

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE
REGULAR SESSION, 2020
THIRD DAY

Charleston, West Virginia, Friday, January 10, 2020

The Senate met at 11:10 a.m.

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

Prayer was offered by Honorable Rollan A. Roberts, a senator from the ninth district.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael T. Azinger, a senator from the third district.

Pending the reading of the Journal of Thursday, January 9, 2020,

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

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

The Senate then proceeded to the fourth order of business.

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

Your Committee on the Judiciary has had under consideration

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

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

Com. Sub. for Senate Bill 94 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §3-3-1, §3-3-2, §3-3-2b, §3-3-4, §3-3-5, and §3-3-6 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §3-3-1a, all relating generally to absentee voting; clarifying that voters with disabilities prevented from voting in person may vote by mail-in absentee ballot; providing that voters with physical disabilities may vote by electronic absentee ballot; clarifying that certain overseas military members and citizens may vote by electronic absentee ballot; defining terms; providing that a voter with a

physical disability may electronically submit an application to vote absentee; establishing that a voter may be on the special absentee voting list while the voter has a physical disability; providing that the information collected in the application to be placed on the special absentee voting list include whether a voter with a physical disability requests an electronic absentee ballot; clarifying that a voter with a physical disability can receive assistance to vote in certain circumstances; establishing requirements and deadlines for transmission, submission, and acceptance of electronic absentee ballots; and updating obsolete terms

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The Senate proceeded to the sixth order of business.

The following bills were introduced, read by their titles, and referred to the appropriate committees:

By Senator Jeffries:

Senate Bill 246—A Bill to amend and reenact §51-9-1a, §51-9-5, §51-9-6b, and §51-9-6d of the Code of West Virginia, 1931, as amended, all relating to including family court judges in the retirement system for judges; and authorizing family court judges to participate in the retirement system for judges.

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

By Senator Ihlenfeld:

Senate Bill 247—A Bill to amend and reenact §18A-4-10 of the Code of West Virginia, 1931, as amended, relating to a bonus for school service personnel who use less than four days of personal leave.

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

By Senator Romano:

Senate Bill 248—A Bill to repeal §17A-10-3c of the Code of West Virginia, 1931, as amended, relating to additional registration fees for alternative fuel vehicles.

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

By Senator Ihlenfeld:

Senate Bill 249—A Bill to amend and reenact §24A-7-7 of the Code of West Virginia, 1931, as amended, relating to the authority of motor carrier inspectors and law-enforcement officers to enforce all traffic rules and safety inspections as to commercial vehicles.

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

By Senator Ihlenfeld:

Senate Bill 250—A Bill to amend and reenact §5-10-18 of the Code of West Virginia, 1931, as amended, relating to providing an 11-month window to permit members of the Public Employees Retirement System to purchase credited service that had been previously forfeited.

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

By Senator Jeffries:

Senate Bill 251—A Bill to amend and reenact §23-4-1f of the Code of West Virginia, 1931, as amended, relating to allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder resulting from an event that occurred during their employment; making findings; and defining terms.

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

By Senator Baldwin:

Senate Bill 252—A Bill to amend and reenact §16-4C-3 and §16-4C-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §16-4C-24, all relating to creating the Emergency Medical Services Personnel Loan Forgiveness Program; permitting emergency service personnel to have certain portions of their educational loans forgiven; granting the Emergency Medical Service Advisory Council the authority to approve loan forgiveness awards; establishing application criteria; establishing the amounts of awards; establishing requirements for the certification of personnel status; defining terms; and creating a special revenue account known as the Emergency Medical Services Personnel Loan Forgiveness Program Fund.

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

By Senator Jeffries:

Senate Bill 253—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-10P-1, §18-10P-2, §18-10P-3, and §18-10P-4, all relating to wages of persons with disabilities; initiating a State Employment First Policy to facilitate integrated employment of disabled persons; providing legislative findings; establishing a taskforce to develop a State Employment First Policy; and providing for implementation of the State Employment First Policy.

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

By Senator Rucker:

Senate Bill 254—A Bill to amend and reenact §17C-5A-3 of the Code of West Virginia, 1931, as amended, relating to the addition of grievance and appellate procedures and judicial review for individuals participating in, or who have participated in, the Division of Motor Vehicles' Safety and Treatment Program; and authorizing the Commissioner of the Division of Motor Vehicles to promulgate a rule to add such procedures and judicial review for participants of the Safety and Treatment Program.

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

By Senator Rucker:

Senate Bill 255—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-6-19a, relating to clarifying that persons 16 years of age and older may possess pepper spray on the State Capitol Complex, and in the buildings thereon, solely for self-defense purposes; defining terms; and authorizing the Director of the Division of Protective Services to temporarily prohibit the possession of pepper spray on the State Capitol Complex and in the buildings thereon during designated special events.

Referred to the Committee on the Judiciary.

By Senator Rucker:

Senate Bill 256—A Bill to amend and reenact §11A-3-2 of the Code of West Virginia, 1931, as amended, relating to requiring the sheriff to send notices to the owners of record and to each resident or occupant of real property prior to selling the property for which property taxes have not been paid.

Referred to the Committee on Government Organization.

By Senator Rucker:

Senate Bill 257—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-20-1, §16-20-2, §16-20-3, and §16-20-4, all relating to prohibiting discrimination based on an individual's mental or physical disability in access to organ transplantation; and providing enforcement mechanisms.

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

By Senator Ihlenfeld:

Senate Bill 258—A Bill to amend and reenact §17C-15-46 of the Code of West Virginia, 1931, as amended, relating to when child passenger safety devices are required.

Referred to the Committee on Transportation and Infrastructure.

By Senator Romano:

Senate Bill 259—A Bill to amend and reenact §60A-4-406 of the Code of West Virginia, 1931, as amended, relating to applying a mandatory period of incarceration prior to parole eligibility to persons 18 years old or over who are convicted of distributing a controlled substance within 200 feet of a public library.

Referred to the Committee on the Judiciary.

By Senator Ihlenfeld:

Senate Bill 260—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-2A-102a, relating to the collection and use of personal information by retail establishments for certain purposes.

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

By Senator Ihlenfeld:

Senate Bill 261—A Bill to amend and reenact §61-3C-3 and §61-3C-4 of the Code of West Virginia, 1931, as amended, all relating to contaminating a computer with ransomware; creating criminal penalties for introducing ransomware into any computer, computer system, or computer network with the intent to extort money or other consideration; setting forth the elements of the offense; and defining a term.

Referred to the Committee on the Judiciary.

By Senator Ihlenfeld:

Senate Bill 262—A Bill to amend and reenact §23-4-1 of the Code of West Virginia, 1931, as amended, relating to creating a rebuttable presumption, under the workers' compensation law, for a law-enforcement officer who has developed a cardiovascular or pulmonary disease or who has developed leukemia, lymphoma, or multiple myeloma and who has received the injury or contracted the disease during the course of his or her employment.

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

By Senator Woelfel:

Senate Bill 263—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-12-20, relating to foreclosure actions involving abandoned properties; authorizing a municipality to commence a proceeding in a court of competent jurisdiction in the county in which the property is located to compel a foreclosure; defining a "vacant and abandoned residential property"; designating the section as the Zombie Property Remediation Act of 2020; and requiring conveyance of the deed following foreclosure.

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

By Senator Baldwin:

Senate Bill 264—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-25, relating to creating a tax credit for individuals who successfully complete a firearms safety course.

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

By Senator Swope:

Senate Bill 265—A Bill to amend and reenact §22-15A-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §22-15A-30; and to amend and reenact §22-16-12 of said code, all relating to authorizing the Department of Environmental Protection to develop a program called the Reclamation of Abandoned and Dilapidated Properties Program to reclaim abandoned and dilapidated structures in order to improve West Virginia communities and to open new parcels for development.

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

By Senator Weld:

Senate Bill 266—A Bill to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended, relating to clarifying and updating language regarding special license plates for Fairmont State alumni.

Referred to the Committee on Transportation and Infrastructure.

By Senator Jeffries:

Senate Bill 267—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3-24i, relating to the criminal possession of rented or leased personal property; establishing the elements of the offense; requirements of service of written demand; affirmative defense; and exceptions.

Referred to the Committee on the Judiciary.

By Senator Tarr:

Senate Bill 268—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-5-29, relating to requiring the Secretary of the Department of Health and Human Resources to seek a waiver within the Supplemental Nutrition Assistance Program to allow that benefits issued under the Supplemental Nutrition Assistance Program be limited to purchases with the same or similar nutritional value as purchases allowable under the Women's, Infant, and Children Program; requiring the secretary to coordinate with appropriate state agencies in seeking the waiver; and requiring the secretary to report to the Legislative Oversight Commission on Health and Human Resources Accountability concerning progress made toward seeking the waiver by December 31, 2020.

Referred to the Committee on Health and Human Resources.

By Senator Stollings:

Senate Bill 269—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-5AA-1, §16-5AA-2, §16-5AA-3, §16-5AA-4, §16-5AA-5, and §16-5AA-6, all relating to establishing an advisory council on rare diseases; creating the advisory council and its composition; setting terms of members; defining terms; defining duties and powers of the advisory council; setting out particular duties of the Secretary of the Department of Health and Human Resources; and establishing a special revenue account.

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

By Senators Takubo, Baldwin, Weld, and Woelfel:

Senate Bill 270—A Bill to amend and reenact §5-11-2, §5-11-3, §5-11-4, §5-11-8, §5-11-9, and §5-11-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-11A-3, §5-11A-5, §5-11A-6, and §5-11A-7 of said code, all relating to unlawful discriminatory practices in categories covered by the Human Rights Act and the Fair Housing Act; prohibiting discrimination based upon age and sexual orientation, or gender identity; and defining "sexual orientation" and "gender identity".

Referred to the Committee on the Judiciary.

By Senator Baldwin:

Senate Bill 271—A Bill to amend and reenact §61-6-21 of the Code of West Virginia, 1931, as amended, relating to prohibiting civil rights violations based on gender identity or sexual orientation; criminal penalties; when evidence of constitutionally protected speech or associations is not admissible in criminal prosecutions; exceptions; and providing for sentencing alternatives for persons convicted of violations.

Referred to the Committee on the Judiciary.

By Senator Woelfel:

Senate Bill 272—A Bill to repeal §61-3-36 and §61-3-46 of the Code of West Virginia, 1931, as amended; and to repeal §61-8-25 of said code, relating to arcane criminalized conduct.

Referred to the Committee on the Judiciary.

By Senator Ihlenfeld:

Senate Bill 273—A Bill to amend and reenact §11A-3-18 and §11A-3-42 of the Code of West Virginia, 1931, as amended, all relating to time for which the original owner of real property, or anyone else who was entitled to pay taxes on real property, may redeem property after a tax lien sale.

Referred to the Committee on Government Organization.

By Senator Jeffries:

Senate Bill 274—A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to authorizing the year-round hunting of coyote by artificial light or any night vision technology.

Referred to the Committee on Natural Resources.

By Senator Carmichael (Mr. President):

Senate Bill 275—A Bill to amend and reenact §3-10-3a of the Code of West Virginia, 1931, as amended; to amend and reenact §23-5-15 of said code; to amend and reenact §29A-5-4 of said code; to amend and reenact §29A-6-1 of said code; to amend said code by adding thereto a new section, designated §51-2A-24; to amend and reenact §51-9-1a of said code; to amend said code by adding thereto a new article, designated §51-11-1, §51-11-2, §51-11-3, §51-11-4, §51-11-5, §51-11-6, §51-11-7, §51-11-8, §51-11-9, §51-11-10, §51-11-11, §51-11-12, and §51-11-13; and to amend and reenact §58-5-1 of said code, all relating generally to the West Virginia Appellate Reorganization Act of 2020; creating an Intermediate Court of Appeals in West Virginia; providing that the Judicial Vacancy Advisory Commission shall assist the Governor in filling judicial vacancies in the Intermediate Court of Appeals; providing that petitions for review of final decisions of the Workers' Compensation Board of Review must be made to the Intermediate Court of Appeals and that petitioners have a right to review in such court; providing that the Supreme Court of Appeals has discretion to review final decisions of the Intermediate Court of Appeals in workers' compensation claims; providing that the Workers' Compensation Board of Review may continue to certify questions of law directly to the Supreme Court of Appeals; requiring that appeal of contested cases under State Administrative Procedures Act be made to the Intermediate Court of Appeals; transferring jurisdiction to review family court final orders from circuit courts to the Intermediate Court of Appeals; placing judges of Intermediate Court of Appeals under the judicial retirement system; establishing the Intermediate Court of Appeals by a certain date; providing a short title; providing legislative findings; defining terms; requiring a three-judge panel for proceedings; authorizing jurisdiction of the Intermediate Court of Appeals over certain matters; excluding certain matters from jurisdiction of the Intermediate Court of Appeals; providing eligibility criteria for judges of the Intermediate Court of Appeals; providing a process for initial appointment of judges to the Intermediate Court of Appeals to staggered judicial terms and to ten-year terms on the expiration of terms thereafter; providing for the filling of vacancies in unexpired judicial terms by appointment; providing that the Governor's appointments are subject to Senate confirmation; providing that judges of the Intermediate Court of Appeals may not be candidates

for any elected public office during judicial term; establishing certain requirements for the filing of appeals to the Intermediate Court of Appeals; clarifying that an appeal bond may be required before appeal to the Intermediate Court of Appeals may take effect; requiring the Chief Judge of the Intermediate Court of Appeals to publish and submit certain reports to the Legislature and Supreme Court of Appeals regarding pending cases; authorizing filing fees; providing for deposit of filing fees in a special revenue account to fund the State Police Forensic Laboratory; recognizing the constitutional authority of the Supreme Court of Appeals to exercise administrative authority over the Intermediate Court of Appeals; providing that procedures and operations of the Intermediate Court of Appeals shall comply with rules promulgated by the Supreme Court of Appeals; requiring that appeals to the Intermediate Court of Appeals be filed with the Clerk of the Supreme Court of Appeals; providing that Intermediate Court of Appeals proceedings shall take place in publicly available facilities as arranged by the Administrative Director of the Supreme Court of Appeals; granting the Intermediate Court of Appeals discretion to require oral argument; authorizing the Administrative Director of the Supreme Court of Appeals to employ staff for Intermediate Court of Appeals operations; providing that the budget for Intermediate Court of Appeals operations shall be included in the appropriation for the Supreme Court of Appeals; authorizing the Intermediate Court of Appeals to issue opinions as binding precedent for lower courts; providing for discretionary review of Intermediate Court of Appeals decisions by Supreme Court of Appeals; authorizing an annual salary, retirement benefits, and reimbursement of expenses for judges of the Intermediate Court of Appeals; providing for reimbursement of expenses of Intermediate Court of Appeals staff; providing that certain appeals are reviewed and a written decision issued by either the Intermediate Court of Appeals or the Supreme Court of Appeals, as a matter of right; removing obsolete language from the code; and making technical corrections to the code.

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

By Senator Trump:

Senate Bill 276—A Bill to amend and reenact §3-10-3a of the Code of West Virginia, 1931, as amended; to amend and reenact §23-5-15 of said code; to amend and reenact §29A-5-4 of said code; to amend and reenact §29A-6-1 of said code; to amend said code by adding thereto a new section, designated §51-2A-24; to amend and reenact §51-9-1a of said code; to amend said code by adding thereto a new article, designated §51-11-1, §51-11-2, §51-11-3, §51-11-4, §51-11-5, §51-11-6, §51-11-7, §51-11-8, §51-11-9, §51-11-10, §51-11-11, §51-11-12, and §51-11-13; and to amend and reenact §58-5-1 of said code, all relating generally to the West Virginia Appellate Reorganization Act of 2020; creating an Intermediate Court of Appeals in West Virginia; providing that the Judicial Vacancy Advisory Commission shall assist the Governor in filling judicial vacancies in the Intermediate Court of Appeals; providing that petitions for review of final decisions of the Workers' Compensation Board of Review must be made to the Intermediate Court of Appeals and that petitioners have a right to review in such court; providing that the Supreme Court of Appeals has discretion to review final decisions of the Intermediate Court of Appeals in workers' compensation claims; providing that the Workers' Compensation Board of Review may continue to certify questions of law directly to the Supreme Court of Appeals; requiring that appeal of contested cases under State Administrative Procedures Act be made to the Intermediate Court of Appeals; transferring jurisdiction to review family court final orders from circuit courts to the Intermediate Court of Appeals; placing judges of Intermediate Court of Appeals under the judicial retirement system; establishing the Intermediate Court of Appeals by a certain date; providing a short title; providing legislative findings; defining terms; requiring a three-judge panel for proceedings; authorizing jurisdiction of the Intermediate Court of Appeals over certain matters; excluding certain matters from jurisdiction of the Intermediate Court of Appeals; providing eligibility criteria for judges of the Intermediate Court of Appeals; providing a process for initial

appointment of judges to the Intermediate Court of Appeals to staggered judicial terms and to ten-year terms on the expiration of terms thereafter; providing for the filling of vacancies in unexpired judicial terms by appointment; providing that the Governor's appointments are subject to Senate confirmation; providing that judges of the Intermediate Court of Appeals may not be candidates for any elected public office during judicial term; establishing certain requirements for the filing of appeals to the Intermediate Court of Appeals; clarifying that an appeal bond may be required before appeal to the Intermediate Court of Appeals may take effect; requiring the Chief Judge of the Intermediate Court of Appeals to publish and submit certain reports to the Legislature and Supreme Court of Appeals regarding pending cases; authorizing filing fees; providing for deposit of filing fees in a special revenue account to fund the State Police Forensic Laboratory; recognizing the constitutional authority of the Supreme Court of Appeals to exercise administrative authority over the Intermediate Court of Appeals; providing that procedures and operations of the Intermediate Court of Appeals shall comply with rules promulgated by the Supreme Court of Appeals; requiring that appeals to the Intermediate Court of Appeals be filed with the Clerk of the Supreme Court of Appeals; providing that Intermediate Court of Appeals proceedings shall take place in publicly available facilities as arranged by the Administrative Director of the Supreme Court of Appeals; granting the Intermediate Court of Appeals discretion to require oral argument; authorizing the Administrative Director of the Supreme Court of Appeals to employ staff for Intermediate Court of Appeals operations; providing that the budget for Intermediate Court of Appeals operations shall be included in the appropriation for the Supreme Court of Appeals; authorizing the Intermediate Court of Appeals to issue opinions as binding precedent for lower courts; providing for discretionary review of Intermediate Court of Appeals decisions by Supreme Court of Appeals; authorizing an annual salary, retirement benefits, and reimbursement of expenses for judges of the Intermediate Court of Appeals; providing for reimbursement of expenses of Intermediate Court of Appeals staff; providing that certain appeals are reviewed and a written decision issued by either the Intermediate Court of Appeals or the Supreme Court of Appeals, as a matter of right; removing obsolete language from the code; and making technical corrections to the code.

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

By Senator Trump:

Senate Bill 277—A Bill to amend and reenact §60A-7-705 of the Code of West Virginia, 1931, as amended, relating to civil asset forfeiture; requiring that state prove the owner of seized property has been convicted of a felony controlled substance offense and that the seized property was substantially related to the crime before the state can perfect title to the seized property; modifying the standard of proof; and requiring that state return seized property to its owner if its evidentiary burden is not met.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 278—A Bill to amend and reenact §27-6A-3 of the Code of West Virginia, 1931, as amended, relating to a defendant's competency to stand trial; and actions of the circuit judge.

Referred to the Committee on the Judiciary.

By Senators Trump and Stollings:

Senate Bill 279—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-15-22; to amend said code by adding thereto a new section, designated §33-16-18; to amend said code by adding thereto a new section, designated

§33-24-45; to amend said code by adding thereto a new section, designated §33-25-22; and to amend said code by adding thereto a new section, designated §33-25A-36, all relating to the assignment of certain benefits in dental care insurance coverage.

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

By Senator Tarr:

Senate Bill 280—A Bill to amend and reenact §9-8-4 of the Code of West Virginia, 1931, as amended, relating to requiring paternity be established prior to the award of public benefits subject to this chapter; requiring DNA test be conducted to establish paternity and referral for criminal prosecution if paternity is inappropriately denied and support is not timely paid; providing that state benefits paid on behalf of the child will be reduced from any state benefits paid to nonsupport-paying parent; and requiring that nonsupporting parent reimburse the state for any assistance paid to support the child.

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

By Senator Woelfel:

Senate Bill 281—A Bill to amend and reenact §8-14-12 of the Code of West Virginia, 1931, as amended, relating to removing the residency requirement for persons applying for reappointment to a municipal police department.

Referred to the Committee on Government Organization.

By Senator Baldwin:

Senate Bill 282—A Bill to amend and reenact §29-6-10 of the Code of West Virginia, 1931, as amended, relating to authorizing the transfer of personal leave by a former employee of a county board of education when the employee is subsequently employed by a state agency.

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

By Senator Weld:

Senate Bill 283—A Bill to amend and reenact §61-2-9d of the Code of West Virginia, 1931, as amended, relating to the criminal offense of strangulation; creating the criminal offense of suffocation; and increasing the criminal penalty for these crimes.

Referred to the Committee on the Judiciary.

By Senator Carmichael (Mr. President):

Senate Bill 284—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-53-1, §33-53-2, §33-53-3, §33-53-4, §33-53-5, §33-53-6, §33-53-7, §33-53-8, §33-53-9, §33-53-10, §33-53-11, and §33-53-12, all relating to West Virginia Healthcare Continuity Act; including provisions for the creation of a State Commission on Healthcare Continuity, when the act becomes effective, the establishment of the West Virginia Patient Protection Pool risk-sharing program, and the involvement of the Joint Committee on Government and Finance; providing limitations on preexisting condition exclusions for health benefit plans; requiring rulemaking; requiring fairness in cost sharing and ratemaking; and including a conflict of laws provision.

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

By Senator Carmichael (Mr. President):

Senate Bill 285—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j; to amend and reenact §19-23-3, §19-23-7, §19-23-10, §19-23-12b, §19-23-13, and §19-23-13c of said code; to amend said code by adding thereto a new section, designated §19-23-10a; to amend and reenact §29-22-18a of said code; to amend and reenact §29-22A-3, §29-22A-7, §29-22A-10, §29-22A-10b, §29-22A-10d, §29-22A-10e, and §29-22A-12 of said code; and to amend and reenact §29-22C-3, §29-22C-8, §29-22C-10, §29-22C-27, and §29-22C-27a of said code, all relating generally to horse and dog racing lottery; modifying certain definitions; discontinuing the West Virginia Racing Commission special account known as the West Virginia Greyhound Breeding Development Fund; transferring all moneys in the West Virginia Greyhound Breeding Development Fund to the State Excess Lottery Revenue Fund for appropriation by the Legislature; requiring that upon transfer of moneys from the West Virginia Greyhound Breeding Development Fund to the State Excess Lottery Revenue Fund, a certain amount be withheld and deposited in the special account known as the Administration, Promotion, Education, Capital Improvement and Greyhound Adoption Programs to include Spaying and Neutering Account; requiring that all moneys previously required to be directed to the West Virginia Greyhound Breeding Development Fund be redirected to the State Excess Lottery Revenue Fund for appropriation by the Legislature; requiring that all moneys previously required to be directed into any fund or paid for the purposes of funding purses, awards, or providing any other funding for greyhound races to be redirected to the State Excess Lottery Revenue Fund for appropriation by the Legislature; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to qualify for such a license; eliminating the requirement that an applicant for a dog racing license race a minimum number of dates to contract to receive telecasts and accept wagers; providing that a dog racetrack is required to hold a racing license to conduct simulcast racing regardless of whether the racetrack continues to conduct live dog racing; authorizing the West Virginia Racing Commission to promulgate rules, including emergency rules, regarding licensure of dog racetracks conducting only simulcast racing; eliminating the requirement that a video lottery licensee at a dog track must hold a racing license to renew a video lottery license or racetrack table games license; requiring the Lottery Commission to transfer a percentage of gross terminal revenue derived from racetrack video lottery at thoroughbred tracks, and deducted for administrative costs and expenses, to the Racing Commission's General Administrative Account; eliminating the requirement that an applicant for a video lottery license or license renewal at a dog racetrack must provide evidence of the existence of an agreement regarding proceeds from video lottery terminals with certain parties; providing that a percentage of net terminal income originating at thoroughbred racetracks will be deposited in the West Virginia Thoroughbred Development Fund; permitting a dog racetrack to continue to operate operational video lottery and racetrack table games in a location where live racing was previously conducted; eliminating the requirement that a racetrack table games licensee at a dog racetrack must race a minimum number of dates; providing a one-time credit towards personal income taxes for the adoption of displaced greyhounds; and requiring that a certain amount of money be withheld and deposited into a special revenue account known as the Displaced Workers Employment Retraining Fund to assist with the retraining of workers directly impacted by the termination of greyhound racing.

Referred to the Committee on Finance.

By Senator Tarr:

Senate Bill 286—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-59-1 and §16-59-2, all relating to prohibiting the development of syringe exchange programs; providing for the closure of existing programs; and providing for civil penalties.

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

By Senator Tarr:

Senate Bill 287—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-27, relating to requiring county boards of education to establish programs for random drug testing for illegal drugs of student drivers in grades 9-12 in public schools and student athletes in grades 7-12; and requiring referral to Child Protective Services and notice to parents when results are positive.

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

By Senator Tarr:

Senate Bill 288—A Bill to amend and reenact §16-2B-1, §16-2B-3, and §16-2B-4 of the Code of West Virginia, 1931, as amended, all relating to family planning and child spacing; charging the Bureau of Public Health with developing and implementing a plan to prevent and reduce exposure of unborn children to illicit substances and neonatal abstinence syndrome.

Referred to the Select Committee on Children and Families; and then to the Committee on Finance.

By Senator Weld:

Senate Bill 289—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §15-3E-1, §15-3E-2, §15-3E-3, §15-3E-4, §15-3E-5, and §15-3E-6, all relating to creating a Green Alert Plan.

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

By Senator Weld:

Senate Bill 290—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §22-3A-1, §22-3A-2, §22-3A-3, §22-3A-4, and §22-3A-5, all relating to creating the Underground Mining Subsidence Damage Act.

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

By Senator Weld:

Senate Bill 291—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5-16-7g; to amend said code by adding thereto a new section, designated §33-15-4u; to amend said code by adding thereto a new section, designated §33-16-3ff; to amend said code by adding thereto a new section, designated §33-24-7u; to amend said code by adding thereto a new section, designated §33-25-8r; and to amend said code by adding thereto a new section, designated §33-25A-8u, all relating to requiring the Public Employees Insurance Agency and other health insurance providers to provide mental health parity between behavioral health, mental health, substance use disorders, and medical and surgical procedures;

providing definitions; providing mandatory coverage; providing for mandatory annual reporting; providing for rulemaking; and setting forth an effective date.

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

By Senator Weld:

Senate Bill 292—A Bill to amend and reenact §61-2-9a of the Code of West Virginia, 1931, as amended, relating generally to the criminal offenses of stalking and harassment; clarifying essential elements of harassment; defining terms; and continuing criminal penalties.

Referred to the Committee on the Judiciary.

By Senators Weld, Stollings, Rucker, Roberts, Plymale, Maynard, and Azinger:

Senate Bill 293—A Bill to amend and reenact §48-22-201 and §48-22-501 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §49-2-111c, all relating to adoption; providing that if a minor child to be adopted has been removed from a prior home due to abuse or neglect, the petition for adoption may be filed in the same county as the original abuse and neglect proceeding; eliminating a 45-day waiting period; and requiring the Department of Health and Human Services to pay for adoption services.

Referred to the Select Committee on Children and Families; and then to the Committee on Health and Human Resources.

By Senator Tarr:

Senate Bill 294—A Bill to repeal §5-3-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §5-3A-1, §5-3A-2, §5-3A-3, §5-3A-4, §5-3A-5, and §5-3A-6, all relating to creating the State Settlement and Recovered Funds Accountability Act; providing a short title; setting forth legislative findings; directing that recovered funds and assets be deposited into the State Treasury in the General Revenue Fund of the state, and providing exceptions; directing that certain recovered funds and assets be held in trust to be deposited into a special revenue account in the State Treasury; requiring legislative appropriation of those funds and assets; creating two special revenue funds in the State Treasury, known as the Consumer Protection Recovery Fund and the Consumer Protection Restitution Fund; requiring annual transfer of moneys exceeding \$7 million in the Consumer Protection Recovery Fund to the General Revenue Fund; providing for disbursement of funds from the Consumer Protection Recovery Fund; requiring transfer of funds from the Consumer Protection Restitution Fund into the Consumer Protection Recovery Fund; authorizing the deposit and expenditure of attorney's fees, expenses, and costs awarded to the Attorney General from the fund; prohibiting agreements to settlement or agreement terms that are contrary to the provisions of law; requiring reporting by the Attorney General to report annually as to the receipts and expenditures of the funds and the disposition of causes; and repealing provisions requiring the Attorney General to deposit all fees received for representing the state into the General Revenue Fund.

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

By Senator Cline:

Senate Bill 295—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8B-10a, relating to establishing criminal penalties for sexual relationships between teachers and students in schools in West Virginia.

Referred to the Committee on the Judiciary.

By Senator Cline:

Senate Bill 296—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-9A-27, relating to requiring, for an official or unofficial school-sanctioned athletic or sporting event, that each athlete's participation in the athletic or sporting event be based on the athlete's biological sex as indicated on the athlete's original birth certificate issued at the time of birth; providing for ineligibility of public funding; providing for civil actions to be taken against school officials; providing that civil trial be conducted in the same manner as the court would conduct a criminal trial; providing that official found to have permitted an athlete's participation in an athletic or sporting event that is not based on the athlete's biological sex as indicated on the athlete's original birth certificate issued at the time of birth be removed from his or her official position and be ineligible to hold public office or a position as a school administrator or principal for a period of five years; providing for a civil penalty; and defining a term.

Referred to the Committee on Education.

By Senator Cline:

Senate Bill 297—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 the State Board of Education to create a home economics course for students in secondary schools.

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

By Senator Cline:

Senate Bill 298—A Bill to amend and reenact §17B-1-1 of the Code of West Virginia, 1931, as amended; to amend and reenact §17C-1-69 of said code; and to amend and reenact §17C-15-44 of said code, all relating to autocycles; amending the definition of "autocycle"; and clarifying the autocycle exemption from helmet requirements.

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

By Senator Cline:

Senate Bill 299—A Bill to amend and reenact §18-2-7c of the Code of West Virginia, 1931, as amended, relating to requiring the State Board of Education to develop curriculum content for a semester-long financial literacy course; requiring all county boards of education implement the financial literacy course in all high schools in the particular county; and requiring all students to satisfactorily complete a course in financial literacy as a graduation requirement.

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

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

Senate Bill 300—A Bill to amend and reenact §11-24-3 of the Code of West Virginia, 1931, as amended, relating to updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act; and specifying effective dates.

Referred to the Committee on Finance.

By Senators Tarr, Weld, Stollings, Rucker, Roberts, Plymale, Maynard, and Azinger:

Senate Bill 301—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §49-9-101, §49-9-102, §49-9-103, §49-9-104, §49-9-105, §49-9-106, §49-9-107, §49-9-108, §49-9-109, and §49-9-110, all relating to the Foster Care Ombudsman Program; continuing the Foster Care Ombudsman; providing authority to the ombudsman; permitting access to foster care children; providing access to certain records; providing the ombudsman with subpoena authority; requiring government entities to cooperate with the ombudsman; requiring investigations to remain confidential; providing the ombudsman with a limitation of liability; setting forth criminal penalties; and providing funding for the ombudsman.

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

By Senators Weld, Stollings, Rucker, Roberts, Plymale, Maynard, and Azinger:

Senate Bill 302—A Bill to repeal §49-2-102, §49-2-104, and §49-2-125 of the Code of West Virginia, 1931, as amended; to amend and reenact §49-1-206 of said code; to amend and reenact §49-2-108, §49-2-110, §49-2-111, §49-2-112, §49-2-118, §49-2-121, §49-2-124, and §49-2-126 of said code; and to amend said code by adding thereto two new sections, designated §49-2-127 and §49-2-128, all relating to foster care.

Referred to the Committee on Health and Human Resources.

By Senator Rucker:

Senate Bill 303—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §18-10P-1, §18-10P-2, §18-10P-3, §18-10P-4, §18-10P-5, and §18-10P-6, all relating to enacting the Students' Right-to-Know Act; providing purpose of making high school students aware of the cost of four-year colleges and other alternative career paths; requiring the State Board of Education to collect and disseminate certain career landscape information; and establishing an effective date.

Referred to the Committee on Education.

By Senator Rucker:

Senate Bill 304—A Bill to repeal §18-9-3a of the Code of West Virginia, 1931, as amended, relating to county board of education financial statements.

Referred to the Committee on Government Organization.

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

Senate Bill 305—A Bill to amend and reenact §23-2-1a of the Code of West Virginia, 1931, as amended, relating to exempting nonpaid volunteers at a volunteer fire department or emergency medical services organization who volunteer for the purpose of fundraising, or other administrative capacity, from workers' compensation benefits.

Referred to the Committee on Banking and Insurance; and then to the Committee on Government Organization.

By Senator Trump:

Senate Bill 306—A Bill to amend and reenact §17B-2B-3, §17B-2B-4, §17B-2B-5, and §17B-2B-7 of the Code of West Virginia, 1931, as amended, all relating to licensing of drivers utilizing bioptic telescopic devices.

Referred to the Committee on Transportation and Infrastructure.

By Senator Maynard:

Senate Bill 307—A Bill to amend and reenact §11A-3-23 of the Code of West Virginia, 1931, as amended, relating to correcting a citation to code.

Referred to the Committee on Government Organization.

By Senator Weld:

Senate Bill 308—A Bill to amend and reenact §55-7J-6 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-2-29b of said code, all relating to criminal penalties for violation or contempt of protective orders for victims of financial exploitation.

Referred to the Committee on the Judiciary.

By Senators Swope and Pitsenbarger:

Senate Bill 309—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; and making the award of such contracts subject to other competitive bidding requirements of said code.

Referred to the Committee on Government Organization.

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

Senate Bill 310—A Bill to amend and reenact §11-21-9 of the Code of West Virginia, 1931, as amended, relating to updating meaning of federal adjusted gross income and certain other terms used in West Virginia Personal Income Tax Act; and specifying effective dates.

Referred to the Committee on Finance.

By Senator Sypolt:

Senate Joint Resolution 4—Proposing an amendment to the Constitution of the State of West Virginia, amending section six, article III thereof, relating to protecting the electronic communication and data of citizens from unreasonable searches and seizures; 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.

By Senator Sypolt:

Senate Joint Resolution 5—Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to homestead exemption increase; 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 Weld offered the following resolution:

Senate Concurrent Resolution 1—Designating dogs that are adopted from West Virginia animal shelters and rescues as West Virginia's official state dog.

Whereas, According to a recent study, animal shelters and rescues in the United States take in more than 5.5 million dogs each year; and

Whereas, Approximately 800,000 of these dogs are euthanized every year; and

Whereas, West Virginia has more than 500 animal shelters and rescues that are dedicated to finding homes for the thousands of dogs they take in each year; and

Whereas, The Legislature seeks to raise public awareness of shelter and rescue dogs; therefore, be it

Resolved by the Legislature of West Virginia:

That dogs adopted from West Virginia animal shelters and rescues be designated as West Virginia's official state dog; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Governor and the schools of this state.

Which, under the rules, lies over one day.

Senator Trump offered the following resolution:

Senate Concurrent Resolution 2—Requesting the citizens of Frederick County, Virginia, to consider becoming a part of the State of West Virginia.

Whereas, Frederick County, Virginia, was formed in 1743, and Hampshire County, Virginia, was formed in 1754. Most of what was originally Hampshire County, when it was formed in 1754, was territory that had been part of Frederick County. Berkeley County, Virginia, was formed from Frederick County in 1772; and

Whereas, The counties of Jefferson, Berkeley, Morgan, Hampshire, Mineral, Hardy and Grant counties in the State of West Virginia all contain territory that was once part of Frederick County, Virginia, such that Frederick County, Virginia, may truly be regarded as the mother of all seven of these West Virginia counties; and

Whereas, In addition to the historical connections between Frederick County, Virginia, and the seven counties in West Virginia, which are her children, there have always existed strong familial ties between and among the inhabitants of those counties, as well as ties of commerce, business, religion, education, arts, society, politics, travel, recreation, and connections of every possible kind. There remain, as there have always been, feelings of deep affection for Frederick County and for her inhabitants by and among the citizens of West Virginia, and in particular by and among the citizens of those counties in West Virginia which may be regarded as the children of Frederick County. In 1862, when the government of Virginia, meeting in Wheeling, took up the

question of the formation of a new state, Frederick County was among those counties which were regarded as having a natural place within the new state. So strong was the desire to have Frederick County join the new state that the opportunity for her to do that was specifically provided for by an Act of the Legislature; and

Whereas, The Act of the Legislature of Virginia, passed May 13, 1862, giving the consent of the State of Virginia to the formation of the new State of West Virginia, provided as follows:

That the consent of the legislature of Virginia be, and the same is hereby, given that the counties of Berkeley, Jefferson, and Frederick shall be included in and form part of the State of West Virginia, whenever the voters of said counties shall ratify and assent to said constitution, at an election held for the purpose, at such time and under such regulations as the commissioners, named in said schedule, may prescribe; and

Whereas, Although the citizens of the counties of Berkeley and Jefferson thereafter voted to join the new state, the citizens of Frederick County have not yet done so; and

Whereas, By its decision in the case of *State of Virginia v. State of West Virginia*, 78 U.S. 39, 20 L.Ed.67, 11 Wall. 39 (1870), the United States Supreme Court recognized that the opportunity for Frederick County, Virginia, to transfer to and join the new State of West Virginia, was lawfully and permanently reserved unto her by the actions of Virginia and by the Congress of the United States, to be exercised whenever the voters of Frederick County might vote to join the new State of West Virginia, to-wit:

“The State of Virginia, in the ordinance which originated the formation of the new State, recognized something peculiar in the condition of these two counties, and some others. It gave them the option of sending delegates to the constitutional convention and gave that convention the option to receive them. For some reason not developed in the legislative history of the matter these counties took no action on the subject. The convention, willing to accept them, and hoping they might still express their wish to come in, made provision in the new constitution that they might do so, and for their place in the legislative bodies, and in the judicial system, and inserted a general proposition for accession of territory to the new State. The State of Virginia, in expressing her satisfaction with the new State and its constitution, and her consent to its formation, by a special section, refers again to the counties of Berkeley, Jefferson, *and Frederick*, and enacts that whenever they shall, by a majority vote, assent to the constitution of the new State, they may become part thereof; and the legislature sends this statute to Congress with a request that it will admit the new State into the Union. Now, we have here, on two different occasions, the emphatic legislative proposition of Virginia that these counties might become part of West Virginia; and we have the Constitution of West Virginia agreeing to accept them and providing for their place in the new-born State. There was one condition, however, imposed by Virginia to her parting with them, and one condition made by West Virginia to her receiving them, and that was the same, namely, the assent of the majority of the votes of the counties to the transfer. It seems to us that here was an agreement between the old State and the new that these counties should become part of the latter, subject to that condition alone. Up to this time no vote had been taken in these counties; probably none could be taken under any but a hostile government. At all events, the bill alleges that none was taken on the proposition of May 1862, of the Virginia

legislature. If an agreement means the mutual consent of the parties to a given proposition, this was an agreement between these States for the transfer of these counties on the condition named. The condition was one which could be ascertained or carried out at any time; and this was clearly the idea of Virginia when she declared that *whenever* the voters of said counties should ratify and consent to the Constitution they should become part of the State; and her subsequent legislation making special provision for taking the vote on this subject, as shown by the acts of January 31st and February 4th, 1863, is in perfect accord with this idea, and shows her good faith in carrying into effect the agreement. But did Congress consent to this agreement? Unless it can be shown that the consent of Congress, under that clause of the Constitution which forbids agreements between States without it, can only be given in the form of an express and formal statement of every proposition of the agreement, and of its consent thereto, we must hold that the consent of that body was given to this agreement. The attention of Congress was called to the subject by the very short statute of the State of Virginia requesting the admission of the new State into the Union, consisting of but three sections, one of which was entirely devoted to giving consent that these two counties *and the county of Frederick* might accompany the others, if they desired to do so.”; and

Whereas, With Frederick County, Virginia, in mind, Article VI, Section 11 of the West Virginia Constitution provides the mechanism for Frederick County to become part of the State of West Virginia, providing as follows:

“Additional territory may be admitted into, and become part of this state, with the consent of the Legislature and a majority of the qualified voters of the state, voting on the question. And in such case provision shall be made by law for the representation thereof in the Senate and House of Delegates, in conformity with the principles set forth in this constitution. And the number of members of which each house of the Legislature is to consist, shall thereafter be increased by the representation assigned to such additional territory”; and

Whereas, Upon joining the State of West Virginia, the citizens of Frederick County would be immediately entitled to all of the rights secured and protected by the West Virginia Constitution to the citizens of West Virginia, including not only the rights of free speech, freedom of the press, religious freedom, the right of peaceful assembly, the right to due process of law, but also the right to keep and bear arms without interference by the government; and

Whereas, Upon joining the State of West Virginia, Frederick County, including the City of Winchester, contained therein, would be immediately entitled to at least six delegates in the West Virginia House of Delegates and two senators in the West Virginia Senate; and

Whereas, From the time of the admission of the State of West Virginia into the Union, the counties which are the children of Frederick County, and the citizens of those counties, have pined for reunion with their mother county and prayed that she might join them in the State of West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the citizens of Frederick County, Virginia, consider becoming a part of the State of West Virginia; and; be it

Further Resolved, That on behalf of the citizens of West Virginia, the Legislature of West Virginia does hereby remind the citizens and government of Frederick County, Virginia, of the invitation that was extended more than a century and a half ago, inviting Frederick County, Virginia to join the new State of West Virginia; and, be it

Further Resolved, That on behalf of the citizens of West Virginia, the Legislature of West Virginia assures the citizens and government of Frederick County, Virginia that the invitation extended in 1862 still stands, and that it stands as it was made, with the sincere and earnest hope of all of West Virginia that the invitation will one day be accepted by the citizens of Frederick County; and, be it

Further Resolved, That the 158 years which have elapsed since this invitation was first extended have not diminished the feelings of deep affection in which Frederick County and her citizens are held by the citizens of West Virginia; and, be it

Further Resolved, That at such time as the citizens of Frederick County may desire for Frederick County to become part of the State of West Virginia, the citizens of the Mountain State will welcome them with open arms and rejoice in the addition of Frederick County to the State of West Virginia; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Board of Supervisors of Frederick County, Virginia.

Which, under the rules, lies over one day.

Senator Palumbo offered the following resolution:

Senate Concurrent Resolution 3—Requesting the Division of Highways to name bridge number 20-9-6.19 (20A017), locally known as Tornado Bridge, carrying County Route 9 over the Coal River in Kanawha County, the “U. S. Army MSG Richard A. ‘Dick’ Smoot Memorial Bridge”.

Whereas, Richard A. Smoot was born June 28, 1948, in Crownhill, West Virginia, the son of Trilba Gay Smoot and Richard Smoot; and

Whereas, Following high school, Richard A. Smoot joined the United States Army, where he rose to the rank of Master Sergeant and enjoyed a long and successful career; and

Whereas, Master Sergeant Smoot, who was sometimes called by the nickname “Bones”, completed numerous training courses as a member of the special forces, earning many medals and badges. He completed air borne school, signal school, the free fall parachutist course, and combat lifesaving training. He was a qualified combat diver and earned the right to the Combat Infantryman Badge, Portuguese Diver Badge, the Russian Parachute Badge, the Master Parachute Badge, Special Forces Tab, and Special Operations Diving Supervisor Badge; and

Whereas, Master Sergeant Smoot, who served in Vietnam, Iraq, and Afghanistan, became a legend among the special forces community. He was awarded two Meritorious Service Medals, two Army Commendation Medals, two Army Achievement Medals, a Meritorious Unit Commendation, an Army Good Conduct Medal, and other medals and ribbons; and

Whereas, Although the service often took him far from his Tornado home, Master Sergeant Smoot was a devoted husband, father, and friend and was described as a rock to his immediate

and extended family. Following honorable discharge from military service, Master Sergeant Smoot participated actively in his community and served as commander for American Legion Post 73; and

Whereas, Master Sergeant Richard A. Smoot died July 2, 2015, as a result of having been struck by a truck as he rode his motorcycle; and

Whereas, It is fitting that an enduring memorial be established to commemorate his many contributions to our nation, state, and community; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 20-9-6.19 (20A017), locally known as Tornado Bridge, carrying County Route 9 over the Coal River in Kanawha County, the "U. S. Army MSG Richard A. 'Dick' Smoot Memorial Bridge"; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U. S. Army MSG Richard A. 'Dick' Smoot Memorial Bridge"; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

The Senate proceeded to the 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 2 (*Providing for automated license plate reader systems*): Senator Romano;

Senate Bill 3 (*Relating to registration fees for certain military-related license plates*): Senator Romano;

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

Senate Bill 21 (*Prohibiting certain misleading pharmaceutical advertising practices*): Senator Romano;

Senate Bill 22 (*Requiring county boards of education to provide free feminine hygiene products in grades six through 12*): Senator Romano;

Senate Bill 27 (*Requiring political action committees disclose contributors' names and addresses to Secretary of State*): Senator Romano;

Senate Bill 30 (*Extending expiration of driver's licenses for active military members' spouses*): Senator Romano;

Senate Bill 34 (*Relating generally to emergency vehicles*): Senator Romano;

Senate Bill 37 (*Providing long-term care and substance abuse treatment*): Senators Lindsay and Romano;

Senate Bill 52 (*Supplementary appropriation of public moneys to DHHR, Center for End of Life*): Senator Romano;

Senate Bill 53 (*Supplementary appropriation of public moneys to DHHR, CARDIAC Project*): Senator Romano;

Senate Bill 54 (*Relating generally to occupational pneumoconiosis*): Senator Romano;

Senate Bill 55 (*Ensuring insurance coverage for residents with preexisting conditions*): Senator Romano;

Senate Bill 57 (*Including correctional officers as law-enforcement within WV Fire, EMS, and Law-Enforcement Survivor Benefit Act*): Senator Romano;

Senate Bill 61 (*Relating to safety of tow trucks, wreckers, and tilt-bed vehicles*): Senator Romano;

Senate Bill 63 (*Creating five-year tax credits for hemp manufacturing*): Senator Romano;

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

Senate Bill 74 (*Requiring wholesale drug distributors to report certain information to WV Board of Pharmacy*): Senator Romano;

Senate Bill 142 (*Expanding Coyote Control Program through voluntary assessment on breeding cows*): Senator Lindsay;

Senate Bill 151 (*Requiring Division of Corrections and Rehabilitation to assist inmates in obtaining certain documents*): Senator Clements;

Senate Bill 156 (*Rights of domestic violence victims to know employment and residence location of assailant*): Senators Baldwin and Cline;

Senate Bill 158 (*Requiring State Police visit homes of registered sex offenders at regular intervals*): Senators Cline and Hamilton;

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

Senate Bill 160 (*Creating Voluntary WVU Rifle Team Check-Off Program on hunting and fishing licenses*): Senators Beach, Clements, Hamilton, and Stollings;

Senate Bill 161 (*Relating to Division of Forestry members' salaries*): Senator Cline;

Senate Bill 162 (*Enhancing maintenance and repair of state's roads and highways*): Senators Clements and Weld;

Senate Bill 166 (*Requiring county boards of education to provide free feminine hygiene products in grades five through 12 to certain students*): Senator Cline;

Senate Bill 167 (*Expanding Coyote Control Program through assessment on breeding cows*): Senator Hamilton;

Senate Bill 168 (*Allowing certain deductions be made from individual personal income tax refunds*): Senators Clements and Weld;

Senate Bill 169 (*Relating generally to stalking and harassment*): Senator Cline;

Senate Bill 171 (*Exempting certain automobiles 25 years or older from personal property taxation*): Senators Cline and Tarr;

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

Senate Bill 173 (*Creating WV Farm-to-School Grant Program*): Senator Hamilton;

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

Senate Bill 176 (*Limiting number of days legislators may receive compensation under certain circumstances*): Senator Baldwin;

Senate Bill 177 (*Extending driver's license expiration for active military members' spouses*): Senators Clements and Cline;

Senate Bill 178 (*Providing 11-month window to allow PERS members to purchase credited service*): Senator Hamilton;

Senate Bill 180 (*Relating to Second Chance Driver's License Program*): Senator Cline;

Senate Bill 181 (*Relating to Senior Farmers Market Nutrition Program*): Senators Cline and Hamilton;

Senate Bill 182 (*Creating WV Healthy Food Crop Block Grant Program*): Senator Cline;

Senate Bill 184 (*Providing protection from civil liability for certain individuals rescuing animals locked in unattended vehicles*): Senators Baldwin and Cline;

Senate Bill 186 (*Relating to certain pension benefits exempt from state taxation*): Senator Hamilton;

Senate Bill 187 (*Relating generally to in-state tuition rates for certain persons*): Senator Hamilton;

Senate Bill 191 (*Creating felony offense of aggravated cruelty to animals*): Senators Baldwin and Cline;

Senate Bill 197 (*Enacting Recognition of Emergency Medical Services Personnel Licensure Interstate Compact*): Senator Cline;

Senate Bill 198 (*Creating Oil and Gas Abandoned Well Plugging Fund*): Senator Hamilton;

Senate Bill 200 (*Including certain types of cancers for which rebuttable presumption of injury exists for firefighters*): Senator Cline;

Senate Bill 201 (*Relating generally to stalking and harassment*): Senators Hamilton and Lindsay;

Senate Bill 204 (*Providing for nonpartisan elections of county prosecuting attorneys*): Senator Baldwin;

Senate Bill 207 (*Creating Prosecuting Attorney's Detectives Act*): Senator Cline;

Senate Bill 211 (*Relating to unlawful discriminatory practices covered by Human Rights Act and Fair Housing Act*): Senator Lindsay;

Senate Bill 212 (*Prohibiting civil rights violations based on gender identity or sexual orientation*): Senator Lindsay;

Senate Bill 217 (*Requiring DHHR collaborate with Workforce Development Board and WV Division of Personnel for job placement*): Senator Cline;

Senate Bill 222 (*Prohibiting renaming or removal of certain monuments*): Senator Cline;

Senate Bill 223 (*Exempting senior citizens from personal income tax*): Senator Cline;

Senate Bill 225 (*Authorizing municipalities to enact Adopt-A-Street programs*): Senator Cline;

Senate Bill 228 (*Eliminating liability of owners of active or abandoned mine lands and active or inactive railway lines to persons who may enter upon premises*): Senator Cline;

Senate Bill 230 (*Requiring State Board of Education provide instruction to personnel on student suicide prevention*): Senator Cline;

Senate Bill 231 (*Creating Born Alive Abortion Survivors Protection Act*): Senators Cline and Hamilton;

Senate Bill 233 (*Establishing WV Division of Natural Resources Police Officer Retirement System*): Senator Hamilton;

Senate Bill 235 (*Increasing criminal penalties for battery of police officer*): Senators Baldwin and Hamilton;

Senate Bill 236 (*Relating to online privacy protection of children*): Senators Baldwin and Stollings;

Senate Bill 237 (*Exempting emergency vehicles and private ambulances from paying tolls or other charges*): Senators Beach, Lindsay, and Stollings;

Senate Bill 238 (*Making state's whistleblower law applicable to private employment sector*): Senators Beach and Hamilton;

Senate Bill 240 (*Relating to food service establishments securing covers for grease traps*): Senators Hamilton and Lindsay;

Senate Bill 243 (*Exempting firearm safe storage products from consumers sales tax*): Senator Jeffries;

Senate Bill 244 (*Modifying Industrial Hemp Development Act*): Senators Beach, Jeffries, and Lindsay;

Senate Bill 245 (*Relating to placement of traffic control devices before and after street and highway construction and maintenance*): Senator Lindsay;

Senate Bill 246 (*Including family court judges in retirement system for judges*): Senators Hamilton and Woelfel;

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

Senate Bill 249 (*Authorizing law enforcement to make safety inspections of commercial vehicles*): Senator Woelfel;

Senate Bill 250 (*Providing 11-month window to allow PERS members to purchase credited service*): Senators Hamilton and Woelfel;

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

Senate Bill 258 (*Relating to when child passenger safety devices are required*): Senator Woelfel;

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

Senate Bill 293 (*Relating to adoption*): Senator Hamilton;

And,

Senate Bill 306 (*Licensing of drivers utilizing bioptic telescopic devices*): Senator Woelfel.

At the request of Senator Weld, and by unanimous consent, leaves of absence for the day were granted Senators Facemire, Mann, Romano, Takubo, and Unger.

On motion of Senator Weld, at 11:17 a.m., the Senate adjourned until Monday, January 13, 2020, at 11 a.m.

SENATE CALENDAR

**Monday, January 13, 2020
11:00 AM**

UNFINISHED BUSINESS

- S. C. R. 1 - Designating dogs adopted from animal shelters and rescues as WV official state dog
- S. C. R. 2 - Requesting Frederick County, Virginia, consider becoming part of State of West Virginia
- S. C. R. 3 - US Army MSG Richard A. "Dick" Smoot Memorial Bridge

FIRST READING

- Com. Sub. for S. B. 94 - Providing persons with physical disabilities ability to vote by electronic absentee ballot