

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE  
REGULAR SESSION, 2020  
TWENTY-SECOND DAY

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Charleston, West Virginia, Wednesday, January 29, 2020

The Senate met at 11:08 a.m.

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

Prayer was offered by Pastor LaDeana Teets, Brookside Church of the Brethren, Aurora, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Dave Sypolt, a senator from the fourteenth district.

Pending the reading of the Journal of Tuesday, January 28, 2020,

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

The Senate proceeded to the 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:

Environmental Protection, Department of (Oil and Gas Waiver Report) (§22-6A-2)

Sanitarians, Board of (§30-1-12)

Tourism, Division of (Office of Tourism) (§5B-2I-4)

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. Com. Sub. for House Bill 2497**—A Bill to amend and reenact §6C-1-3, §6C-1-4, and §6C-1-7 of the Code of West Virginia, 1931, as amended, all relating to the whistle-blower law; protecting promotion or increase in compensation; lengthening the statute of limitations; allowing

the use of grievance procedure; protecting use of other right or legal action; and protecting rights related to political activity and membership in employee organizations.

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 4089**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7e, relating to requiring cursive writing to be taught in grades 3-5.

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 4365**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18B-14-3, relating to authorizing granting of college credit hours for learning English as a second language; authorizing state higher education institutions to grant college credit hours for English learned as a second language and to accept English learned as a foreign language to satisfy college foreign language requirement; requiring jointly proposed rules to set and identify required test scores.

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 4480**—A Bill to amend and reenact § 18B-17-2 and § 18B-17-3 of the Code of West Virginia, 1931, as amended, all relating to authorizing and repealing legislative rules regarding higher education; authorizing legislative rules for the Higher Education Policy Commission regarding the Higher Education Accountability System and the Underwood-Smith Teaching Scholars Program and Teacher Education Loan Repayment Program; repealing the Higher Education Policy Commission's rule regarding the Accountability System; and authorizing a legislative rule for the Council for Community and Technical College Education regarding the West Virginia Invests Grant Program.

Referred to the Committee on Education.

The Senate proceeded to the fourth order of business.

Senator Maynard, from the Joint Committee on Enrolled Bills, submitted the following report, which was received:

Your Joint Committee on Enrolled Bills has examined, found truly enrolled, and on the 28th day of January, 2020, presented to His Excellency, the Governor, for his action, the following bill, signed by the President of the Senate and the Speaker of the House of Delegates:

**(Com. Sub. for S. B. 94)**, Providing persons with physical disabilities ability to vote by electronic absentee ballot.

Respectfully submitted,

Mark R. Maynard,  
*Chair, Senate Committee.*  
Moore Capito,  
*Chair, House Committee.*

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 281**, Removing residency requirement for persons applying for reappointment to municipal police dept.

And,

**Senate Bill 552**, Requiring contracts of \$25,000 or more be competitively bid.

And reports the same back with the recommendation that they each do pass.

Respectfully submitted,

Mark R. Maynard,  
*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 511**, Regulating pawnbrokers.

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

**Com. Sub. for Senate Bill 511** (originating in the Committee on the Judiciary)—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.

And,

**Senate Bill 534**, Removing workers' compensation exclusion for temporary legislative employees.

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

**Com. Sub. for Senate Bill 534** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §21A-1A-17 of the Code of West Virginia, 1931, as amended, relating to employees serving the Legislature on a temporary basis, or in support of the legislative session, are not exempt from unemployment benefits coverage.

With the recommendation that the two committee substitutes 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 547**, Relating to employer testing, notice, termination, and forfeiture of unemployment compensation.

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

**Com. Sub. for Senate Bill 547** (originating in the Committee on the Judiciary)—A Bill to amend and reenact §21-3E-16 of the Code of West Virginia, 1931, as amended, relating to employer testing, notice, termination, and forfeiture of unemployment compensation benefits

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 614**, Changing method of allocating funding from Safe School Funds.

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

**Com. Sub. for Senate Bill 614** (originating in the Committee on Education)—A Bill to amend and reenact §18-5-48 of the Code of West Virginia, 1931, as amended; and to amend and reenact §18-20-11 of said code, all relating to giving county boards of education, during a specified time period, flexibility to spend the safe schools allocation at any school within the district requiring cameras in special education classrooms; requiring the West Virginia Department of Education, during a specified time period, to first allocate the funding appropriated for the Safe Schools Fund based on the remaining need for video cameras in each district; removing appropriation of funds by the Legislature as a prerequisite to the requirement for video cameras in self-contained classrooms; and clarifying that any available funds may be used to comply with the camera requirements.

With the recommendation that the committee substitute do pass; but with the further recommendation that it first be referred to the Committee on Finance.

Respectfully submitted,

Patricia Puertas Rucker,  
*Chair.*

On motion of Senator Rucker, the bill (Com. Sub. for S. B. 614) contained in the foregoing report from the Committee on Education was then referred to the Committee on Finance.

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

Your Committee on Education has had under consideration

**Senate Concurrent Resolution 10**, Requesting study of current WV laws relating to anti-bullying measures in schools.

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

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

**Eng. House Bill 4010**, Changing the licensing requirement for certain casino employees.

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,

Mark R. Maynard,  
*Chair.*

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

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 Maroney, Baldwin, Clements, Ihlenfeld, Lindsay, Stollings, and Takubo:**

**Senate Bill 643**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-12-1, §47-12-2, §47-12-3, §47-12-4, §47-12-5, and §47-12-

6, all relating to creating the Youth Mental Health Protection Act; setting forth legislative findings; setting forth a purpose; defining terms; providing for a prohibition on conversion therapy; setting forth a prohibition for referral services for conversion therapy; and providing for disciplinary actions against providers who violate the article.

Referred to the Committee on Health and Human Resources.

**By Senator Smith:**

**Senate Bill 644**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5j, relating to the assessment of a wildlife impact fee by the Director of the Division of Natural Resources on operators of wind power projects that injure or kill a protected species of animal.

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

**By Senator Smith:**

**Senate Bill 645**—A Bill to amend and reenact §20-2-5a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §20-2-5j, all relating to protecting albino deer; adding albino deer to list of animals to which forfeiture and additional replacement costs apply; defining terms; prohibiting hunting, capturing, killing, or destroying albino deer; providing exceptions; and providing criminal penalties.

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

**By Senator Maynard:**

**Senate Bill 646**—A Bill to amend and reenact §30-1A-1, §30-1A-2, §30-1A-3, §30-1A-4, §30-1A-5, and §30-1A-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-1A-1a, all relating to reviewing proposals for new occupational regulation and existing occupational regulation provisions; declaring the state policy for regulation of occupations; defining terms; establishing procedures and criteria for the review of proposals or applications for the regulation of an occupation; specifying required contents to include in an application; outlining a methodology to address identified risks or harms; setting time requirement for completion of review and report; providing for public hearings and additional findings; requiring adoption of certain rules of both houses of the Legislature; outlining a process for annual review of a portion of existing licensing authorities and issuing public reports and recommendations therefrom; and establishing canons of interpretation.

Referred to the Committee on Government Organization.

**By Senators Takubo, Mann, Maroney, and Stollings:**

**Senate Bill 647**—A Bill to amend and reenact §16-30C-6 of the Code of West Virginia, 1931, as amended, relating to permitting physician assistants and advanced practice registered nurses to issue do-not-resuscitate orders.

Referred to the Committee on Health and Human Resources.

**By Senators Takubo, Mann, Maroney, Prezioso, Stollings, and Weld:**

**Senate Bill 648**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-12a, relating to providing dental coverage for adult

Medicaid recipients; providing limitations; and designating the Department of Health and Human Resources as the responsible department to implement these provisions.

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

**By Senator Maynard:**

**Senate Bill 649**—A Bill to amend and reenact §24-6-5 of the Code of West Virginia, 1931, as amended, relating to permitting directors of county emergency phone systems to obtain mobile phone emergency lines and enter into service provider contracts; establishing payment of emergency mobile phone contracts; and requiring a report.

Referred to the Committee on Government Organization.

**By Senator Maynard (By Request):**

**Senate Bill 650**—A Bill to amend and reenact §17A-3-23 of the Code of West Virginia, 1931, as amended, relating to altering the color scheme for county vehicle registration plates; altering the color scheme for city or municipality vehicle registration plates; providing that all county vehicle registration plates, title certificates, and registration certificates shall expire on December 31, 2020; providing for exemptions for certain county Class A license plates; requiring all counties to obtain a new title certificate, registration certificate, and registration plate for all county vehicles prior to January 1, 2021; requiring renewal every two years; providing that all city and municipal registration plates, title certificates, and registration certificates shall expire on December 31, 2020; providing for exemptions for certain city and municipal Class A license plates; requiring all cities or municipalities to obtain a new title certificate, registration certificate, and registration plate for all city or municipality vehicles prior to January 1, 2021; and requiring renewal every two years.

Referred to the Committee on Government Organization.

**By Senator Azinger:**

**Senate Bill 651**—A Bill to amend and reenact §31-17A-2 of the Code of West Virginia, 1931, as amended, relating to the definition of “mortgage loan originator”.

Referred to the Committee on Banking and Insurance.

**By Senator Rucker:**

**Senate Bill 652**—A Bill to amend and reenact §18-9D-21 of the Code of West Virginia, 1931, as amended, relating to authorizing the School Building Authority to promulgate legislative rules; and authorizing School Building Authority rule relating to School Build Authority contracts and agreements, post-project evaluation, and suspension of right to bid.

Referred to the Committee on Education.

**By Senator Carmichael (Mr. President):**

**Senate Bill 653**—A Bill to amend and reenact §50-1-2 of the Code of West Virginia, 1931, as amended, relating to the number of magistrates in Putnam County.

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

**By Senators Tarr, Hardesty, Pitsenbarger, Prezioso, Smith, and Weld:**

**Senate Bill 654**—A Bill to amend and reenact §7-14D-24 of the Code of West Virginia, 1931, as amended, relating to allowing certain sheriffs to transfer from the Public Employees Retirement System into the Deputy Sheriff Retirement System.

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

**By Senator Tarr:**

**Senate Bill 655**—A Bill to amend and reenact §11-1C-10 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-1C-10a; to amend and reenact §11-3-24 and §11-3-25 of said code; and to amend reenact §11-10A-8 of said code, all relating to the valuation of natural resources property and providing an alternate method of appeal of proposed valuation natural resources property for ad valorem property tax purposes; and providing for the confidentiality of annual industry operating expenses survey information used for property tax purposes.

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

**By Senator Tarr:**

**Senate Bill 656**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-32A-1, §30-32A-2, §30-32A-3, §30-32A-4, §30-32A-5, §30-32A-6, §30-32A-7, §30-32A-8, §30-32A-9, §30-32A-10, §30-32A-11, §30-32A-12, §30-32A-13, and §30-32A-14, all relating to joining the Audiology and Speech-Language Pathology Compact Commission; providing for a purpose; providing for definitions; providing for state participation in the compact; establishing the privilege to practice in member states; providing for procedures relating to licensing for active duty military personnel and their spouses; providing for procedures relating to adverse actions; establishing the Audiology and Speech-Language Pathology Compact Commission; providing for a data system available for use among the member states; providing for rule-making authority of the commission; providing for oversight, dispute resolution, and enforcement provisions of the commission among the member states; providing for date of implementation among the member states; providing for applicability of the existing rules at the time a new member state joins the commission; providing for withdrawal of any member states and conditions that must be met until withdrawal is effective; providing for a six-month period before withdrawal is effective; providing for construction and severability of the provisions of the compact; and providing for a binding effect of the laws and rules of the compact among the member states.

Referred to the Committee on Health and Human Resources.

Senator Romano offered the following resolution:

**Senate Concurrent Resolution 14**—Urging Congress to declare the Equal Rights Amendment to the Constitution of the United States.

Whereas, Article V of the Constitution of the United States provides that amendments shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states; and

Whereas, The Ninety-second Congress of the United States of America, at its second session, by a constitutional two-thirds vote in both houses adopted a Joint Resolution proposing an amendment to the Constitution of the United States, which Joint Resolution is in the following words:

JOINT RESOLUTION



Proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

ARTICLE. –

Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification; and

Whereas, On January 15, 2020, the Virginia Legislature became the 38th state to ratify the Equal Rights Amendment to the Constitution of the United States; and

Whereas, Three fourths of the states have ratified the Equal Rights Amendment as required by Article V of the Constitution of the United States; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Legislature hereby urges Congress to declare the Equal Rights Amendment to the Constitution of the United States; and, be it

*Further Resolved,* That Congress declare all 38 ratifications to be valid and that the Equal Rights Amendment is now a part of the Constitution of the United States, and it shall be duly promulgated as such by the Secretary of State; and, be it

*Further Resolved,* That the Clerk of the Senate is hereby directed to forward copies of this resolution to the President and Secretary of the Senate of the United States and to the Speaker, Clerk, and Judiciary Committee Chairman of the House of Representatives of the Congress of the United States; and copies to the members of the Senate and House of Representatives from this state; and to forward copies to the presiding officers of each of the legislative houses in the several states, requesting their cooperation.

Which, under the rules, lies over one day.

Senators Plymale and Woelfel offered the following resolution:

**Senate Resolution 22**—Designating January 30, 2020, as Marshall University Day.

Whereas, Marshall University has been an institution of innovation and discovery since its founding in 1837; and

Whereas, Marshall University has been educating sons and daughters of Marshall in the tradition of the great Chief Justice John Marshall for 183 years; and

Whereas, Marshall's new academic programs, including aviation and physician's assistant, will offer students the opportunity to prepare for cutting-edge careers; and

Whereas, In 2019, for the first time in its history, Marshall University was designated a Carnegie R2 research institution, placing it among the top six percent of colleges and universities in the nation; and

Whereas, Also in 2019, the prestigious U.S. News & World Report rankings listed Marshall in the top tier of the nation's universities for the first time; and

Whereas, Marshall recently announced that more than \$100 million has been raised toward the \$150 million goal for its historic comprehensive fund-raising campaign; and

Whereas, In the last eight months, Marshall opened three new facilities, including the Brad D. Smith Business Incubator, the Stephen J. Kopp Hall Pharmacy Academic Building and the Fairfield Landing Graduate Student Housing Complex; and

Whereas, Nearly \$400 million and 3,200 jobs are contributed annually to West Virginia's economy by Marshall University; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates January 30, 2020, as Marshall University Day; and, be it

*Further Resolved*, That the Senate hereby recognizes Marshall University for its tremendous contributions to the state of West Virginia; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to Dr. Jerome A. Gilbert, President of Marshall University.

Which, under the rules, lies over one day.

Senators Palumbo and Takubo offered the following resolution:

**Senate Resolution 23**—Congratulating the University of Charleston men's soccer team for winning the 2019 NCAA Division II Men's Soccer National Championship.

Whereas, The University of Charleston men's soccer team had another dominant year on the pitch, compiling a 22-2-1 record, and winning the 2019 NCAA Division II Men's Soccer National Championship; and

Whereas, The University of Charleston men's soccer team has won the national championship in two of the last three seasons (2017 and 2019); and

Whereas, The University of Charleston men's soccer team was led by head coach, Dan Stratford, assistant coaches, Daniel Smee, Travis Brent, Jeremy de Hoog, Benjamin Martinez, and athletic trainer, Kenji Ueda; and

Whereas, The University of Charleston men's soccer team was comprised of the following players: Christopher Allan, Ploutarchos Alonefti, Ettore Ballestracci, Sam Bethell, Adam Burchell, Jesus Cabanas, Christos Charalambous, William Clague, Andri Gretarsson, Christopher Gribben, Eduardo Iranzo, Joao Lima, Adrian Montalvo, Felipe Montiel, Williams N'Dah, Jordi Ramon, Emil Rasmussen, Adam Robinson, Gabriel Rodriguez, Alex Townley, Freddy Tracey, Alvaro Unanua Dean, Steyn Van Ark, Mattia Vezzoni, and Philip Vo-Van; and

Whereas, The University of Charleston men's soccer team finished the 2019 campaign with 12 straight victories, cruising to their sixth straight Mountain East Conference regular season title, second consecutive MEC tournament championship, and fifth NCAA Division II Men's Soccer Atlantic Region title in six seasons, and the NCAA Division II Men's Soccer National Championship. Awards include All NCAA National Championship Tournament Team: Christopher Allan, Most Outstanding Defensive Player; Freddy Tracey, Most Outstanding Offensive Player; Williams N'Dah; and Alvaro Unanua Dean; and

Whereas, The University of Charleston men's soccer team displayed its talent and strong will for an entire season and is a shining example of what can be accomplished with hard work, dedication, and spirit; and

Whereas, The 2019 University of Charleston men's soccer team will forever be remembered as one of the best men's soccer teams in NCAA history; therefore, be it

*Resolved by the Senate:*

That the Senate congratulates the University of Charleston men's soccer team for winning the 2019 NCAA Division II Men's Soccer National Championship; and, be it

*Further Resolved*, That the Clerk is hereby directed to forward a copy of this resolution to the University of Charleston men's soccer team.

Which, under the rules, lies over one day.

### **Petitions**

Senator Trump presented a petition from Thomas A. Roue and numerous Morgan County residents, relating to the Board of Medicine's guidelines that pertain to the standard of care.

Referred to the Committee on Health and Human Resources.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 13**, Ira "Noon" Copley and Marie Copley 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 20**, Designating January 29, 2020, as Preston County Day.

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

At the request of Senator Sypolt, 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 Weld, and by unanimous consent, the remarks by Senators Sypolt and Smith regarding the adoption of Senate Resolution 20 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 11:29 a.m., the Senate recessed to present Senate Resolution 20.

The Senate reconvened at 11:35 a.m. and resumed business under the seventh order.

**Senate Resolution 21**, Celebrating achievements and contributions of Monongalia County.

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

At the request of Senator Beach, 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 11:39 a.m., the Senate recessed to present Senate Resolution 21.

The Senate reconvened at 11:42 a.m. and proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 209**, Relating to annexation by minor boundary adjustment.

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, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, 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: Maroney—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. 209) 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, Mann, 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: Maroney—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. 209) 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 241**, Requiring State Board of Education develop method for student transportation costs as stand-alone consideration.

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, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, 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: Maroney—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. 241) 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 House Bill 2696**, Creating an additional index system for state-owned lands.

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, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, 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: Maroney—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 H. B. 2696) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate.

**Eng. House Bill 4130**, Relating to competitive bidding for government construction contracts arising out of declared states of emergency.

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, Clements, Cline, Facemire, Hamilton, Hardesty, Ihlenfeld, Jeffries, Lindsay, Mann, 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: Maroney—1.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. H. B. 4130) passed.

On motion of Senator Maynard, the following amendment to the title of the bill was reported by the Clerk and adopted:

**Eng. House Bill 4130**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section designated §5-22-1a, relating to competitive bidding for government construction contracts arising out of declared states of emergency; allowing contracts for construction projects to be procured through competitive bidding on an open-ended basis as to quantity or by unit pricing on estimated quantities; allowing the establishment of multiple award construction contracts; eliminating need for emergency construction contract to specify the exact location of construction involved in the solicitation for bids; making the requirement that the entity to whom the contract is awarded furnish payment or performance bonds discretionary for residential projects; requiring contractor to provide release of claims before final payment is released if bonds are not required; and making the award of such contracts subject to other competitive bidding requirements of said code.

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, Mann, 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: Maroney—1.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. H. B. 4130) 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 175**, Requiring certain agencies maintain website which contains specific information.

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 261**, Creating criminal penalties for introducing ransomware into computer with intent to extort.

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 339**, Authorizing DHHR promulgate legislative rules.

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

**Eng. House Bill 4103**, Relating to office of drug control policy.

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.

The Senate proceeded to the tenth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills on first reading were considered read a first time and ordered to second reading:

**Com. Sub. for Senate Bill 449**, Authorizing Department of Commerce promulgate legislative rules.

**Senate Bill 508**, Removing mandate Board of Risk and Insurance Management purchase liability insurance for Division of Corrections.

**Com. Sub. for Senate Bill 550**, Permitting leashed dogs track mortally wounded deer or bear.

And,

**Senate Bill 642**, Correcting incorrect code citation in WV Consumer Credit and Protection Act.

The Senate proceeded to the twelfth order of business.

Remarks were made by Senators Ihlenfeld, Tarr, Romano, Trump, Takubo, Hardesty, Azinger, and Smith.

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

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

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

The Senate proceeded to the thirteenth order of business.

At the request of Senator Roberts, unanimous consent being granted, it was ordered that the Journal show had Senator Roberts been present in the chamber on Monday, January 27, 2020, he would have voted "yea" on the passage of Engrossed Senate Bill 8, Engrossed Senate Bill

114, Engrossed Senate Bill 289, Engrossed Committee Substitute for Senate Bill 303, Engrossed Committee Substitute for Senate Bill 357, Engrossed Committee Substitute for Senate Bill 364, Engrossed Senate Bill 468, Engrossed Committee Substitute for Senate Bill 470, Engrossed Committee Substitute for Senate Bill 487, Engrossed Committee Substitute for Senate Bill 500, Engrossed Committee Substitute for Senate Bill 501, and Engrossed Senate Bill 509.

Under the provisions of Rule 15 of the Rules of the Senate, the following senator was removed as a co-sponsor of the following bill:

**Com. Sub. for Senate Bill 532** (*Distributing assets remaining in municipal policemen's or firemen's pension and relief fund on death of last retiree or beneficiary*): Senator Stollings.

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 73** (*Relating generally to criteria for political party status*): Senator Romano;

**Senate Bill 89** (*Creating Wholesale Prescription Drug Importation Program*): Senator Romano;

**Senate Bill 92** (*Exempting first \$150,000 of assessed value of primary residence for certain veterans*): Senator Romano;

**Senate Bill 109** (*Relating to incentives for consolidating local governments*): Senator Romano;

**Senate Bill 110** (*Creating Independent Redistricting Commission*): Senator Romano;

**Senate Bill 112** (*Prohibiting legislators and part-time public officials from having interest in public contracts under certain circumstances*): Senator Romano;

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

**Senate Bill 172** (*Exempting certain veterans from carry concealed permit fees*): Senator Romano;

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

**Senate Bill 216** (*Requiring towing services be rotated within a towing district*): Senator Romano;

**Senate Bill 244** (*Modifying Industrial Hemp Development Act*): Senator Romano;

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

**Senate Bill 267** (*Relating to criminal possession of rented or leased personal property*): Senator Lindsay;

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



**Senate Bill 541** (*Creating position of homeless education coordinator*): Senator Lindsay;

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

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

**Senate Bill 551** (*Relating to Water and Wastewater Investment and Infrastructure Improvement Act*): Senator Lindsay;

**Senate Bill 582** (*Imposing certain conduct requirements on pharmacy benefit managers*): Senator Lindsay;

**Senate Bill 593** (*Relating to required equipment for State Police and Natural Resources police officers*): Senator Lindsay;

**Com. Sub. for Senate Bill 597** (*Relating to judicial branch members' salaries and pensions*): Senator Lindsay;

**Senate Bill 611** (*Permitting third-party ownership of renewable and alternative energy generating facilities*): Senator Baldwin;

**Senate Bill 612** (*Allowing work programs or community service as alternative sentencing*): Senator Cline;

**Senate Bill 614** (*Changing method of allocating funding from Safe School Funds*): Senator Maynard;

**Senate Bill 627** (*Authorizing local board of health to engage in office-based medication-assisted treatment*): Senators Cline and Lindsay;

**Senate Bill 628** (*Creating WV Children's Vision Act*): Senator Roberts;

**Senate Bill 630** (*Creating WV Call Center Jobs Act of 2020*): Senator Lindsay;

**Senate Bill 632** (*Clarifying time limitation for filing occupational pneumoconiosis claim does not limit claimant in obtaining evaluation*): Senators Cline, Plymale, Prezioso, Roberts, and Romano;

**Senate Bill 634** (*Authorizing municipality adopt most recent edition of ICC International Property Maintenance Code*): Senator Stollings;

And,

**Senate Bill 637** (*Prohibiting home schooling of children in certain circumstances*): Senator Pitsenbarger.

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 13** (*Ira "Noon" Copley and Marie Copley Memorial Bridge*): Senators Plymale and Stollings;

**Senate Resolution 20** (*Designating January 29, 2020, as Preston County Day*): Senators Beach, Plymale, Stollings, and Unger;

And,

**Senate Resolution 21** (*Celebrating achievements and contributions of Monongalia County*): Senators Jeffries, Lindsay, Plymale, Romano, Stollings, and Unger.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:23 p.m., the Senate adjourned until tomorrow, Thursday, January 30, 2020, at 11 a.m.

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## **SENATE CALENDAR**

**Thursday, January 30, 2020  
11:00 AM**

### **UNFINISHED BUSINESS**

- S. C. R. 10 - Requesting study of current WV laws relating to anti-bullying measures in schools  
**[ADOPT]**
- S. C. R. 14 - Urging Congress declare Equal Rights Amendment to US Constitution
- S. R. 22 - Designating January 30, 2020, as Marshall University Day **[ADOPT]**
- S. R. 23 - Congratulating University of Charleston men's soccer team **[ADOPT]**

### **THIRD READING**

- Eng. Com. Sub. for S. B. 175 - Requiring certain agencies maintain website which contains specific information
- Eng. Com. Sub. for S. B. 261 - Creating criminal penalties for introducing ransomware into computer with intent to extort
- Eng. Com. Sub. for S. B. 339 - Authorizing DHHR promulgate legislative rules

### **SECOND READING**

- Com. Sub. for S. B. 449 - Authorizing Department of Commerce promulgate legislative rules
- S. B. 508 - Removing mandate Board of Risk and Insurance Management purchase liability insurance for Division of Corrections
- Com. Sub. for S. B. 550 - Permitting leashed dogs track mortally wounded deer or bear
- S. B. 642 - Correcting incorrect code citation in WV Consumer Credit and Protection Act
- Eng. H. B. 4103 - Relating to office of drug control policy - (Com. amend. pending)

### **FIRST READING**

- S. B. 281 - Removing residency requirement for persons applying for reappointment to municipal police dept
- Com. Sub. for S. B. 511 - Regulating pawnbrokers
- Com. Sub. for S. B. 534 - Removing workers' compensation exclusion for temporary legislative employees
- Com. Sub. for S. B. 547 - Relating to employer testing, notice, termination, and forfeiture of unemployment compensation
- S. B. 552 - Requiring contracts of \$25,000 or more be competitively bid

**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2020**

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**Thursday, January 30, 2020**

1 p.m.

Health & Human Resources

(Room 451M)