

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE
REGULAR SESSION, 2019
THIRD DAY

Charleston, West Virginia, Friday, January 11, 2019

The Senate met at 11:07 a.m.

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

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

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Craig Blair, a senator from the fifteenth district.

Pending the reading of the Journal of Thursday, January 10, 2019,

At the request of Senator Plymale, 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 Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

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

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

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

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

And,

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

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

Respectfully submitted,

Craig Blair,
Chair.

Senator Blair, from the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration

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

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

Com. Sub. for Senate Bill 106 (originating in the Committee on Finance)—A Bill to amend and reenact §11-21-20 of the Code of West Virginia, 1931, as amended, relating to personal income tax; alleviating double taxation on foreign income at the state level; and sunsetting the credit for income tax paid on foreign income in 2069.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Craig Blair,
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 177, Fire Commission rule relating to State Building Code.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 190, DOH rule relating to employment procedures.

And has amended same.

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

Respectfully submitted,

Charles S. Trump IV,
Chair.

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees as shown on the Chamber Automation System:

By Senators Jeffries, Lindsay, Baldwin, and Beach:

Senate Bill 252—A Bill to amend and reenact §5-26-1, §5-26-2, and §5-26-3 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto eight new sections, designated §5-26-4, §5-26-5, §5-26-6, §5-26-7, §5-26-8, §5-26-9, §5-26-10, and §5-26-11; to amend and reenact §5B-2B-3 of said code; and to amend and reenact §31-15-3 of said code, all relating to improving the efforts of state government to address certain societal challenges facing racial minority populations; enhancing the Herbert Henderson Office of Minority Affairs and clarifying its role within the executive branch; establishing that the office has a primary focus on eight pillars that often disproportionately affect racial minorities; adjusting the duties of the office; requiring the office to undertake certain action; authorizing the executive director of the office to hire necessary staff; clarifying the objective of the community-based pilot project the office is required to undertake; setting certain deadlines and authorizing funding for the pilot project; detailing the mission of the office and certain specific duties with respect to family development, community development, workforce development, economic development, education, housing development, criminal justice reform, and health and social involvement; requiring the office to collaborate with other entities on certain responsibilities; adding the executive director of the office, or his or her designee, to the West Virginia Workforce Development Board; further clarifying one of the office's responsibilities to work with the West Virginia Economic Development Authority; creating the Small Business and Minority Populations Economic and Workforce Taskforce to assist the Director of the Economic Development Authority; declaring legislative findings; declaring the membership of the Small Business and Minority Populations Economic and Workforce Taskforce; clarifying that taskforce members do not receive compensation but may be reimbursed for expenses; detailing the duties of the taskforce; requiring certain work groups of the taskforce; stating measurements by which effectiveness will be judged; requiring the taskforce to meet at least once a year; and declaring that all taskforce meetings follow the Open Governmental Meetings Proceedings Act.

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

By Senators Jeffries, Lindsay, Baldwin, Beach, and Hamilton:

Senate Bill 253—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6N-1, §46A-6N-2, §46A-6N-3, §46A-6N-4, §46A-6N-5, and §46A-6N-6, all relating to automatic purchase renewal offers and continuous service offers; stating legislative intent; defining terms; setting notice and disclosure requirements for automatic purchase renewal offers and continuous service offers; providing that a business may not charge

the consumer for an automatic renewal or continuous services without first obtaining the consumer's affirmative consent; providing acknowledgement requirements; providing that the business shall disclose how to cancel the automatic renewal or continuous service before the consumer pays if the offer includes a free gift or trial; providing that a business shall provide certain mechanism for cancellation of the automatic renewal or continuous offer in the acknowledgement; providing means for terminating the automatic renewal or continuous service offer online; providing notice requirements in the case of material changes in the terms of the automatic renewal or continuous service; providing that the business shall provide to the consumer a reminder of the recurring charge and information on how the consumer may cancel at least 30 days prior to the charge in the case of automatic renewal or continuous service offers of certain frequency; providing a period of application; providing that goods, wares, merchandise, or products shall be deemed an unconditional gift to the consumer when the business sends any goods, wares, merchandise, or products to a consumer without first obtaining the consumer's affirmative consent under a continuous service agreement or automatic renewal of a purchase; providing a civil cause of action; providing statutory penalties; providing that no action may be brought until written notice is provided by the consumer, or his or her representative, to the business; providing written notice requirements; providing mailing requirements; providing the business an opportunity to cure the alleged violation; providing for expiration of the cure offer and cure period; providing a period for the business to remit payment, if any, as specified in the accepted cure offer; providing that a claim may be brought for failure of the business to timely effect the accepted cure offer; providing that the written notice is a jurisdictional prerequisite to bringing a cause of action; providing the court discretion to award to plaintiff costs of the action, including reasonable attorneys' fees; providing that plaintiff is not entitled to costs and attorneys' fees under certain circumstances; providing a statute of limitations; providing that the statute of limitations shall be tolled; and stating exemptions.

Referred to the Committee on the Judiciary.

By Senators Jeffries, Lindsay, Hamilton, Baldwin, Beach, and Tarr:

Senate Bill 254—A Bill to amend and reenact §61-1-9 of the Code of West Virginia, 1931, as amended, relating to increasing the misdemeanor penalty for impersonation of a law-enforcement officer or official to include the possibility of confinement in jail.

Referred to the Committee on the Judiciary.

By Senators Boso, Baldwin, and Maroney:

Senate Bill 255—A Bill to amend and reenact §16-4C-5 of the Code of West Virginia, 1931, as amended, relating generally to the Emergency Medical Services Advisory Council; and reconfiguring and increasing the membership of the council by adding three nonvoting citizen members and requiring three members to be representative of professional groups.

Referred to the Committee on Government Organization.

By Senators Weld, Cline, Baldwin, Tarr, Clements, and Maroney:

Senate Bill 256—A Bill to amend and reenact §11-10-14a of the Code of West Virginia, 1931, as amended, relating to allowing certain deductions to be made from individual personal income tax refunds; providing check off for nursing home and health care for aged and disabled veterans in the West Virginia Veterans Home; and providing check off for purposes of operating and maintaining the Donel C. Kinnard Memorial State Veterans Cemetery.

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

By Senators Weld, Cline, and Baldwin:

Senate Bill 257—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2019, in the amount of \$1,120,000 from the Department of Revenue, Insurance Commissioner – Insurance Commissioner Fund, fund 7152, fiscal year 2019, organization 0704, and making a supplementary appropriation out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2019, to the Department of Health and Human Resources, Division of Health – Consolidated Medical Services Fund, fund 0525, fiscal year 2019, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2019.

Referred to the Committee on Finance.

By Senators Trump and Tarr:

Senate Bill 258—A Bill to amend and reenact §31B-3-303 of the Code of West Virginia, 1931, as amended, relating to establishing that the intent and policy of the Legislature is the common law corporate “veil piercing” claims may not be used to impose personal liability on a member or manager of a limited liability company.

Referred to the Committee on the Judiciary.

By Senators Sypolt, Azinger, Beach, Boso, Clements, Hamilton, Maynard, Rucker, Smith, Stollings, Woelfel, Cline, Jeffries, Tarr, and Maroney:

Senate Bill 259—A Bill to amend and reenact §7-7-6e of the Code of West Virginia, 1931, as amended, relating to expanding the Coyote Control Program by providing for an assessment on breeding cows; providing an option for owners of breeding cows not to participate in the program; requiring notice; and setting forth a purpose.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on Finance.

By Senators Stollings, Jeffries, Prezioso, Takubo, Hamilton, Lindsay, and Maroney:

Senate Bill 260—A Bill to amend and reenact §23-4-6a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §23-4-26, all relating to occupational pneumoconiosis; eliminating the prohibition on permanent partial disability awards based solely on a diagnosis of occupational pneumoconiosis; declaring that an employee with occupational pneumoconiosis without measurable pulmonary impairment shall be paid certain benefits; and requiring certain claimants to receive permanent partial disability awards that may later be offset from a future disability award.

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

By Senators Trump and Cline:

Senate Bill 261—A Bill to amend and reenact §50-1-2 of the Code of West Virginia, 1931, as amended, relating to the number of magistrates to be seated in each county of the state and their election.

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

By Senator Trump:

Senate Bill 262—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-6-39, relating to defining certain key terms; prohibiting

insurers from requiring dentists to provide discount on noncovered services; prohibiting dentists from charging more for covered persons on noncovered services than his or her customary or usual rate for the services; and providing that insurers may not provide for a nominal reimbursement for a service in order to claim that a service or material is covered.

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

By Senators Prezioso, Woelfel, Baldwin, Sypolt, Jeffries, Maroney, and Lindsay:

Senate Bill 263—A Bill to amend and reenact §4-2A-3 of the Code of West Virginia, 1931, as amended, relating to limiting the number of days members of the Legislature may receive compensation during an extended and extraordinary session if the budget bill has not been enacted.

Referred to the Committee on Finance.

By Senators Trump, Hamilton, Cline, and Tarr:

Senate Bill 264—A Bill to amend and reenact §61-11A-4 of the Code of West Virginia, 1931, as amended, relating to requiring courts to order restitution to victims of crime; providing for consideration of economic hardship within the order; and providing for the definition of any person compensating a victim for loss to include the West Virginia Crime Victims Compensation Fund for restitution purposes.

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

By Senators Carmichael (Mr. President), Cline, Baldwin, Sypolt, Boso, and Tarr:

Senate Bill 265—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 high school graduates 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 promulgate rules; providing eligibility and renewal requirements for a WV Invests Grant; requiring applicants enter into certain agreements; and establishing the WV Invests Fund.

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 266—A Bill to amend and reenact §3-10-3a of the Code of West Virginia, 1931, as amended; 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 2019; requiring board to dispose of cases by a certain date; requiring contested cases under State Administrative Procedures Act to go to the Intermediate Court of Appeals; transferring jurisdiction for review of family court final orders from circuit courts to Intermediate Court of Appeals; placing judges of Intermediate Court of Appeals under the judicial retirement system; altering the residency requirements for membership on the Judicial Vacancy Advisory Commission; creating the Intermediate Court of Appeals; providing a short title; providing legislative findings; defining terms; establishing and defining two geographical districts of the Intermediate Court of Appeals; requiring three-judge panels for proceedings; authorizing jurisdiction of the Intermediate Court of Appeals over certain matters; specifically excluding certain matters from jurisdiction of the Intermediate Court of Appeals; providing eligibility criteria for judges of the Intermediate Court of Appeals; providing that no two judges of the Intermediate Court of Appeals may be residents of the same state senatorial district or of the same county; providing a process for appointment of judges to the Intermediate Court of Appeals to staggered judicial terms; 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 office during judicial term; providing for temporary filling of judicial vacancy occurring before the expiration of an appointed judge's 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 each Intermediate Court of Appeals district 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 take place in publicly available facilities across the state; 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 respective districts; 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; and 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.

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

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

Senate Bill 267—A Bill to amend and reenact §18-2-12 of the Code of West Virginia, 1931, as amended, relating to requiring the State Board of Education to adopt a policy detailing the appropriate level of computer science instruction that shall be available to students at each programmatic level; and requiring the West Virginia Department of Education to develop and offer professional development opportunities.

Referred to the Committee on Education.

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

Senate Bill 268—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 Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 269—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; providing rule for determining number of personal exemptions; and specifying effective dates.

Referred to the Committee on Finance.

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

Senate Bill 270—A Bill to amend and reenact §17-2A-17a of the Code of West Virginia, 1931, as amended; and to amend and reenact §17-2E-2, §17-2E-3, §17-2E-5, and §17-2E-6 of said code, all relating to the use of state-owned rights-of-way; modifying requirements related to accommodation leases; amending procedures and requirements of the state's dig once policy; modifying definitions; providing for the determination of fair market value; modifying notice requirements for permit applicants; amending procedures for the adjudication of disputes between telecommunications carriers; providing exemptions to certain dig once requirements; and authorizing the Division of Highways to, upon approval of the Governor, transfer or assign the ownership, control, or any rights related to any in-kind compensation received by the division to any other state agency.

Referred to the Committee on Government Organization.

By Senators Carmichael (Mr. President), Trump, Woelfel, Palumbo, and Tarr:

Senate Bill 271—A Bill to repeal §5A-3-28, §5A-3-30, and §5A-3-31 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §61-5B-1, §61-5B-2, §61-5B-3, and §61-5B-4, all relating to criminal acts concerning government procurement of commodities and services; moving current provisions from chapter 5A to chapter 61 of this code; defining terms; including the provision of cash, credit, and waivers of debt or liability as commodities; prohibiting public officials from having personal interest in government procurement; applying provisions to all branches and units of state government; prohibiting fraud and attempts to defraud government entities in procurement; prohibiting knowing acceptance and delivery of inferior goods and services; defining unfair and corrupt acts in bidding and contracting for commodities and services; and establishing criminal penalties therefor.

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

By Senators Carmichael (Mr. President), Trump, Woelfel, Palumbo, and Tarr:

Senate Bill 272—A Bill to amend and reenact §4-5-1, §4-5-2, §4-5-3, §4-5-4, and §4-5-5 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto two new sections, designated §4-5-7 and §4-5-8, all relating to the Commission on Special Investigations; continuing the commission; clarifying composition and chairmanship of the

commission and terms of members; redefining what constitutes a quorum for voting procedures of the commission; specifying contents of the commission's annual report; authorizing the employment of staff and the creation of certain staff positions; granting power to conduct interviews and request production from agencies of the state and its political subdivisions of books, records, documents, papers, and tangible things; authorizing the issuance of written requests for production in lieu of subpoenas; authorizing the director to issue subpoenas on the commission's behalf; authorizing the commission to require an agency head to appear before the commission to answer for an agency's failure to appear or produce requested or subpoenaed material or other failure to comply with a commission investigation; providing for the confidentiality of investigations; providing for executive session and confidentiality rights of witnesses; updating exemption of investigative materials from public disclosure; removing requirement for pre-approval of expenses of the commission by the Joint Committee on Government and Finance; providing procedures for the commission's retention and disposal of records; establishing new offenses of impersonating a commission member or staff member and of threatening or otherwise obstructing a commission member or staff; establishing criminal penalties; allowing the commission to award duty weapons to certain members on retirement; exempting the commission from the jurisdiction of the agency for surplus property within the Purchasing Division of the Department of Administration with respect to the disposal of the commission's primary and secondary duty weapons; authorizing sale of surplus weapons to active and retired members of the commission's investigative staff; and updating language and terms for clarity throughout.

Referred to the Committee on the Judiciary.

By Senators Carmichael (Mr. President), Trump, Woelfel, Palumbo, and Tarr:

Senate Bill 273—A Bill to amend and reenact §6-9-7 of the Code of West Virginia, 1931, as amended; and to amend §12-4A-1, §12-4A-2, §12-4A-3, and §12-4A-4 of said code, all relating to reporting evidence of governmental waste, fraud, or mismanagement to the Commission on Special Investigations; requiring the chief inspector of the State Auditor's office to provide information relating to misfeasance, malfeasance, or nonfeasance of public officers or employees; changing "state funds" to "public funds" and providing a definition thereof; establishing time requirement for the delivery of required information or reports; and clarifying that the State Auditor must provide all reports of fraud, misappropriation, mismanagement, or waste of public funds to the commission.

Referred to the Committee on the Judiciary.

By Senators Sybolt, Boso, Stollings, Cline, Baldwin, Maroney, and Smith:

Senate Bill 274—A Bill to amend and reenact §12-4-14 of the Code of West Virginia, 1931, as amended, relating to accounting for the use of funds from state grants and from formula distributions to volunteer and part-volunteer fire departments; requiring fire departments to file bank statements and check images instead of a sworn statement of expenditures; changing threshold dates; removing criminal penalties; and updating outdated language.

Referred to the Committee on Government Organization.

By Senators Sybolt, Clements, Baldwin, Boso, Maroney, and Smith:

Senate Bill 275—A Bill to amend and reenact §11A-3-19, §11A-3-21, §11A-3-52, §11A-3-54, §11A-3-56, and §11A-3-58 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto four new sections, designated §11A-3-23a, §11A-3-23b, §11A-3-58a, and §11A-3-58b, all relating generally to the sale of delinquent surface and mineral properties; providing that a purchaser shall provide certain information to the State Auditor in order to secure

a deed for the real estate subject to a tax lien purchased; providing that no deed to a bona fide purchaser for value from the purchaser or substituted purchaser may be set aside for purchaser's failure to provide such information; providing additional instructive language to be included in the notice to redeem; providing that the surface owner of the surface tract overlying the mineral property subject to the tax lien being sold may purchase that mineral property under certain circumstances; providing that, upon payment by the surface owner, the clerk or deputy commissioner, whichever applicable, shall issue a certificate of substitution to the substituted surface owner; providing that the clerk or deputy commissioner, whichever applicable, shall refund the money paid by the surface owner if the property is redeemed by the mineral owner or a person with a right to redeem; providing that the surface owner enjoys the full rights and duties of the purchaser if the owner or a person with a right to redeem does not redeem and only one surface owner receives a certificate of substitution; providing that surface owners shall submit an agreement dividing the mineral property if more than one surface owner pays the clerk or deputy commissioner, whichever applicable, the appropriate amount; providing that the original purchaser is returned to his or her original position if no agreement is filed; providing that the mineral owner of the mineral tract underlying the surface property subject to the tax lien being sold may purchase that surface property under certain circumstances; providing that, upon payment by the mineral owner, the clerk or deputy commissioner, whichever applicable, shall issue a certificate of substitution to the substituted mineral owner; providing that the clerk or deputy commissioner, whichever applicable, shall refund the money paid by the mineral owner if the property is redeemed by the surface owner or a person with a right to redeem; providing that the mineral owner enjoys the full rights and duties of the purchaser if the owner or a person with a right to redeem does not redeem and only one mineral owner receives a certificate of substitution; providing that mineral owners shall submit an agreement dividing the surface property if more than one mineral owner pays the clerk or deputy commissioner, whichever applicable, the appropriate amount; providing that the original purchaser is returned to his or her original position if no agreement is filed; and raising the limit on recoupable expenses incurred in preparing notice to redeem, including title examination, to \$500.

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

By Senators Baldwin and Woelfel:

Senate Bill 276—A Bill to amend and reenact §3-8-1a, §3-8-2, §3-8-5d, and §3-8-15 of the Code of West Virginia, 1931, as amended, all relating to the regulation and control of elections; prohibiting a foreign national from contributing to candidates in West Virginia; defining “foreign national”; offenses for violation of campaign financial disclosure laws; and prohibiting fundraising for candidates for legislative office during the regular session of the Legislature after July 1, 2019.

Referred to the Committee on the Judiciary.

By Senators Baldwin, Hamilton, Beach, Jeffries, and Tarr:

Senate Bill 277—A Bill to amend and reenact §61-2-10b of the Code of West Virginia, 1931, as amended, relating to certain crimes against certain government representatives; and clarifying that concealing or attempting to conceal a hypodermic needle in certain circumstances constitutes a criminal offense.

Referred to the Committee on the Judiciary.

By Senators Baldwin, Beach, Jeffries, Tarr, and Prezioso:

Senate Bill 278—A Bill to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating to permitting honorably discharged veterans to hunt, trap, or fish in this state without first obtaining a license.

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

By Senators Jeffries, Azinger, Baldwin, Beach, Boso, Facemire, Ihlenfeld, Lindsay, Mann, Palumbo, Plymale, Prezioso, Romano, Smith, Stollings, Woelfel, Cline, Rucker, Clements, Tarr, and Maroney:

Senate Bill 279—A Bill to amend and reenact §20-2B-7 of the Code of West Virginia, 1931, as amended, relating to authorizing lifetime hunting, fishing, and trapping licenses for foster or adoptive children who have not reached the second year of their placement to be the same cost as resident children who have not reached their second birthday.

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

By Senators Lindsay, Baldwin, Beach, Facemire, Ihlenfeld, Jeffries, Ojeda, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger, Woelfel, Cline, and Tarr:

Senate Bill 280—A Bill to amend and reenact §11-21-12 of the Code of West Virginia, 1931, as amended, relating to creating a modification for Social Security income with respect to the West Virginia personal income tax; effectively eliminating the tax on Social Security for certain taxpayers; and providing for the nullification of the provisions under certain circumstances.

Referred to the Committee on Finance.

By Senators Sypolt, Beach, Boso, Clements, Hamilton, Smith, Stollings, Baldwin, and Maroney:

Senate Bill 281—A Bill to amend and reenact §7-18-14 of the Code of West Virginia, 1931, as amended, relating to increasing the limitation on the amount collected by the county via the hotel occupancy tax that may be used for medical care and emergency services.

Referred to the Committee on Finance.

By Senators Sypolt, Beach, Boso, Clements, Hamilton, Maynard, Smith, Stollings, Baldwin, Maroney, and Prezioso:

Senate Bill 282—A Bill to amend and reenact §11-21-21 of the Code of West Virginia, 1931, as amended, relating to changing the qualifier for low income to 300 percent or less of the federal poverty guideline from 150 percent or less of the federal poverty guideline for a senior citizens' homestead tax credit.

Referred to the Committee on Finance.

By Senators Sypolt, Beach, Boso, Clements, Hamilton, Maynard, Smith, Cline, Baldwin, Tarr, and Maroney:

Senate Bill 283—A Bill to amend and reenact §61-5-7 of the Code of West Virginia, 1931, as amended, relating to making it a misdemeanor for a person to impede or obstruct a law-enforcement officer in the conduct of an investigation of a misdemeanor who knowingly and willfully makes a materially false statement; establishing a penalty; and making a technical correction.

Referred to the Committee on the Judiciary.

By Senators Sypolt, Azinger, Boso, Clements, Maynard, Smith, Cline, Tarr, and Maroney:

Senate Bill 284—A Bill to amend and reenact §3-2-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17B-2-1 of said code, all relating to permitting photo identification on voter registration identification cards; and providing that voter registration and designation information may also be placed on drivers' licenses or state-issued identification cards, if so determined by the Secretary of State in cooperation with the Commissioner of Motor Vehicles.

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

Senators Stollings, Baldwin, and Beach offered the following resolution:

Senate Concurrent Resolution 6—Requesting the Division of Highways to name bridge number 22-10-28.14 (22A038), locally known as West Hamlin Bridge, carrying WV 10 over the Guyandotte River in Lincoln County, the "U. S. Army SP4 Darrell Gregory Triplett Memorial Bridge".

Whereas, Darrell Gregory Triplett was born in West Hamlin and was an honor graduate of Guyan Valley High School in 1965. He served during the Vietnam War. With only a month left in the army, he was coming home on a weekend pass to celebrate his 21st birthday when he was killed in a plane crash at Yeager Airport in 1968; and

Whereas, It is fitting that an enduring memorial be established to commemorate U. S. Army SP4 Darrell Gregory Triplett and his contributions to our state and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 22-10-28.14 (22A038), locally known as West Hamlin Bridge, carrying WV 10 over the Guyandotte River in Lincoln County, the "U. S. Army SP4 Darrell Gregory Triplett 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 SP4 Darrell Gregory Triplett 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.

Senators Sypolt, Baldwin, Cine, and Smith offered the following resolution:

Senate Concurrent Resolution 7—Urging Congress to amend title 23, United States Code, to permit the State of West Virginia to provide exceptions to the maximum gross vehicle weight that will allow the operation of certain vehicles, including tri-axle dump trucks, for the hauling of timber on interstate highways in West Virginia.

Whereas, Providing an exception to the existing weight limit and restrictions for certain trucks operating on interstate highways in West Virginia will allow these trucks to travel the safer

interstate highways and decrease their presence on the more dangerous state and U. S. highways of West Virginia; and

Whereas, Congress has previously provided exceptions to the maximum gross vehicle weight on interstate highways for several states of the United States; therefore, be it

Resolved by the Legislature of West Virginia:

That Congress is urged to amend title 23, United States Code, to permit the State of West Virginia to provide exceptions to the maximum gross vehicle weight that will allow the operation of certain vehicles, including tri-axle dump trucks, for the hauling of timber on interstate highways in 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 President and Secretary of the United States Senate, to the Speaker and Clerk of the United States House of Representatives, and to the members of West Virginia's congressional delegation.

Which, under the rules, lies over one day.

Senators Romano, Facemire, Woelfel, Baldwin, and Beach offered the following resolution:

Senate Concurrent Resolution 8—Requesting the Division of Highways name bridge number 17-9-0.35 (17A053), locally known as Wilsonburg T-beam Bridge, carrying County Route 9 over Limestone Run in Harrison County, the “Walter E. Swiger, Jr., Memorial Bridge”.

Whereas, Walter E. Swiger, Jr., was a lifelong resident of Harrison County, a graduate of Victory High School and West Virginia Business College; and

Whereas, Walter E. Swiger, Jr., retired after 43 years in petroleum marketing having operated his own business; and

Whereas, Walter E. Swiger, Jr., was appointed to the Harrison County Solid Waste Authority in 1990 by the Harrison County Commission and served as chairman of the authority; and

Whereas, Walter E. Swiger, Jr., was chosen as the Volunteer of the Year by the Association of West Virginia Solid Waste Authorities during their 12th annual conference in the fall of 2000; and

Whereas, Walter E. Swiger, Jr., was an outstanding community leader with many years of service in various organizations, serving the local emergency planning committee, Clarksburg Lions Club, Central West Virginia Community Action Association, and others; and

Whereas, As chairman, Walter E. Swiger, Jr., worked to help develop a recycling ordinance for the county, established a recycling hotline, and was recognized in several issues of the Solid Waste Reporter for his leadership in “one of the top integrated waste management programs in West Virginia”; and

Whereas, Walter E. Swiger, Jr., worked with county education leaders through the solid waste authorities' efforts as Partner in Education with 10 county schools; and

Whereas, Walter E. Swiger, Jr., passed away on November 5, 2015, and it is fitting that a permanent memorial be established to honor his work; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 17-9-0.35 (17A053), locally known as Wilsonburg T-beam Bridge, carrying County Route 9 over Limestone Run in Harrison County, the “Walter E. Swiger, Jr., Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is requested to have made and be placed signs identifying the bridge as the “Walter E. Swiger, Jr., 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.

Senators Boley, Woelfel, Cline, Baldwin, Beach, Rucker, and Prezioso offered the following resolution:

Senate Resolution 7—Designating January 11, 2019, as Women’s and Girls’ Day at the Legislature.

Whereas, The West Virginia Women’s Commission is celebrating four decades of promoting the status and empowerment of all West Virginia women through advocacy, research, education, and consensus building; and

Whereas, The West Virginia Women’s Commission strives to foster women’s economic, political, educational, and social development, to ensure their full participation in society and to recognize their achievements; and

Whereas, In their roles as individuals, workers, military personnel, mothers, daughters, sisters, wives, friends, caretakers, activists, and volunteers, women make significant contributions to West Virginia’s economy, families, communities, and general well-being; and

Whereas, The West Virginia Women’s Commission has continued its history of honoring women across the state through programs such as celebrating the annual Legacy of Women Awards, educating women and legislators during their annual Women’s and Girls’ Day at the Legislature, completing annual policy statements highlighting legislation of importance to women and families, recognizing the annual Women’s Equality Day Celebration commemorating the passage of the 19th amendment, and raising awareness on Equal Pay Day of how far into the year women must work to earn what men earned in the previous year; and

Whereas, Through the West Virginia Women’s Commission’s programs and collaborations with partner organizations, women have the opportunity to participate in learning experiences through workshops focused on citizen advocacy; and

Whereas, West Virginia citizens are proud of the accomplishments and achievements of women of every race, class, and ethnic background in our state, both in the private and public sectors and appreciate their many contributions to our communities as they continue to advance in leadership roles, not only in West Virginia but throughout our nation and the world; therefore, be it

Resolved by the Senate:

That the Senate hereby designates January 11, 2019, as Women's and Girls' Day at the Legislature; and, be it

Further Resolved, That the Senate expresses its sincere appreciation to women for the many contributions they make to the State of West Virginia in all facets of our society; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the West Virginia Women's Commission.

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

On motion of Senator Takubo, at 11:16 a.m., the Senate recessed to present Senate Resolution 7.

The Senate reconvened at 11:19 a.m. and proceeded to the twelfth order of business.

Remarks were made by Senators Plymale and Hamilton.

On motion of Senator Takubo, at 11:21 a.m., the Senate adjourned until Monday, January 14, 2019, at 11 a.m.

SENATE CALENDAR

**Monday, January 14, 2019
11:00 AM**

UNFINISHED BUSINESS

- S. C. R. 6 - US Army SP4 Darrell Gregory Triplett Memorial Bridge
- S. C. R. 7 - Urging Congress provide exceptions to weight limits on trucks on interstate
- S. C. R. 8 - Walter E. Swiger, Jr., Memorial Bridge

FIRST READING

- S. B. 10 - Relating to Second Chance Driver's License Program
- S. B. 24 - Relating generally to local boards of health
- S. B. 27 - Removing restrictions on where certain traditional lottery games may be played
- S. B. 28 - Removing hotel occupancy tax limit collects for medical care and emergency services
- S. B. 36 - Allowing adjustment of gross income for calculating personal income liability for certain retirees
- Com. Sub. for S. B. 106 - Alleviating double taxation on foreign income at state level
- S. B. 177 - Fire Commission rule relating to State Building Code
- S. B. 190 - DOH rule relating to employment procedures - (Com. amend. pending)