

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE
REGULAR SESSION, 2019
THIRTEENTH DAY

Charleston, West Virginia, Monday, January 21, 2019

The Senate met at 11:10 a.m.

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

Prayer was offered by Pastor Paul Coon, Hernshaw United Methodist Church, Hernshaw, West Virginia, and Coal Fork United Methodist Church, Charleston, West Virginia.

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

Pending the reading of the Journal of Friday, January 18, 2019,

At the request of Senator Jeffries, 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 third order of business.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. House Bill 2185—A Bill to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to the removal of animals left unattended in motor vehicles; defining terms, setting forth conditions likely to cause injury or death to an animal confined in a motor vehicle; setting forth circumstances and actions which may be taken by designated individuals to rescue and retrieve an animal in danger in an unattended vehicle; providing for written notice to the owner of the motor vehicle; providing for payment of fees and costs associated with the maintenance, care and medical treatment of an animal; limiting search of a motor vehicle during rescue; providing for seizure of items found in certain circumstances; providing for civil and criminal immunity to agencies or municipalities and their employees or agents who retrieve an animal; providing judicial discretion for psychological or psychiatric evaluation; and providing for criminal penalties.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

Eng. Com. Sub. for House Bill 2307—A Bill to amend and reenact §30-27-9 of the Code of West Virginia, 1931, as amended, relating to barbering and cosmetology; removing certain requirements to take an examination for a license; to establish a provisional license to practice in this state by an applicant with an expired license from another state; and directing the board to set the applicable fees for a provisional license.

Referred to the Committee on Finance.

The Senate proceeded to the fourth order of business.

Senator Sypolt, from the Committee on Agriculture and Rural Development, submitted the following report, which was received:

Your Committee on Agriculture and Rural Development has had under consideration

Senate Bill 193, Agriculture Commissioner rule relating to rural rehabilitation loan program.

Senate Bill 194, Agriculture Commissioner rule relating to captive cervid farming.

Senate Bill 195, Agriculture Commissioner rule relating to farm-to-food bank tax credit.

Senate Bill 196, Agriculture Commissioner rule relating to agritourism.

Senate Bill 197, Agriculture Commissioner rule relating to farmers markets.

And,

Senate Bill 198, Agriculture Commissioner rule relating to seed certification program.

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

Respectfully submitted,

Dave Sypolt,
Chair.

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

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

Your Committee on the Judiciary has had under consideration

Senate Bill 223, 224, 225, 226, 227, 228, 229, and 230, Division of Labor rule relating to wage payment and collection.

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

Com. Sub. for Senate Bill 223 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-10-1, §64-10-2, and §64-10-3 of the Code of West Virginia, 1931, as amended, all relating generally to authorizing agencies of the Bureau of Commerce to promulgate legislative rules; authorizing the rules as filed, as modified by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Division of Labor to promulgate a legislative rule relating to wage payment and collection; authorizing the Division of Labor to promulgate a legislative rule relating to child labor; authorizing the Division of Labor to promulgate a legislative rule relating to regulation of heating, ventilating, and cooling work; authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to rules and regulations governing the safety of those employed in and around surface mines in West Virginia; authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to rules and regulations governing the submission and approval of a comprehensive mine safety program for coal mining operations in the State of West Virginia; authorizing the Office of Miners' Health, Safety, and Training to promulgate a legislative rule relating to rules for operating diesel equipment in underground mines in West Virginia; authorizing the Division of Natural Resources to promulgate a legislative rule relating to commercial whitewater outfitters; and authorizing the Division of Natural Resources to promulgate a legislative rule relating to rules for Cabwaylingo State Forest trail system two-year pilot project permitting ATVs and ORVs.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

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

Your Committee on the Judiciary has had under consideration

Senate Bill 253, Protecting consumers from automatic purchase renewal and continuous service offers.

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

Com. Sub. for Senate Bill 253 (originating in the Committee on the Judiciary)—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; requiring a business to provide contact information to the consumer; 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.

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.

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 Azinger, Maynard, Smith, Sypolt, Cline, Tarr, and Hamilton:

Senate Bill 355—A Bill to amend and reenact §8-12-5a of the Code of West Virginia, 1931, as amended, relating to removing authority of municipalities to restrict firearm possession without a valid concealed handgun license in certain areas during brief temporary events.

Referred to the Committee on the Judiciary.

By Senators Weld, Clements, Maroney, Cline, and Swope:

Senate Bill 356—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15A-1-7, relating to authorizing the Division of Corrections and Rehabilitation to release to county prosecutors of this state and the United States Attorney certain information which may be required for the prosecution of a criminal action; and immunities.

Referred to the Committee on the Judiciary.

By Senators Weld, Clements, and Cline:

Senate Bill 357—A Bill to repeal §15-9A-1, §15-9A-2, §15-9A-3, and §15-9A-4 of the Code of West Virginia, 1931, as amended; to amend and reenact §15A-2-1 and §15A-2-3 of said code; and to amend said code by adding thereto two new sections, designated §15A-2-4 and §15A-2-5, all relating to the Division of Administrative Services; executive and administrative support

services; grant services; designating the division as the state administrative agency for grants; code references to the Division of Justice and Community Services; transfer of employees; criminal justice and grant administration; rules; and Human Trafficking Assistance Notices.

Referred to the Committee on Government Organization.

By Senators Weld, Clements, Cline, and Swope:

Senate Bill 358—A Bill to amend and reenact §15-2D-3 of the Code of West Virginia, 1931, as amended, relating to exempting from the Purchasing Division purchases made by the Director of the Division of Protective Services for equipment to maintain security at state facilities.

Referred to the Committee on Government Organization.

By Senators Maroney, Baldwin, Beach, Facemire, Ihlenfeld, Jeffries, Lindsay, Palumbo, Plymale, Prezioso, Romano, Stollings, Takubo, Weld, Woelfel, Cline, Swope, and Hardesty:

Senate Bill 359—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §47-12-1, §47-12-2, §47-12-3, §47-12-4, §47-12-5, and §47-12-6, all relating to creating the Youth Mental Health Protection Act; setting forth legislative findings; setting forth a purpose; defining terms; providing for a prohibition on conversion therapy; setting forth a prohibition for referral services for conversion therapy; and providing for disciplinary actions against providers who violate the article.

Referred to the Committee on Health and Human Resources.

By Senator Trump:

Senate Bill 360—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §46A-6O-1, §46A-6O-2, §46A-6O-3, §46A-6O-4, §46A-6O-5, §46A-6O-6, §46A-6O-7, §46A-6O-8, and §46A-6O-9, all relating to third-party litigation financing; providing that a litigation financier shall register as a litigation financier in this state; providing registration requirements for business entities, partnerships, and individuals; providing that litigation financiers shall secure a bond or an irrevocable letter of credit; providing to whom the bond is payable; requiring that the litigation financiers amend their registration if their information changes or becomes inaccurate; providing that the Secretary of State may promulgate rules; providing that the terms of the litigation financing transaction shall be set forth in a completed, written contract; providing that the litigation financing contract shall contain a right of rescission; providing that a litigation financing contract shall contain certain written acknowledgements and disclosures; providing that a litigation financier shall not pay, or offer to pay, commissions, referral fees, or other consideration to any attorney, law firm, medical provider, chiropractor, or physical therapist or any of their employees for referring a consumer to the litigation financier; providing that a litigation financier shall not accept commissions, referral fees, or other consideration; providing that a litigation financier shall not advertise false or misleading information; providing that a litigation financier shall not refer a consumer to a specific attorney, law firm, medical provider, chiropractor, or physical therapist; providing an exception; providing that a litigation financier shall supply copies of the contract to the consumer or consumer's attorney; providing that a litigation financier shall not attempt to waive any of a consumer's remedies; providing that a litigation financier shall not attempt to effect arbitration or otherwise effect waiver of a consumer's right to a jury trial; providing that a litigation financier shall not offer legal advice; providing that a litigation financier shall not assign the litigation financing contract; providing that a litigation financing contract shall contain certain disclosures and terms; providing form disclosures; providing that a violation shall render the contract unenforceable; providing that a court may award costs and attorneys' fees against defendant; clarifying authority of the Attorney

General; providing that a contingent right to receive an amount under a legal claim may be assigned by a consumer; providing a priority of liens; providing exceptions for certain liens and claims; providing a maximum annual fee; providing maximum frequency annual fee charges; providing that fees may compound semiannually but not based on any lesser time period; providing means for calculating annual percentage fee or rate of return; providing maximum terms for fees; and restricting incorporation of prior obligations.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 361—A Bill to amend and reenact §29-21-6 of the Code of West Virginia, 1931, as amended, relating to Public Defender Services; authorizing the executive director to establish and operate a habeas division; providing that the executive director shall be the director of the habeas division; providing for the representation of eligible clients upon appointment by the circuit courts or the Supreme Court of Appeals; providing for limitations on appointments for conflicts of interest or extreme caseloads; and authorizing the executive director to employ attorneys and support staff to perform the duties of the habeas division.

Referred to the Committee on the Judiciary.

By Senator Trump:

Senate Bill 362—A Bill to amend and reenact §33-30-6 of the Code of West Virginia, 1931, as amended, relating to the Mine Subsidence Insurance Program administered by the Board of Risk and Insurance Management; providing that when a policyholder has another source of insurance or remuneration for a covered loss, the mine subsidence insurance covers only the portion of the claim not covered by other sources; and providing that any recovery from other sources of insurance or remuneration for a claim will be first applied to property damage.

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

By Senator Baldwin:

Senate Bill 363—A Bill to amend and reenact §11-6B-3 of the Code of West Virginia, 1931, as amended, relating to exempting the first \$150,000 of the assessed value of a person's primary residence in this state if the person is a veteran and is permanently and totally physically or mentally disabled.

Referred to the Committee on Finance.

By Senators Baldwin, Azinger, Beach, Boso, Clements, Cline, Ihlenfeld, Jeffries, Lindsay, Maynard, Roberts, Romano, Swope, Sypolt, Tarr, Unger, Weld, Woelfel, Stollings, Maroney, Prezioso, and Hardesty:

Senate Bill 364—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5S-9a, relating to creation of the shared table initiative for senior citizens who suffer from food insecurity; stating findings; acknowledging the success of a similar initiative in public schools; stating the purpose of the bill; granting rule-making authority with certain minimum contents; stating certain requirements for guidelines and guidance policies; stating certain requirements regarding health guidelines, compliance, and coverage; authorizing certain collaboration; and authorizing the Bureau for Senior Services to make certain requirements.

Referred to the Committee on Government Organization.

By Senators Plymale, Baldwin, Woelfel, and Stollings:

Senate Bill 365—A Bill to amend and reenact §11-19-1 and §11-19-2 of the Code of West Virginia, 1931, as amended, all relating to redistributing the revenue-generated excise tax on bottled soft drinks to all four-year medical schools in the state.

Referred to the Committee on Finance.

By Senators Blair, Maroney, and Cline:

Senate Bill 366—A Bill to amend and reenact §15-2D-3 of the Code of West Virginia, 1931, as amended, relating generally to the Division of Protective Services; authorizing the Director of the Division of Protective Services to issue electronic key cards to qualified applicants for entry into the State Capitol without the necessity of entering the building and undergoing in-person, point of entry security screening; requiring the submission of an application for a key card and a nonrefundable fee therefor; affording the director the discretion to issue, revoke, or deactivate a key card for good cause shown; requiring the depositing of application fees in the Common Facilities Maintenance Fund; requiring the proposing of legislative rules; and authorizing the promulgation of emergency rules.

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

By Senators Carmichael (Mr. President) and Prezioso:

Senate Bill 367—A Bill to amend and reenact §60-3-15, §60-3-17, and §60-3-18 of the Code of West Virginia, 1931, as amended, all relating to the amount permitted to remain in the West Virginia Alcohol Beverage Control Administration's operating fund; and providing for reports regarding the fund balance to ensure operations are maintained.

Referred to the Committee on Finance.

By Senators Carmichael (Mr. President) and Prezioso:

Senate Bill 368—A Bill to amend and reenact §29-12-5 of the Code of West Virginia, 1931, as amended, relating to requiring a charitable or public service organization to submit a certifying statement attesting to its status as a charitable or public service organization.

Referred to the Committee on Banking and Insurance.

By Senators Takubo, Stollings, and Baldwin:

Senate Bill 369—A Bill to amend and reenact §30-5-12b of the Code of West Virginia, 1931, as amended, relating generally to generic drug products; providing definitions; providing that when a pharmacist substitutes a drug the patient shall receive the savings which shall be equal to the difference in acquisition cost of the product prescribed and the acquisition cost of the substituted product; providing an exception for covered individuals; and clarifying that the West Virginia Board of Pharmacy has primary responsibility for enforcement.

Referred to the Committee on the Judiciary.

By Senators Ihlenfeld, Baldwin, and Hamilton:

Senate Bill 370—A Bill to amend and reenact §6B-2-5 of the Code of West Virginia, 1931, as amended, relating to prohibiting members of the Legislature and part-time public officials from having an interest in public contracts under certain circumstances; requiring certain disclosures;

and requiring the Ethics Commission to conduct oversight and make a public statement in certain circumstances.

Referred to the Committee on Government Organization.

By Senator Unger:

Senate Bill 371—A Bill to amend and reenact §64-3-1a of the Code of West Virginia, 1931, as amended, relating to directing certain amendments to Department of Environmental Protection rules relating to Air Quality and Water Resources; clarifying when certain notice requirements may be met; requiring a public hearing to be held for all permits for construction and major modification of major stationary sources for the prevention of significant deterioration of air quality; detailing certain requirements for the public hearing; and requiring a public hearing be held in the community for all permits under the National Pollutant Discharge Elimination System Program.

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

By Senator Plymale:

Senate Bill 372—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-12-5h, relating to authorizing municipalities to establish a low-cost alternative energy revolving loan program; defining terms; setting certain requirements for the program; requiring the adoption of an ordinance if the municipality decides to establish the program; setting forth certain provisions that must be contained in the ordinance; requiring interest rates to be below prevailing market rates; creating certain requirements for seeding the fund; and requiring quarterly reports with certain information.

Referred to the Committee on Government Organization.

By Senators Weld, Clements, and Maroney:

Senate Bill 373—A Bill to amend and reenact §15A-4-11 of the Code of West Virginia, 1931, as amended, relating to the financial responsibility of inmates in relation to civil awards and previously entered court ordered obligations.

Referred to the Committee on the Judiciary.

By Senators Maynard and Cline:

Senate Bill 374—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-25-2a, relating to eliminating the liability of owners of active mine lands, abandoned mine lands, and active or inactive railway lines to any person who may enter upon those premises.

Referred to the Committee on the Judiciary.

By Senator Maynard:

Senate Bill 375—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §29-1-15, relating to providing the Curator of Arts, Culture, and History with the authority to designate road as “Historic Route”; establishing rule-making authority; and mandatory collaboration with the Division of Highways to create and erect signs.

Referred to the Committee on Transportation and Infrastructure.

By Senator Maynard:

Senate Bill 376—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §8B-1-1, §8B-1-2, §8B-1-3, §8B-1-4, §8B-1-5, and §8B-1-6, all relating to creating the Local Government Labor and Consumer Marketing Regulatory Limitation Act; prohibiting political subdivisions from enacting certain ordinances, regulations, local policies, local resolutions, or other legal requirements; providing a short title; setting forth legislative findings and declarations; defining terms; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates information requested, required, or excluded on an application for employment; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer to pay a wage higher than any applicable state or federal law; providing that political subdivisions shall not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer to pay wages or fringe benefits based on a rate prevailing in the locality or the state; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulate work stoppages, strike activity, or means by which employees organize; providing that political subdivisions shall not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer to provide paid or unpaid leave time; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which requires an employer or its employees to participate in an apprenticeship or apprenticeship training program not required by federal or state law; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates an employee's hours and scheduling; providing that political subdivisions may not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates standards or requirements regarding the sale or marketing of consumer merchandise that are different from or in addition to state law; providing that political subdivisions shall not adopt or enforce any ordinance, regulation, local policy, local resolution, or other legal requirement which regulates standards of care or conduct for certain professions; providing for civil relief; establishing a civil cause of action which, if proven in a court of competent jurisdiction, may permit a person to recover damages, including compensatory and punitive damages, costs and attorney's fees, injunctive relief, or any other appropriate equitable relief against any political subdivision violating the Local Government Labor and Consumer Marketing Regulatory Limitation Act; providing exceptions; clarifying effect on prior written agreements; providing that any prohibited ordinance, regulation, local policy, local resolution, or other legal requirement in effect prior to the effective date of chapter is void; providing that the prohibitions do not apply to employees of a political subdivision; and clarifying the effect on the West Virginia Alcohol and Drug-Free Workplace Act.

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

By Senator Maynard:

Senate Bill 377—A Bill to amend and reenact §21-5C-1 of the Code of West Virginia, 1931, as amended, relating to minimum wage and maximum hour standards for employees; excluding seasonal amusement park workers from maximum hour requirements; and defining terms.

Referred to the Committee on the Judiciary.

By Senators Maynard, Cline, Roberts, Woelfel, and Stollings:

Senate Bill 378—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17-17A-8, relating to providing for special obligation notes to finance construction of completion of Interstate 73 and Interstate 74 through West Virginia; and providing for the repayment of the bonds by unmanned toll booth collections.

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

By Senators Maynard, Azinger, Cline, Roberts, Tarr, Maroney, and Hamilton:

Senate Bill 379—A Bill to amend and reenact §18-2-7b of the Code of West Virginia, 1931, as amended, relating to permitting the county boards of education to include faith-based electives in classroom drug prevention programs.

Referred to the Committee on Education.

By Senators Maynard and Cline:

Senate Bill 380—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-12-21, relating to empowering municipalities to enact Adopt-A-Street programs; and establishing eligibility criteria.

Referred to the Committee on Government Organization.

By Senator Maynard:

Senate Bill 381—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-2-7d, relating to requiring the State Board of Education to develop a program of instruction on home maintenance for the elderly and the disabled.

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

By Senators Maynard and Cline:

Senate Bill 382—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-21-12j, relating to exempting senior citizens from personal income tax.

Referred to the Committee on Finance.

By Senators Clements, Sypolt, and Cline:

Senate Bill 383—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-36-1, §19-36-2, §19-36-3, §19-36-4, §19-36-5, §19-36-6, and §19-36-7, all relating to creating West Virginia Healthy Food Crop Block Grant Program; stating findings; defining terms; creating fund; providing general revenue to fund grants for five years; partnering with nonprofit food and farm organization; establishing grant selection committee and membership; providing method for allocating grants; limiting grants; providing for rulemaking; and establishing program review reports.

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

By Senators Smith, Clements, Sypolt, Maroney, and Hamilton:

Senate Bill 384—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §37-4-9; and to amend and reenact §55-12A-7 of said code, all relating to providing that proceeds from certain oil and gas wells that are due to persons whose

name or address are unknown are to be kept in a special fund and if unclaimed within seven years the proceeds shall be transferred to the Oil and Gas Reclamation Fund; providing that if there is a surface disturbance those named surface owners of a leased interest subject to pooling for a horizontal well are the only surface owners insofar as the well permit is concerned; providing that if another surface owner should become known, his or her name shall be added as a surface owner on the permit; providing that if proceeds from other mineral tracts in a unit or pool of a horizontal well are not claimed by an unknown, missing, or abandoned owner within seven years the proceeds shall be transferred to the Oil and Gas Reclamation Fund; providing that certain provisions take effect beginning when funds have been unclaimed for seven years after the special commissioner's lease regardless of when the lease was signed; and authorizing rulemaking.

Referred to the Committee on the Judiciary.

By Senators Blair, Sypolt, and Cline:

Senate Bill 385—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-1-4e; and to amend and reenact §19-12A-6a of said code, all relating to establishing and funding a special revenue fund to be known as the Department of Agriculture Capital Improvements Fund; creating the fund; providing for administration by Department of Agriculture; identifying sources of moneys for said fund; identifying expenditures that may be made from said fund; providing for funds to remain at end of each fiscal year; eliminating certain deposits in the General Revenue Account; permitting deposits into certain funds; and making technical corrections.

Referred to the Committee on Finance.

Senators Stollings, Maroney, and Swope offered the following resolution:

Senate Concurrent Resolution 12—Requesting the Division of Highways name bridge number 50-37-22.70 (50A076), locally known as East Lynn Bridge, carrying WV 37 over the East Fork of Twelvepole Creek in Wayne County, the "U. S. Army CPL Lee Roy Young Memorial Bridge".

Whereas, Lee Roy Young was born in 1933, in Genoa, Wayne County, West Virginia; and

Whereas, CPL Lee Roy Young joined the United States Army and served with the 8th Cavalry Regiment, 1st Cavalry Division, in the Chorwon area of the Korean War; and

Whereas, CPL Lee Roy Young was seriously wounded while fighting the enemy in South Korea on May 26, 1951. He returned to duty on May 29, 1951; and

Whereas, CPL Lee Roy Young was killed in action while fighting the enemy in North Korea on October 17, 1951. He is buried in the Young Family Cemetery in Genoa, Wayne County, West Virginia; and

Whereas, It is fitting that an enduring memorial be established to commemorate CPL Lee Roy Young and his sacrifice for 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 50-37-22.70 (50A076), locally known as East Lynn Bridge, carrying WV 37 over the East Fork of Twelvepole Creek in Wayne County, the “U. S. Army CPL Lee Roy Young 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 CPL Lee Roy Young 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 Romano, Baldwin, Beach, Facemire, Ihlenfeld, Jeffries, Palumbo, Plymale, Prezioso, Woelfel, Stollings, Maroney, Swope, and Hardesty offered the following resolution:

Senate Concurrent Resolution 13—Requesting the Division of Highways name bridge number 17-24-7.22 (17A148), locally known as Meadowbrook Bridge, carrying County Route 24 over West Fork River in Harrison County, the “U. S. Marine SGT Stephen E. Drummond Memorial Bridge”.

Whereas, Stephen Edward Drummond was born January 15, 1931, in Spelter, West Virginia, the son of General Shafter Drummond and Ruby Freeman Drummond; and

Whereas, Stephen E. Drummond graduated from Victory High School in Clarksburg, West Virginia. He married Natalie Dodd, his childhood sweetheart, and had two children, daughter Ricki and son Jeff; and

Whereas, SGT Stephen E. Drummond was drafted after graduating high school into the U. S. Marine Corps. After basic training, he saw intense combat in Korea. One day before his tour of duty was to end in Korea, his leg was severely wounded by shrapnel at the Battle of Vegas during an intense Chinese offensive; and

Whereas, SGT Stephen E. Drummond and other United Nations soldiers were captured and held as prisoners of war for four months; and

Whereas, SGT Stephen E. Drummond was released as a prisoner of war with the signing of the armistice on July 27, 1953; and

Whereas, SGT Stephen E. Drummond was awarded the Purple Heart Medal, a United Nations Service Medal, National Defense Service Medal, and the Korean Ambassador for Peace Medal; and

Whereas, After returning home to Spelter, SGT Stephen E. Drummond earned a bachelor’s degree from Fairmont State College and a master’s degree from Miami University of Ohio. He then began a career of more than 20 years as a mentor, coach, teacher, principal, administrator, and superintendent in various school systems; and

Whereas, Following retirement, SGT Stephen E. Drummond enjoyed traveling, visiting family members, and creating and selling his invention, Tara-Lite, for which he held a design patent; and

Whereas, SGT Steven E. Drummond died November 23, 2013; and

Whereas, It is fitting that an enduring memorial be established to commemorate SGT Steven E. Drummond 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 17-24-7.22 (17A148), locally known as Meadowbrook Bridge, carrying County Route 24 over West Fork River in Harrison County, the “U. S. Marine Sgt. Stephen E. Drummond Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signed identifying the bridge as the “U. S. Marine SGT Stephen E. Drummond 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 Smith, Sypolt, Stollings, Maroney, and Swope offered the following resolution:

Senate Concurrent Resolution 14—Requesting the Division of Highways name bridge number 39-68/8-0.01 (39A234), locally known as Kings Trees Bridge, carrying County Route 68/8 over Interstate 68 in Preston County, the “William ‘Bill’ Thurman King Memorial Bridge”.

Whereas, Mr. King was born on June 24, 1925, in Bruceton Mills, Preston County, West Virginia; and

Whereas, Mr. King was a Technician Fifth Grade, Battery A of the 364th Field Artillery in the United States Army, in the 1940s, honorably discharged in 1946; and

Whereas, Mr. King was honored in his military service with the European-African-Middle Eastern Theater Ribbon; the Good Conduct Medal; the World War II Victory Ribbon; and the Army Occupation Medal (Germany); and

Whereas, From the late 1940s until the 1980s, Mr. King was a bus operator for the Board of Education; and

Whereas, Naming this bridge is an appropriate recognition of Mr. King’s contributions to his country and to the State of West Virginia; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name bridge number 39-68/8-0.01 (39A234), locally known as Kings Trees Bridge, carrying County Route 68/8 over Interstate 68 in Preston County, the “William ‘Bill’ Thurman King 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 “William ‘Bill’ Thurman King 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 Jeffries, Lindsay, Stollings, Takubo, Sypolt, Maroney, Swope, Baldwin, Prezioso, and Cline offered the following resolution:

Senate Resolution 11—Designating January 21, 2019, as Down Syndrome Awareness Day.

Whereas, There are 1 in 700 babies born with Down syndrome each year; and

Whereas, Individuals with Down syndrome, like all others, have the right to live, work, and fully participate in their communities in order to attain their goals and dreams; and

Whereas, Individuals with Down syndrome have the right to a free and appropriate public education alongside their peers without disabilities so they can learn and develop to their fullest potential; and

Whereas, Individuals with Down syndrome have the right to an equal opportunity to live full, productive lives as valued community members in the neighborhoods of their choice; and

Whereas, Individuals with Down syndrome have the right to receive the support they need to exercise self-determination, achieve independence, and become productive employees; and

Whereas, The Down Syndrome Network of West Virginia has become a statewide organization to enhance the lives of individuals with Down syndrome and to increase awareness and acceptance of individuals with Down syndrome; and

Whereas, The purpose of Down Syndrome Awareness Day is to increase the awareness and understanding of our legislators, administrators, policymakers, and the public about the issues that are important to individuals with Down syndrome; therefore, be it

Resolved by the Senate:

That the Senate hereby designates January 21, 2019, as Down Syndrome Awareness Day; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of Down Syndrome Awareness Day.

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

The question being on the adoption of Senate Resolution 11, and on this question, Senator Jeffries demanded the yeas and nays.

The roll being taken, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Cline, Facemire, Hamilton, Hardesty, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Clements, Ihlenfeld, and Woelfel—3.

So, a majority of those present and voting having voted in the affirmative, the President declared the resolution (S. R. 11) adopted.

Thereafter, at the request of Senator Takubo, and by unanimous consent, the remarks by Senators Jeffries and Boso regarding the adoption of Senate Resolution 11 were ordered printed in the Appendix to the Journal.

On motion of Senator Takubo, at 11:24 a.m., the Senate recessed to present Senate Resolution 11.

The Senate reconvened at 11:28 a.m. and, at the request of Senator Plymale, unanimous consent being granted, returned to the second order of business and the introduction of guests.

The Senate again proceeded to the sixth order of business.

Senators Carmichael (Mr. President), Tarr, Stollings, Sypolt, and Swope offered the following resolution:

Senate Resolution 12—Congratulating the Ripley High School girls' track team for winning the 2018 Class AAA State Championship.

Whereas, The Ripley High School girls' track team had a remarkable year which culminated in them winning the 2018 Class AAA State Championship; and

Whereas, Ripley High School is the smallest of the 29 AAA high schools in West Virginia; and

Whereas, The Ripley High School girls' track team is led by coaches, Krystle Cunningham and Keri Starcher, and consists of team members: Allison Fields, Cassidy Miller, Olivia Miller, Grace Bumpus, Tori Starcher, Allison Knox, Parker Anderson, Olivia Gandee, Addison Wilkinson, and Aurora Huffman; and

Whereas, Allison Fields placed 3rd in the 100M and 200M, Cassidy Miller placed 4th in the 300M hurdles, and Olivia Miller placed 1st in high jump and 2nd in pole vault. Grace Bumpus, Cassidy Miller, Allison Fields, and Tori Starcher placed 1st as a team in the 4X400M relay. Tori Starcher placed 1st in the 800M, 1st in the 1600M, and 1st in the 3200M, while setting a new state record of 4:49.14 in the 1600M. Tori Starcher was the meet point leader with 32.5 points and was named the Gatorade Athlete of the Year in West Virginia; and

Whereas, The Ripley High School girls' track team displayed its strong will and determination for an entire season and is a shining example of what can be accomplished with hard work, dedication, and spirit; and

Whereas, The 2018 Ripley High School girls' track team will be remembered as one of the best track teams ever assembled in West Virginia high school history; therefore, be it

Resolved by the Senate:

That the Senate hereby congratulates the Ripley High School girls' track team for winning the 2018 Class AAA State Championship; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Ripley High School girls' track team.

Which, under the rules, lies over one day.

Senators Unger, Stollings, Swope, and Prezioso offered the following resolution:

Senate Resolution 13—Recognizing Leadership Berkeley for its service, dedication, and commitment to Berkeley County.

Whereas, The objective of Leadership Berkeley is to promote knowledge and awareness of the problems, opportunities, and issues facing Berkeley County; and

Whereas, Leadership Berkeley is designed to provide a series of educational and participatory experiences, as well as an opportunity for dialogue and the development of a correlation among participants in order to encourage local participation in the growth of Berkeley County; and

Whereas, The membership of Leadership Berkeley includes individuals from nearly every facet of Berkeley County's business, professional, religious, governmental, educational, civic, the arts, and minority organizations who demonstrate a commitment to the community; and

Whereas, The 2019 membership of Leadership Berkeley consists of: Ashley B. Albright, Trinity United Methodist Church; Kay A. Barkwill, Horses and Hearts; Peter J. Christensen, Region 7 Workforce Development Board; William R. Clark, Eastern Panhandle Regional Planning and Development Council (Region 9); Christopher C. Cox, Kay Casto & Chaney PLLC; Samantha A. Cronk, M-BC Convention and Visitors Bureau; Michele A. Dick, United Bank; Matthew T. Duggan, CNB Bank, Inc.; Steven J. Folmer, Berkeley Medical Center; David D. Grimes, Argos - US; Andrew D. Haines, Quad/Graphics; Kristen N. Hoffman, Blue Ridge Community and Technical College; Danielle L. Johnson, Aikens Group; Ana A. Kolb, WV Radio Corporation; Lindsay N. Loudin, Augmentation, Inc.; SuAnna M. McCulley, Bank of Charles Town; Apryl R. McDonough, Blue Ridge Community and Technical College; Sarah A. McKinney, City National Bank; Jacob B. Michael, Argos - US; Andrew W. Potts, CNB Bank, Inc.; Tara M. Price, Berkeley County Development Authority; Claire K. Seal, MVB Bank, Inc.; Brian K. Shade, Berkeley County Public Service Water District; Aneesh Sompalli, Valley Health; Laura L. Sutton, Bowles Rice LLP; Daniel B. Sweeney, Decker & Company PLLC; and Tina Combs, Martinsburg-Berkeley County Chamber of Commerce and Leadership Berkeley Program Coordinator; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes Leadership Berkeley for its service, dedication, and commitment to Berkeley County; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the appropriate officials of Leadership Berkeley.

At the request of Senator Unger, 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 11:31 a.m., the Senate recessed to present Senate Resolution 13.

The Senate reconvened at 11:34 a.m. and proceeded to the eighth order of business.

Eng. Com. Sub. for Senate Bill 17, Relating to probation eligibility.

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

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Cline, Facemire, Hamilton, Hardesty, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Clements, Ihlenfeld, and Woelfel—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 17) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Cline, Facemire, Hamilton, Hardesty, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Clements, Ihlenfeld, and Woelfel—3.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 17) takes effect from passage.

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

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

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

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 61 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Blair, Boley, Boso, Cline, Facemire, Hamilton, Hardesty, Jeffries, Lindsay, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Romano, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, and Carmichael (Mr. President)—31.

The nays were: None.

Absent: Clements, Ihlenfeld, and Woelfel—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 61) passed.

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

Eng. Com. Sub. for Senate Bill 61—A Bill to amend and reenact §62-1D-8 of the Code of West Virginia, 1931, as amended, relating to including the crimes of treason, first degree robbery, extortion or attempted extortion, and participation in an organized criminal enterprise to the list of crimes for which a prosecutor may apply for a court order authorizing interception of communications.

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

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

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

On the passage of the bill, the yeas were: Azinger, Blair, Boley, Boso, Cline, Hamilton, Hardesty, Mann, Maroney, Maynard, Palumbo, Plymale, Prezioso, Roberts, Rucker, Smith, Stollings, Swope, Sypolt, Takubo, Tarr, Trump, Unger, Weld, and Carmichael (Mr. President)—25.

The nays were: Baldwin, Beach, Facemire, Jeffries, Lindsay, and Romano—6.

Absent: Clements, Ihlenfeld, and Woelfel—3.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 119) passed with its title.

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

The Senate proceeded to the ninth order of business.

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

On second reading, coming up in regular order, was read a second time.

On motions of Senators Palumbo, Takubo, Lindsay, and Jeffries, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page nine, section one, line eighty-five, after the word “repairs.” by inserting the following: Regardless of whether the authority or the wireless provider ultimately makes the repairs, the authority may assess an additional fine of \$100 per day that the wireless provider failed to make the required repairs after the wireless provider received written notice until the repairs were completed.;

On page twelve, section two, line seventy, by striking out the words “deficiencies cited in the denial” and inserting in lieu thereof the words “changes made in the resubmission”;

On page thirteen, section two, lines ninety through ninety-eight, by striking out all of subsection (d) and inserting in lieu thereof a new subsection, designated subsection (d), to read as follows:

(d) An authority may require a permit to work within a right-of-way for any activities under this chapter, if applicable, and may prohibit access when a road is closed or its access is limited to the public. Other than this permit and the other actions explicitly authorized by this chapter, an authority may not require an additional application, approval, or permit, or require any fees or other charges from a communications service provider authorized to occupy the right-of-way, for: (1) Routine maintenance; (2) the replacement of wireless facilities with wireless facilities that are substantially similar, the same size, or smaller; or (3) the installation, placement, maintenance, operation, or replacement of micro wireless facilities that are suspended on existing cables that are strung between existing utility poles in compliance with applicable safety codes and the pole owner’s construction standards and engineering practices.;

On page thirteen, section three, line two, after the word “to” by inserting the words “the provisions of this chapter and”;

And,

On page fifteen, section four, line twelve, after the word “law,” by inserting the words “this chapter, and municipal taxation ordinances authorizing collection of business and occupation taxes since at least November 1, 1998,”.

The bill (Com. Sub. for S. B. 3), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 62, Requiring participation in drug court program before discharge of certain first-time drug offenses.

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

Com. Sub. for Senate Bill 152, Relating generally to criminal offense expungement.

On second reading, coming up in regular order, was read a second time.

On motions of Senators Jeffries and Trump, the following amendments to the bill were reported by the Clerk, considered simultaneously, and adopted:

On page two, section twenty-six, line twenty-five, by striking out the words “a preliminary order of”;

And,

On page two, section twenty-six, after line thirty-three, by adding a new subdivision, designated subdivision (4), to read as follows:

(4) Notwithstanding the provisions of subdivisions (1), (2), and (3) of this subsection, a person seeking expungement may directly petition for a final order of expungement if eight or more years have elapsed since the later occurring completion of incarceration or supervision.

On motion of Senator Trump, the following amendment to the bill (Com. Sub. for S. B. 152) was next reported by the Clerk and adopted:

On page three, lines thirty-seven through fifty-four, by striking out all of subdivisions (1) through (10) and inserting in lieu thereof the following:

(1) Any felony offense of violence against the person as defined in subdivision (2), subsection (g) of this section or any misdemeanor offense involving the intentional infliction of physical injury to a minor or law-enforcement officer;

(2) Any felony offense when the victim of the crime was a minor as defined in subdivision (3), subsection (q) of this section;

(3) Any misdemeanor offense which violates the provisions of §61-8B-1 et seq. of this code, where the victim was mentally or physically incapacitated or where the petitioner was 18 years of age or older and the victim was 12 years of age or younger at the time the offense occurred;

(4) Any offense where the petitioner used or exhibited a deadly weapon or dangerous instrument;

(5) Any violation of §61-2-28 of this code, or any offense which violates §61-2-9(b) or §61-2-9(c) of this code where the victim was a spouse, a person with whom the person seeking expungement had a child in common, or with whom the person seeking expungement ever cohabited prior to the offense or a violation of §61-2-28(c) of this code;

(6) Any violation of §61-2-29 of this code;

(7) Any offense of driving under the influence of alcohol or a controlled substance;

(8) Any offense which violates §17B-4-3 of this code;

(9) Any offense which violates §61-8-12 or §61-8-19 of this code;

(10) Any offense which violates §17E-1-13(g) of this code; and

(11) Any offense of conspiracy to commit a felony set forth in subdivisions (1) through (8), inclusive, of this subsection.

The bill (Com. Sub. for S. B. 152), as amended, was then ordered to engrossment and third reading.

Com. Sub. for Senate Bill 240, Repealing certain legislative rules no longer authorized or are obsolete.

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

The Senate proceeded to the tenth order of business.

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

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

Com. Sub. for Senate Bill 18, Relating to crimes committed on State Capitol Complex.

Com. Sub. for Senate Bill 255, Relating to Emergency Medical Services Advisory Committee.

And,

Senate Bill 354, Expiring funds to balance of Auditor's Office - Chief Inspector's Fund.

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

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senator Rucker.

At the request of Senator Takubo, unanimous consent being granted, leaves of absence for the day were granted Senators Clements, Ihlenfeld, and Woelfel.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 12:30 p.m., the Senate adjourned until tomorrow, Tuesday, January 22, 2019, at 11 a.m.

SENATE CALENDAR

**Tuesday, January 22, 2019
11:00 AM**

UNFINISHED BUSINESS

- S. C. R. 12 - US Army CPL Lee Roy Young Memorial Bridge
- S. C. R. 13 - US Marine SGT Stephen E. Drummond Memorial Bridge
- S. C. R. 14 - William "Bill" Thurman King Memorial Bridge
- S. R. 12 - Congratulating Ripley High School girls' track team for winning 2018 Class AAA state championship

THIRD READING

- Eng. Com. Sub. for S. B. 3 - Establishing WV Small Wireless Facilities Deployment Act
- Eng. Com. Sub. for S. B. 62 - Requiring participation in drug court program before discharge of certain first-time drug offenses
- Eng. Com. Sub. for S. B. 152 - Relating generally to criminal offense expungement
- Eng. Com. Sub. for S. B. 240 - Repealing certain legislative rules no longer authorized or are obsolete

SECOND READING

- Com. Sub. for Com. Sub. for S. B. 1 - Increasing access to career education and workforce training
- Com. Sub. for S. B. 18 - Relating to crimes committed on State Capitol Complex (original similar to HB2092)
- Com. Sub. for S. B. 255 - Relating to Emergency Medical Services Advisory Committee
- S. B. 354 - Expiring funds to balance of Auditor's Office - Chief Inspector's Fund

FIRST READING

- Com. Sub. for S. B. 223 - Authorizing Department of Commerce promulgate legislative rules (original similar to HB2246)
- Com. Sub. for S. B. 253 - Protecting consumers from automatic purchase renewal and continuous service offers

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2019

Tuesday, January 22, 2019

10 a.m.	Transportation & Infrastructure	(Room 451M)
2 p.m.	Education	(Room 451M)