

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE
REGULAR SESSION, 2019
EIGHTH DAY

Charleston, West Virginia, Wednesday, January 16, 2019

The Senate met at 11:06 a.m.

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

Prayer was offered by the Honorable Stephen Baldwin, a senator from the tenth district.

Kenneth “Honey” Rubenstein Juvenile Center Honor Guard Cadets from Davis, West Virginia, proceeded in the presenting of the Colors. The Senate was then led in the recitation of the Pledge of Allegiance by the Honorable Kenny Mann, a senator from the tenth district.

Pending the reading of the Journal of Tuesday, January 15, 2019,

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

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

The Senate then proceeded to the fourth order of business.

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

Your Committee on Education has had under consideration

Senate Bill 1, Increasing access to career education and workforce training.

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

Com. Sub. for Senate Bill 1 (originating in the Committee on Education)—A Bill to amend and reenact §18-2-6 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §18-2E-11; to amend and reenact §18-9A-2 of said code; and to amend said code by adding thereto a new article, designated §18C-9-1, §18C-9-2, §18C-9-3, §18C-9-4, §18C-9-5, and §18C-9-6, all relating generally to increasing access to career education and workforce training; establishing Advanced Career Education (ACE) programs and pathways; providing that certain individuals who have completed a secondary education program

in a public, private, or home school shall be considered adults enrolled in regular secondary programs for funding purposes; requiring community and technical colleges establish partnerships with career technical education centers, county boards of education, or both that provide for ACE programs; providing requirements for ACE programs and pathways; requiring the Board of Education and the West Virginia Council for Community and Technical College Education promulgate joint guidelines; requiring the Division of Vocational Education and the council maintain and annually report certain information; providing that community and technical colleges and career technical education centers shall participate in one or more ACE partnerships in order to receive certain funding; establishing the WV Invests Grant Program; defining terms; authorizing the council to award WV Invests Grants under certain terms and conditions; requiring the council to report certain information on the WV Invests Grant Program; requiring the council to propose legislative rules; providing eligibility and renewal requirements for a WV Invests Grant; requiring applicants enter into certain agreements; and establishing the WV Invests Fund.

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,

Patricia Puertas Rucker,
Chair.

The bill (Com. Sub. for S. B. 1), under the original double committee reference, was then referred to the Committee on Finance.

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

Your Committee on Government Organization has had under consideration

Senate Bill 3, Establishing WV Small Wireless Facilities Deployment Act.

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

Com. Sub. for Senate Bill 3 (originating in the Committee on Government Organization)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §31H-1-1, §31H-1-2, §31H-2-1, §31H-2-2, §31H-2-3, and §31H-2-4, all relating to the establishment of the West Virginia Small Wireless Facilities Deployment Act; making legislative findings; defining terms; providing for access to public rights-of-way for the collocation of small wireless facilities; providing for certain permit requirements; requiring permits to be issued on a nondiscriminatory basis; providing for the collection of fees and setting the amount of fees; and providing for certain zoning, indemnification, insurance, and bonding requirements.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Gregory L. Boso,
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 17, Relating to probation eligibility.

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

Com. Sub. for Senate Bill 17 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §62-12-2 of the Code of West Virginia, 1931, as amended, relating to eligibility for probation generally; adding the option of a psychological study and diagnosis to the studies and treatment required for a person to be eligible for probation upon conviction of certain sexual related offenses and adding offenses involving preparation, distribution or exhibition of obscene matter to minors to the list of offenses for which such examinations are required for probation eligibility.

And,

Senate Bill 152, Relating generally to criminal offense expungement.

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

Com. Sub. for Senate Bill 152 (originating in the Committee on the Judiciary)—A Bill to repeal §61-11B-1, §61-11B-2, §61-11B-3, §61-11B-4, and §61-11B-5 of the Code of West Virginia, 1931, as amended, and to amend and reenact §61-11-26 of said code, all relating to expungement of certain convictions generally; defining terms; eliminating age limitations for petitioners seeking to expunge certain misdemeanors; expanding eligibility for criminal expungement to persons convicted of certain nonviolent felonies; providing exclusions from eligibility; establishing time limitations for filing a petition for expungement; creating petition requirements and court procedure for evaluating petitions for preliminary and final orders of expungement for expungable offenses; providing for preliminary orders of expungement for a felony before one may obtain a final order of expungement; clarifying disclosure requirements with respect to the information sealed pursuant to an order of expungement, including exemptions; providing standard for inspection of sealed records; establishing fees; clarifying that an order of expungement does not reinstate eligibility for certain benefits lost due to expunged conviction; and making technical changes.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Bill 55, Relating to driving privileges and requirements for persons under 18.

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,

Charles H. Clements,
Chair.

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

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 119, Specifying documents not subject to discovery in certain proceedings.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Weld, from the Committee on Military, submitted the following report, which was received:

Your Committee on Military has had under consideration

Senate Bill 121, Providing continued eligibility for developmental disability services to military members' dependents.

Senate Bill 149, Exempting certain veterans from concealed weapons license fees.

Senate Bill 256, Allowing certain deductions from individual personal income tax refunds.

And,

Senate Bill 297, Extending expiration of military members' spouses' driver's license.

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

Respectfully submitted,

Ryan W. Weld,
Chair.

The bills, under the original double committee references, were then referred to the Committee on Finance.

Senator Smith, from the Committee on Energy, Industry, and Mining, submitted the following report, which was received:

Your Committee on Energy, Industry, and Mining has had under consideration

Senate Bill 160, DEP rule relating to ambient air quality.

Senate Bill 161, DEP rule relating to standards of performance for new stationary sources.

Senate Bill 162, DEP rule relating to control of air pollution from hazardous waste treatment, storage, and disposal facilities.

Senate Bill 163, DEP rule relating to emission standards for hazardous air pollutants.

Senate Bill 164, DEP rule relating to requirements for conformity of transportation plans, programs, and projects applicable to air quality implementation plans.

Senate Bill 165, DEP rule relating to provisions for determination of compliance with air quality management rules.

Senate Bill 166, DEP rule relating to cross-state air pollution rule to control certain emissions.

Senate Bill 226, Office of Miners' health, Safety, and Training rule relating to rules and regulations governing safety of employees in and around surface mines in WV.

Senate Bill 227, Office of Miners' Health, Safety, and Training rule relating to submission and approval of comprehensive mine safety program.

And,

Senate Bill 228, Office of Miners' Health, Safety, and Training rule relating to operating diesel equipment in underground mines.

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

Respectfully submitted,

Randy E. Smith,
Chair.

The bills, under the original double committee references, were then referred to the Committee on the Judiciary.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 168, DHHR rule relating to behavioral health centers licensure.

Senate Bill 170, DHHR rule relating to food establishments.

Senate Bill 171, DHHR rule relating to food manufacturing facilities.

Senate Bill 174, DHHR rule relating to chronic pain management clinic licensure.

And,

Senate Bill 176, Health Care Authority rule relating to cooperative agreement approval and compliance.

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

Respectfully submitted,

Michael J. Maroney,
Chair.

The bills, under the original double committee references, were then referred to the Committee on the Judiciary.

Senator Maroney, from the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration

Senate Bill 172, DHHR rule relating to newborn screening system.

And has amended same.

And,

Senate Bill 175, DHHR rule relating to collection and exchange of overdose data.

And has amended same.

And reports the same back with the recommendation that they each do pass, as amended; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Michael J. Maroney,
Chair.

The bills, under the original double committee references, were then referred to the Committee on the Judiciary, with amendments from the Committee on Health and Human Resources pending.

Senator Clements, from the Committee on Transportation and Infrastructure, submitted the following report, which was received:

Your Committee on Transportation and Infrastructure has had under consideration

Senate Concurrent Resolution 10 (originating in the Committee on Transportation and Infrastructure)—Amending the Joint Rules of the Senate and House of Delegates relating to resolutions.

Resolved by the Legislature of West Virginia:

That Rule 24 of the Joint Rules of the Senate and the House of Delegates be amended to read as follows:

Resolutions

24. Resolutions requiring concurrent action may originate in either house and shall be of two kinds, namely:

Joint Resolutions: These resolutions shall be used for proposing amendments to the Constitution of West Virginia and for ratifying amendments to the Constitution of the United States. Joint resolutions proposing amendments to the Constitution of West Virginia shall be adopted as provided in Article XIV, Section 2 of said Constitution.

Concurrent Resolutions: Such resolutions shall be used for all purposes not covered by joint resolutions as defined above.

No concurrent resolution related to the naming of a bridge or other infrastructure shall be considered in the house of origin after the 41st day or considered in the other house after the 50th day.

And reports the same back with the recommendation that it be adopted; but with the further recommendation that it first be referred to the Committee on Rules.

Respectfully submitted,

Charles H. Clements,
Chair.

On motion of Senator Takubo, the resolution (S. C. R. 10) contained in the foregoing report from the Committee on Transportation and Infrastructure was then referred to the Committee on Rules.

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 as shown on the Chamber Automation System:

By Senators Plymale, Woelfel, Lindsay, Stollings, and Hamilton:

Senate Bill 316—A Bill to amend and reenact §8-22-27a of the Code of West Virginia, 1931, as amended, relating to preserving previously approved pensions awarded through the state Municipal Policemen's or Municipal Firemen's Pension and Relief Funds.

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

By Senators Maynard, Cline, and Sypolt:

Senate Bill 317—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §20-14A-1, §20-14A-2, §20-14A-3, §20-14A-4, §20-14A-5, §20-14A-6, §20-14A-7, §20-14A-8, §20-14A-9, §20-14A-10, §20-14A-11, and §20-14A-12, all relating generally to authorizing three or more adjacent counties to form a multicounty trail network authority; providing a statement of legislative purpose and findings; defining terms; providing that an authority is a public corporation and joint development entity; providing that a county that is adjacent to an authority may join the authority as a participating county upon approval of the board of the authority and the county commission of the county wishing to participate; providing that two existing authorities may merge upon approval of the boards of both authorities; providing for appointment of individuals to the board of an authority and for the filling of vacancies in the board; prescribing the terms of appointment to a board; requiring quarterly meetings of a board; describing how a quorum is established; authorizing a board to promulgate bylaws and rules; providing that an authority is subject to Freedom of Information Act laws; describing the powers and duties of an authority; requiring a board to appoint an executive director; describing powers and duties of an executive director; authorizing employment of staff; requiring creation of an annual budget; providing for payment of an authority's expenses; allowing reimbursement of board member expenses; establishing financial audit requirements; requiring reporting and oversight of state funds; prohibiting certain actions by users of recreational area land and providing criminal penalties; limiting the liability of owners of land used by an authority; setting forth purchasing and bidding procedures for authority contracts and purchases; providing criminal penalties for violation of purchasing and bidding requirements; prohibiting certain purchasing contracts with vendors that create conflicts of interest; providing criminal penalties for entering into prohibited purchasing contracts creating conflicts of interest; providing civil remedies for participating counties challenging purchasing contracts violating purchasing or bidding requirements or conflict of interest prohibitions; and providing for severability.

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

By Senators Trump, Rucker, Cline, Roberts, Sypolt, Tarr, Hamilton, and Azinger:

Senate Bill 318—A Bill to amend and reenact §9-7-1, §9-7-3, §9-7-6, and §9-7-6a of the Code of West Virginia, 1931, as amended, all relating to transferring the Medicaid Fraud Control Unit to the Attorney General's office; establishing an effective date the Medicaid Fraud Control Unit will transfer to the Attorney General's office; establishing the Legislative Auditor to deliver a report on the performance of the Medicaid Fraud Control Unit; establishing investigation powers with the Attorney General; establishing the Secretary of the Department of Health and Human Resources may share documents with the Attorney General; establishing persons able to maintain a civil action; and establishing liability limits for employees acting in good faith.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 319—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7B-9e; and to amend and reenact §55-7B-10 of said code, all relating to attorney contingency fee contracts and collections in causes of action alleging medical professional liability.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 320—A Bill to amend and reenact §55-7-29 of the Code of West Virginia, 1931, as amended, relating to punitive damage awards; payments of punitive damage awards; and payments of a portion of punitive damage awards to the General Revenue Fund.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 321—A Bill to amend and reenact §17A-4-10 of the Code of West Virginia, 1931, as amended, relating to removing the requirement that a reconstructed vehicle must be inspected before being titled or registered provided that no structural parts were replaced on the vehicle.

Referred to the Committee on Transportation and Infrastructure.

By Senators Maynard and Maroney:

Senate Bill 322—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §21-5G-2a, relating to allowing a labor union not to represent an employee who does not belong to the union.

Referred to the Committee on the Judiciary.

By Senators Baldwin, Beach, Maynard, Romano, Rucker, Smith, Sypolt, Plymale, Cline, Roberts, Hamilton, and Stollings:

Senate Bill 323—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-4e; and to amend and reenact §19-12A-6a of said code, all relating to establishing and funding a special revenue fund to be known as the Department of Agriculture Capital Improvements Fund; creating the fund; providing for administration by Department of Agriculture; identifying sources of moneys for said fund; identifying expenditures that may be made from said fund; providing for funds to remain at end of each fiscal year; eliminating certain deposits in the General Revenue Account; permitting deposits into certain funds; and making technical corrections.

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

By Senators Sypolt, Beach, Rucker, Smith, Weld, Boso, Cline, Clements, Tarr, and Hamilton:

Senate Bill 324—A Bill to amend and reenact §19-1-3 of the Code of West Virginia, 1931, as amended, relating to employees of the Commissioner of Agriculture.

Referred to the Committee on Government Organization.

By Senator Maynard:

Senate Bill 325—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-2-17, relating to creating the West Virginia Motorsport Committee; setting forth who serves on the committee; setting forth its duties; requiring meetings and hearings; and requiring reports.

Referred to the Committee on Government Organization.

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

Senate Bill 326—A Bill to repeal §15-5-4 and §15-5-25 of the Code of West Virginia, 1931, as amended; to amend and reenact §5F-2-1 of said code; to amend and reenact §15-1J-2 and §15-1J-4 of said code; to amend and reenact §15-5-1, §15-5-2, §15-5-3, §15-5-4b, §15-5-4c, §15-5-13, §15-5-24, and §15-5-26 of said code; and to amend and reenact §29-31-2, §29-31-3, and §29-31-4 of said code, all relating to the reorganization of state agencies involved in emergency

and disaster planning, response, recovery, and resiliency; providing legislative findings; modifying the powers and duties of the West Virginia Military Authority; designating a special revenue account to receive funding; creating the position of Director of the Military Authority and providing qualifications; modifying definitions; reorganizing the Division of Homeland Security and Emergency Management (DHSEM) within the Adjutant General's Department; authorizing the DHSEM director to be appointed to serve in a dual capacity as the Director of the Military Authority; modifying membership of the West Virginia Disaster Recovery Board; reorganizing the State Resiliency Office within the Adjutant General's Department; creating the position of Director of the State Resiliency Office; eliminating the State Resiliency Office Board; and modifying the authority and duties of the State Resiliency Office.

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

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

Senate Bill 327—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18A-4-2d, relating to incentives for mathematics teachers; acknowledging the importance of math instruction and the lack of certified educators to provide such instruction; requiring the Department of Education to develop or approve specialized mathematics courses; directing that the specialized mathematics courses be available to classroom teachers; directing that classroom teachers who complete the specialized mathematics courses receive a one-time \$2,000 payment; clarifying that teachers completing the specialized math courses after May 1 will receive the one-time \$2,000 payment in the following fiscal year; directing that the payment be made from the Mathematics Incentive Program line item; clarifying that payment is contingent upon legislative appropriations; directing the Department of Education to request a supplemental appropriation when the Mathematics Incentive Program line item is insufficient and how funds are to be distributed in instances when funds are insufficient to compensate all applicable teachers; clarifying that the payment is not to be counted as part of the teacher's final average salary for the purpose of calculating retirement; clarifying that no retirement contribution will be withheld from the incentive; limiting the payment to classroom teachers providing math instruction in the teacher's certified area of study for at least 60 percent of the time the teacher is providing instruction; and exempting elementary teachers from the 60 percent limitation.

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

By Senators Cline, Rucker, and Hamilton:

Senate Bill 328—A Bill to amend and reenact §18-2-9 of the Code of West Virginia, 1931, as amended, relating to the required teaching of an agricultural science education course.

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

By Senators Cline and Hamilton:

Senate Bill 329—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2E-8g, relating to agricultural education in high schools; and requiring that a National FFA Organization program be offered in every West Virginia high school.

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

By Senators Maynard and Cline:

Senate Bill 330—A Bill to amend and reenact §5F-1-5 of the Code of West Virginia, 1931, as amended, relating to requiring that contact information of an official or employee of the state, who uses a mobile phone either furnished by the employer or service is paid by the employer for the official's or employee's personal phone use in state business, be listed on an agency's online directory and agency's website.

Referred to the Committee on Government Organization.

By Senators Maynard, Cline, and Smith:

Senate Bill 331—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-5i; and to amend and reenact §20-2-16 of said code, all relating to hunting; using leashed dogs to track mortally wounded deer or bear; and clarifying the handling of dogs caught chasing deer.

Referred to the Committee on Natural Resources.

By Senators Maynard and Cline:

Senate Bill 332—A Bill to amend and reenact §20-2-46e of the Code of West Virginia, 1931, as amended, relating to Class Q special hunting permit for disabled persons; and clarifying and expanding class of persons who may obtain such permits.

Referred to the Committee on Natural Resources.

By Senators Maynard, Boso, Sypolt, and Tarr:

Senate Bill 333—A Bill to amend and reenact §11-3-9 of the Code of West Virginia, 1931, as amended, relating to exempting from personal property taxation private passenger automobiles that are 25 years old or older.

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

By Senators Maynard, Hamilton, Roberts, and Cline:

Senate Bill 334—A Bill to amend and reenact §31D-1-131 of the Code of West Virginia, 1931, as amended, relating to the Secretary of State; and requiring the establishment of searchable databases for West Virginia registered corporation and sole proprietorship information.

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

By Senators Maynard and Hamilton:

Senate Bill 335—A Bill to amend and reenact §41-1-7 of the Code of West Virginia, 1931, as amended, relating to requiring the notification of all persons mentioned in a will before it may be altered.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 336—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-28-1, §11-28-2, §11-28-3, §11-28-4, and §11-28-5, all relating to creating the West Virginia Motorsports Entertainment Complex Investment Act.

Referred to the Committee on Finance.

By Senators Weld, Clements, Maynard, Romano, Cline, Maroney, Tarr, Smith, and Hamilton:

Senate Bill 337—A Bill to amend and reenact §15A-3-10 of the Code of West Virginia, 1931, as amended, relating to authorizing the Commissioner of the Division of Corrections and Rehabilitation to issue a certificate to correctional employees to carry firearms in the course of their duties; establishing training requirements for the issuance of the certificate; establishing form of the certificate; and requiring the correctional employee to carry the certificate at all times when carrying a firearm or weapon in the course of his or her duties.

Referred to the Committee on Government Organization.

Senators Smith, Sypolt, Plymale, and Stollings offered the following resolution:

Senate Resolution 9—Designating January 16, 2019, as Tucker County Day at the Legislature.

Whereas, The Tucker County Cultural District Authority was established to promote the cultural, artistic, historical, educational, and recreational opportunities available in Tucker County; and

Whereas, Tucker County is home to two downhill ski areas, one Cross Country Ski Center, endless winter activities for all ages, and has established itself as a winter destination; and

Whereas, Tucker County is home to three West Virginia state parks, namely: Canaan Valley Resort State Park; Blackwater Falls State Park; and Fairfax Stone State Park, and Monongahela National Forest; and

Whereas, Tucker County enjoys a location within a few hours' drive of one of the most populated cities in the eastern United States; and

Whereas, Tucker County is home to three breweries, the only cultural district authority in West Virginia, the Potomac Stone, the newly installed paragliding site at Canaan Valley Resort, the Splash Park in Parsons, and the soon-to-be Tucker County Boulder Park; and

Whereas, Tucker County is not only a year-round outdoor recreation destination, but is now emerging as an art and cultural destination with its eccentric small towns that attract outdoor enthusiasts, artists, and beer and music lovers; and

Whereas, On the occasion of Tucker County Day at the Legislature, we hereby recognize Tucker County and its citizens for its contributions to the great State of West Virginia; therefore, be it

Resolved by the Senate:

That the Senate hereby designates January 16, 2019, as Tucker County Day at the Legislature; and, be it

Further Resolved, That the Senate extends its sincere gratitude and appreciation to the many important contributions the citizens and businesses of Tucker County make 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 the appropriate representatives of Tucker County.

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 Takubo, and by unanimous consent, the remarks by Senators Sypolt and Smith regarding the adoption of Senate Resolution 9 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 11:25 a.m., the Senate recessed to present Senate Resolution 9.

The Senate reconvened at 11:28 a.m. and proceeded to the eighth order of business.

Eng. Senate Bill 10, Relating to Second Chance Driver's License Program.

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, Boso, Clements, Cline, Facemire, Hamilton, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, 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: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 10) passed with its title.

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

Eng. Senate Bill 24, Relating generally to local boards of health.

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 Senate Bill 24 pass?"

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, 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: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 24) passed with its title.

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

Eng. Senate Bill 27, Removing restrictions on where certain traditional lottery games may be played.

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: Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, and Carmichael (Mr. President)—29.

The nays were: Azinger, Prezioso, Roberts, and Unger—4.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 27) passed with its title.

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

Eng. Senate Bill 28, Removing hotel occupancy tax limit collects for medical care and emergency services.

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, Boso, Clements, Cline, Facemire, Hamilton, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, 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: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 28) passed with its title.

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

Eng. Senate Bill 36, Allowing adjustment of gross income for calculating personal income liability for certain retirees.

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, Boso, Clements, Cline, Facemire, Hamilton, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, 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: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 36) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2019.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, 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: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 36) takes effect July 1, 2019.

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 106, Alleviating double taxation on foreign income at state level.

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, Boso, Clements, Cline, Facemire, Hamilton, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, 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: None.

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. 106) passed with its title.

Senator Takubo moved that the bill take effect July 1, 2019.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Clements, Cline, Facemire, Hamilton, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, 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: None.

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. 106) takes effect July 1, 2019.

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

Eng. Senate Bill 177, Fire Commission rule relating to State Building Code.

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, Boso, Clements, Cline, Facemire, Hamilton, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, 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: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 177) 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, Boso, Clements, Cline, Facemire, Hamilton, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, 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: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 177) takes effect from passage.

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

Eng. Senate Bill 190, DOH rule relating to employment procedures.

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, Boso, Clements, Cline, Facemire, Hamilton, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, 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: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 190) 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, Boso, Clements, Cline, Facemire, Hamilton, Ihlenfeld, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, 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: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 190) takes effect from passage.

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

The Senate proceeded to the tenth order of business.

Com. Sub. for Senate Bill 61, Adding certain crimes for which prosecutor may apply for wiretap.

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

Senate Bill 272, Updating code relating to Commission on Special Investigations.

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 Smith, Plymale, Beach, Swope, and Sypolt.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Smith, Plymale, Beach, Swope, and Sypolt were ordered printed in the Appendix to the Journal.

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, Thursday, January 17, 2019, at 11 a.m.

SENATE CALENDAR

**Thursday, January 17, 2019
11:00 AM**

SECOND READING

Com. Sub. for S. B. 61 - Adding certain crimes for which prosecutor may apply for wiretap
S. B. 272 - Updating code relating to Commission on Special Investigations

FIRST READING

Com. Sub. for S. B. 3 - Establishing WV Small Wireless Facilities Deployment Act
Com. Sub. for S. B. 17 - Relating to probation eligibility
S. B. 119 - Specifying documents not subject to discovery in certain proceedings
Com. Sub. for S. B. 152 - Relating generally to criminal offense expungement

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2019

Thursday, January 17, 2019

9:30 a.m.	Finance	(Room 451M)
1 p.m.	Health & Human Resources	(Room 451M)
2 p.m.	Education	(Room 451M)