council; Open Doors, Inc.; National Association of Social Workers, WV Chapter; WV Olmstead Office; Mountain State Parents CAN; WV Association of the Deaf; Central West Virginia Action Network; Mountain State Centers for Independent Living, Job Squad; Northern West Virginia Center for Independent Living; The Arc of WV; People First of WV; and Aging and Disability Resource Network, have joined together to help increase public awareness of issues involving the many concerns of West Virginians with disabilities through the Fair Shake Network; and

Whereas, The purpose of Disability Advocacy Day is to increase the awareness and understanding of legislators, administrators, policymakers, and the public of the policy issues that are important to people with disabilities; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates January 22, 2020, as Disability Advocacy Day at the Legislature; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of the Fair Shake Network.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Resolution 10**, Designating January 21, 2020, as West Virginia University Day.

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

At the request of Senator Stollings, 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 Prezioso, and by unanimous consent, the remarks by Senator Stollings regarding the adoption of Senate Resolution 10 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 11:32 a.m., the Senate recessed to present Senate Resolution 10.

The Senate reconvened at 11:39 a.m. and proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 125**, Prohibiting victim from being subjected to certain physical examinations for sexual offenses.

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 125 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, 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: Clements—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. 125) 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, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, 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: Clements—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. 125) takes effect from passage.

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

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

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, 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: Clements—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. 217) passed with its title.

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

**Eng. Com. Sub. for Senate Bill 323**, Authorizing Department of Administration promulgate legislative rules.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, 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: Clements—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. 323) 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, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, 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: Clements—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. 323) 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 ninth order of business.

**Com. Sub. for Senate Bill 192**, Relating to WV Secondary School Activities Commission audits.

On second reading, coming up in regular order, was reported by the Clerk.

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

**Com. Sub. for Senate Bill 297**, Requiring Board of Education create home economics course.

On second reading, coming up in regular order, was reported by the Clerk.

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

**Senate Bill 307**, Correcting code citation relating to certain tax liens.

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

**Senate Bill 322**, Relating to prequalifications for state contract vendors.

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 eleventh order of business and the introduction of guests.

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senators Roberts, Maynard, Romano, Blair, Hardesty, Tarr, Facemire, and Takubo.

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

At the request of Senator Takubo, unanimous consent being granted, the remarks by Senators Roberts and Tarr were ordered printed in the Appendix to the Journal.

At the request of Senator Trump, and by unanimous consent, the remarks by Senators Blair and Facemire 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 4** (*Providing that persons 16 years or older may carry pepper spray for self-defense*): Senator Smith;

**Senate Bill 5** (*Presuming shared legal and physical custody of child in divorce is in best interest of child*): Senator Smith;

**Senate Bill 8** (*Exempting certain armed forces veterans from payment of fees for license to carry deadly weapon*): Senator Smith;

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

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

**Senate Bill 39** (*Requiring patients be provided estimate of health care provider's standard charges*): Senator Romano;

**Senate Bill 56** (*Prohibiting insurance coverage from requiring prior authorization for tests to stage cancer*): Senator Romano;

**Senate Bill 62** (*Creating Katherine Johnson Fair Pay Act of 2020*): Senator Romano;

**Com. Sub. for Senate Bill 96** (*Prohibiting municipalities from limiting persons' rights to possess certain weapons*): Senator Hamilton;

**Senate Bill 136** (*Prohibiting certain misleading lawsuit advertising practices*): Senator Romano;

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

**Senate Bill 142** (*Expanding Coyote Control Program through voluntary assessment on breeding cows*): Senators Pitsenbarger and Romano;

**Senate Bill 149** (*Including emergency response vehicles in single fee EZ Pass transponder program*): Senator Romano;

**Senate Bill 160** (*Creating Voluntary WVU Rifle Team Check-Off Program on hunting and fishing licenses*): Senator Pitsenbarger;

**Senate Bill 171** (*Exempting certain automobiles 25 years or older from personal property taxation*): Senator Smith;

**Senate Bill 230** (*Requiring State Board of Education provide instruction to personnel on student suicide prevention*): Senators Baldwin and Lindsay;

**Senate Bill 279** (*Requiring dental insurance plans honor assignment made in writing by person covered*): Senator Baldwin;

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

**Senate Bill 487** (*Providing exception that all DNR payments be deposited within 24 hours*): Senator Rucker;

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

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

**Senate Bill 511** (*Regulating pawnbrokers*): Senator Lindsay;

**Senate Bill 512** (*Increasing misdemeanor penalty for impersonation of law-enforcement officer*): Senator Lindsay;

**Senate Bill 513** (*Protecting consumers against businesses using automatic renewals without consent*): Senator Lindsay;

**Senate Bill 518** (*Requiring one-year residency within district or county to fill vacancy in Legislature*): Senator Lindsay;

**Senate Bill 524** (*Prohibiting Natural Resources Commission from establishing bag limit for antlered deer*): Senator Lindsay;

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

**Senate Bill 536** (*Relating to disclosure of fundraising contributions during legislative session*): Senators Baldwin and Romano;

**Senate Bill 538** (*Repealing excise tax on soft drinks*): Senator Cline;

**Senate Bill 539** (*Clarifying county airports may not prohibit carrying or possessing of firearms by those allowed to by law*): Senator Cline;

**Senate Bill 540** (*Authorizing boards of education create dashboard to display certain information*): Senator Hamilton;

**Senate Bill 541** (*Creating position of homeless education coordinator*): Senators Romano and Stollings;

**Senate Bill 543** (*Establishing Minority Health Advisory Team*): Senator Baldwin;

**Senate Bill 544** (*Authorizing pharmacists and pharmacy interns administer vaccines*): Senators Romano and Stollings;

**Senate Bill 546** (*Requiring Medicaid and insurance coverage for treatment of pediatric autoimmune neuropsychiatric disorders*): Senator Romano;

And,

**Senate Bill 547** (*Relating to employer testing, notice, termination, and forfeiture of unemployment compensation*): Senator Plymale.

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

**Senate Joint Resolution 6** (*Supervision of Free Schools Modification Amendment*): Senators Blair, Maynard, Smith, Swope, Sypolt, Takubo, and Tarr;

**Senate Concurrent Resolution 7** (*US Army PFC Clifford O. Eckard Memorial Bridge*): Senators Lindsay and Smith;

And,

**Senate Resolution 10** (*Designating January 21, 2020, as West Virginia University Day*): Senators Baldwin, Cline, Hamilton, Plymale, Romano, Rucker, and Stollings.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:30 p.m., the Senate adjourned until tomorrow, Wednesday, January 22, 2020, at 11 a.m.

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## **SENATE CALENDAR**

**Wednesday, January 22, 2020  
11:00 AM**

### **UNFINISHED BUSINESS**

- S. C. R. 4 - Urging Congress call convention to propose amendment on congressional term limits
- S. R. 11 - Designating January 22, 2020, as Disability Advocacy Day **[ADOPT]**

### **THIRD READING**

- Eng. S. B. 307 - Correcting code citation relating to certain tax liens
- Eng. S. B. 322 - Relating to prequalifications for state contract vendors

### **SECOND READING**

- Com. Sub. for S. B. 192 - Relating to WV Secondary School Activities Commission audits
- Com. Sub. for S. B. 297 - Requiring Board of Education create home economics course

### **FIRST READING**

- Com. Sub. for S. B. 144 - Creating misdemeanor penalty for making materially false statement in course of misdemeanor investigation
- Com. Sub. for S. B. 311 - Relating to court-ordered community service
- S. B. 321 - Relating to collection of tax and priority of distribution of estate or property in receivership

**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2020**

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**Wednesday, January 22, 2020**

10 a.m.

Workforce

(Room 208W)